Chapter 3.0 — Design Standards

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3.01 Applicability.

All developments within the City must comply with the applicable provisions of Chapters 3.1 through 3.20. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval by the City, they are still required to comply with the provisions of this Chapter.

3.0.2 Types of Design Standards.

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

A. Chapter 2. Each land use district (Chapter 2) provides design standards that are specifically tailored to the district.

B. Chapter 3. The design standards contained within Chapter 3 apply throughout the City.

Chapter 3.1 — Access and Circulation

Sections:

3.1.1 Purpose.

The purpose of this chapter is to ensure that developments provide safe and efficient access and circulation, for pedestrians and vehicles. Section 3.1.2 provides standards for vehicular access and circulation. Section 3.1.3 provides standards for pedestrian access and circulation. Planning and design standards for improvements to public and private transportation facilities and utilities are provided in Chapter 3.5.

3.1.2 Vehicular Access and Circulation.

A. **Intent and Purpose.** The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain adequate performance standards and to maintain the functional classification of roadways as required by the Warrenton Comprehensive Plan and Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Transportation System Plan by function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision and development of land.

B. **Applicability.** This Chapter shall apply to all transportation facilities and improvements (e.g., public and private streets, driveways, multi-use paths, etc.) within the City and to all properties that abut these facilities. Additional standards can be found in Chapter 3.5, Public Facilities Standards.

C. **Access Permit Required.** Access to a street requires an Access Permit in accordance with the following procedures:

1. Applications for permits for access to City streets shall be made on City-approved forms and subject to review and approval by the Warrenton City Engineer or its designee based on the standards contained in this Chapter, the provisions of Chapter 3.5 – Public Facility Standards, and city construction standards. An access permit may be in the form of a permit or letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Clatsop County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

3. Permits for access to County highways shall be subject to review and approval by Clatsop County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted City standards.

D. **Traffic Study Requirements.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Chapter 3.5 – Public Facility Standards and Chapter 4.13, Traffic Impact Study.)

E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas (other than driveways that serve single-family, two-family, or three-family dwellings) shall not permit backing onto a public street.

F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required under Chapter 2, or through conditions required by the Planning Commission or City Commission.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below, and require an access permit in accordance with Section C above.

4. Subdivisions and Partitions Fronting Onto an Arterial Street. Land divisions fronting onto a city arterial street shall be required to provide alley or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). Land divisions fronting onto state highways are expected to meet state access management and mobility standards.

5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential districts, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in a residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 10-feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Important cross-references to other code sections:
Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or Transportation System Plan. (Please refer to Chapter 3.5. – Public Facility Standards.)

G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 25 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials) for all single-family detached dwellings, except as provided in subsection 3, below. A minimum of 20 feet separation shall be required on local streets for all single-family attached dwellings, duplexes, and triplexes, except as provided in subsection 3, below.

2. Arterial and Collector Streets. Unless directed otherwise by this Development Code or by the Warrenton Comprehensive Plan/TSP, access spacing on city collector and arterial streets (see Warrenton Comprehensive Plan and TSP for a list of city collector and arterial streets) and at controlled intersections (i.e., with four-way stop sign or traffic signal) in the City of Warrenton shall be determined based on the policies and standards contained in the Warrenton Transportation System Plan, Manual for Uniform Traffic Control Devices, or other applicable documents adopted by the City. Access spacing on state highways, and in other areas determined by the State of Oregon to be under the jurisdictional authority of ODOT, shall be at the direction of ODOT. Access to Highway 101 and all other state highways in the City of Warrenton (e.g., Hwy 104, Hwy 104 Spur, Hwy 105, Hwy 105 extension no. 1, Hwy 105 extension no. 2, Alt. Hwy 101) shall be determined by ODOT.

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the Warrenton TSP.

H. **Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per dwelling unit, when alley access or shared driveways cannot otherwise be provided; except that one additional access point may be permitted for one-family, two-family and three-family housing types on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 'G', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

I. **Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division, development review, or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of development review or site development approval (Chapter 4.2).

3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent consolidation of access points to public streets.

4. Cross Access. Cross access is encouraged, and may be required, between contiguous sites in Commercial (C-1, C-MU, C-2 & R-C) and Industrial (I-1 & I-2) Districts and for multi-family housing developments in the High Density Residential District in order to provide more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

J. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

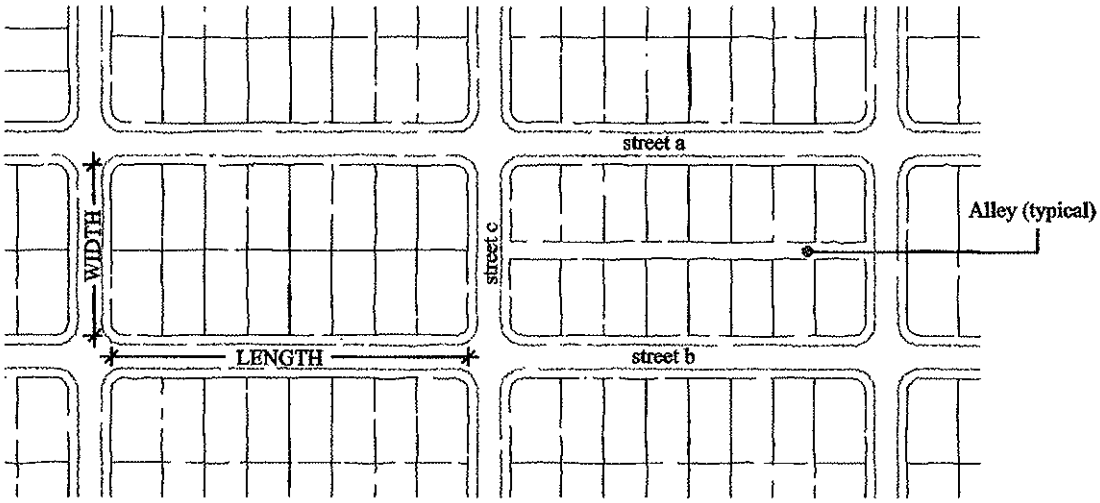
1. Block Length and Perimeter. The maximum block length shall not exceed 1000 feet between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The minimum length of blocks along an arterial is 1800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or location of adjoining streets justifies an exception.

2. Street Standards. Public and private streets shall conform to the standards of Chapter 3.5 – Public Facilities Standards, Section 3.1.3 - Pedestrian Circulation, applicable Americans With Disabilities Act (ADA) design standards, city construction standards for streets, and other applicable Development Code sections.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.3.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

Figure 3.1.2J - Street Connectivity and Formation of Blocks

Standard Blocks



Exceptions

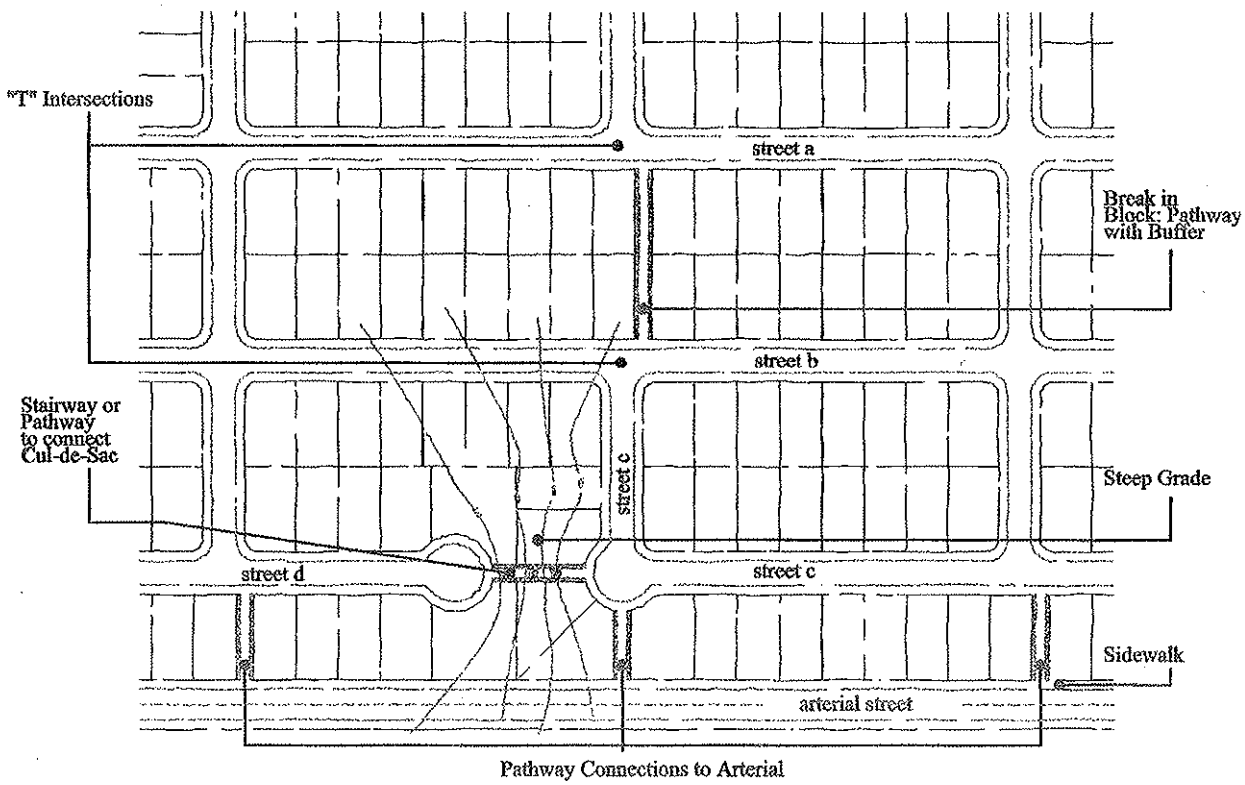
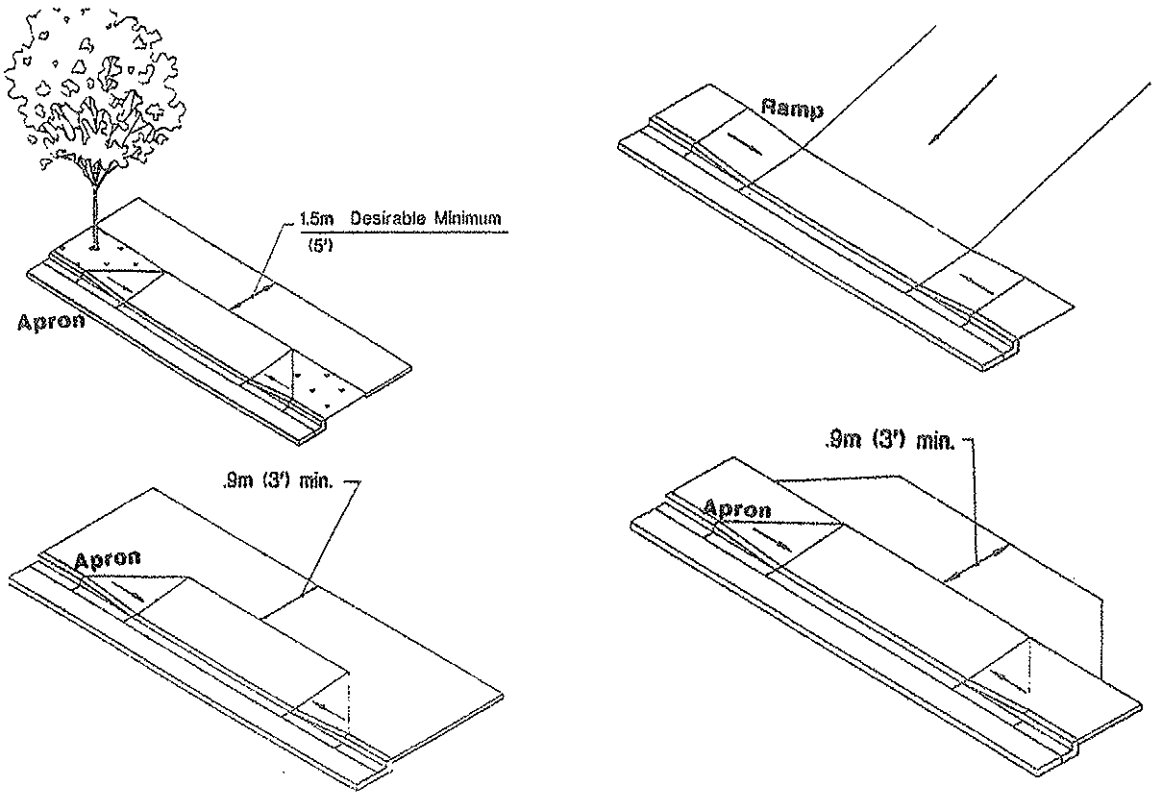


Figure 3.1.2K - Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



K. **Driveway Openings and Widths.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing at least 5,000 square feet of area.

2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.

3. Multiple family uses with 8 or more dwelling units shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the zoning administrator, city engineer, or planning commission determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.

5. Setback Required. A minimum five-foot setback from the edge of driveway to any property line is required. The setback area shall be kept free of impervious surfaces at all times and shall be vegetated to minimize surface water runoff to adjoining properties. These requirements may be increased if the zoning administrator, building official, city engineer, or planning commission determines that topography, soil conditions, or other circumstances dictate the need for additional protection measures.

6. Driveway Aprons. Driveway aprons shall meet city construction standards and be installed between the street right-of-way and the private drive, as shown on the previous page. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

7. Driveway Approaches. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to potential for vehicle conflicts.

8. Loading area design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

L. Fire Access and Circulation. The City of Warrenton has adopted the *1994 Uniform Fire Code*- including Administrative Sections and all Appendices and all the State of Oregon revisions. All development in the City of Warrenton is required to meet these minimum adopted standards.

1. Required Access. A fire equipment access drive that meets city construction standards shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an improved public street or approved fire equipment access drive. Plans for fire apparatus access roads shall be submitted to the Warrenton Fire Department and Warrenton City Engineer for review and approval prior to issuance of building permits, grading permits, or start of construction. When fire apparatus access road(s) are required, the road(s) shall be installed and made serviceable prior to and during time of construction. Fire department access roads shall be provided and maintained in accordance with the fire department access requirements of the *Uniform Fire Code* (*Sections 901 and 902 of the 1998 Oregon Uniform Fire Code.*)

2. Dimensions. Fire apparatus roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches.

Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

3. Turnaround Required. Dead-end fire apparatus roads in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus. See Section 3.5.1.M for minimum standards.

4. Grade. The gradient for a fire apparatus access road shall not exceed 12% except that isolated segments no longer than 250 feet may have grades up to 15% upon approval by the Warrenton Fire Chief. Non-fire apparatus access roads (driveways and private streets) shall maintain a maximum grade of 15% unless otherwise approved by the Warrenton City Engineer. See Section 3.5.1.N for other applicable standards.

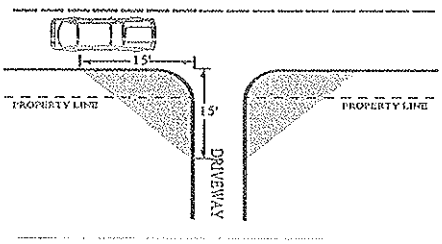
5. Parking Areas. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

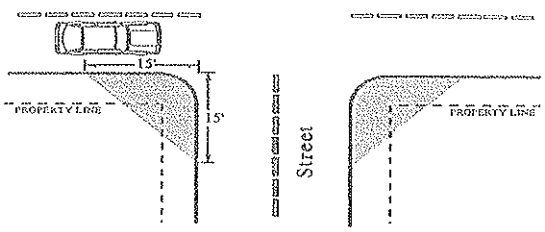
See also Chapter 3.5, Public Facilities Standards.

M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.

N. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas", as shown below. The minimum vision clearance area may be increased by the zoning administrator, city engineer, or planning commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). See also Chapter 3.4 for additional requirements.

Figure 3.1.2N - Vision Clearance Areas





O. Construction. The following development and maintenance standards shall apply to all driveways, parking areas, and private streets in the City of Warrenton:

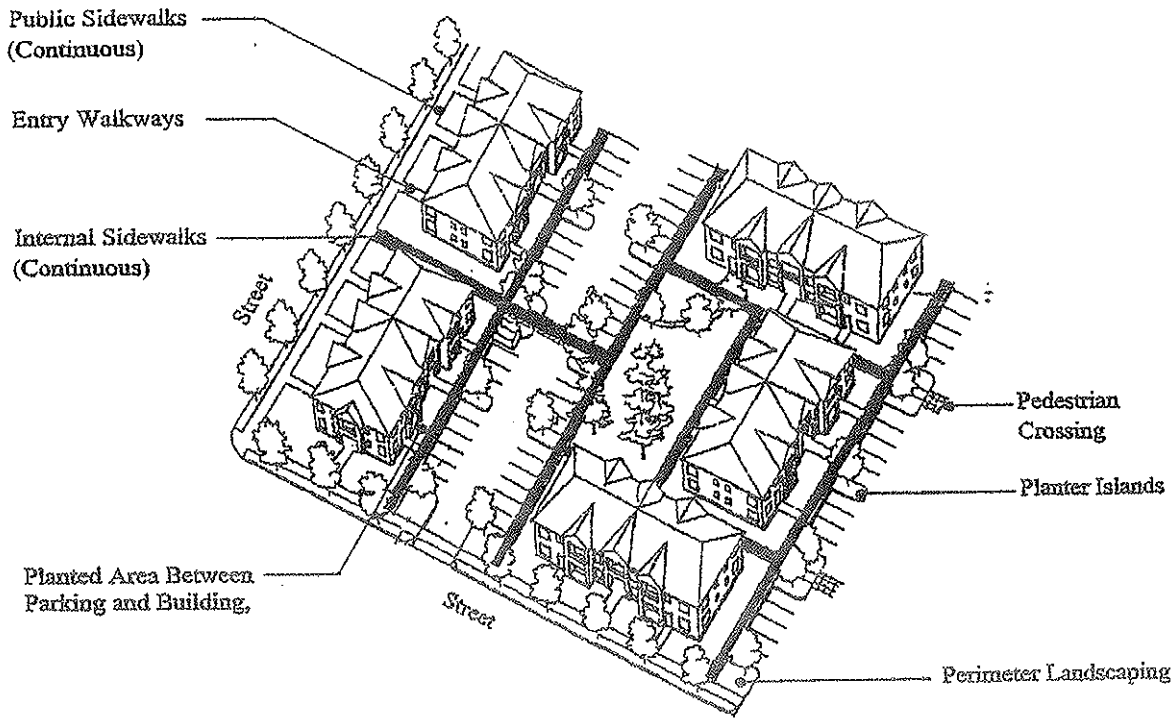
1. Surface Options. All driveways, parking areas, aisles, and turn-arounds in the City of Warrenton shall be paved with asphalt, concrete, or other comparable surfacing. A durable non-paving material may be used for driveways and private streets that serve three or fewer residential dwelling units and in other instances where the need to reduce surface water runoff and protect water quality can be demonstrated through adequate findings of fact submitted by the applicant and/or property owner as part of the development proposal. All paving and non-paving surfaces shall meet city construction standards and shall be subject to review and approval by the zoning administrator, city engineer, and/or planning commission.

2. Surface Water Management. All driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facility plans shall be prepared by a qualified person and constructed in conformance with city standards. Such plans shall attempt to follow the principle that water falling on a given site should be absorbed or retained on-site to the extent that the quantity and rate of water leaving the site after the development would not be significantly different than if the site had remained undeveloped.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and meet city construction standards. (See also, Section K.)

3.1.3 Pedestrian Access and Circulation

Figure 3.1.3A- Pedestrian Pathway System for Multifamily Housing Development (Typical)



A. **Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.2 - Vehicular Access and Circulation, and Section 3.5.1 – Public Facilities Standards.

2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

d. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

3. Connections Within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.1.2. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than six feet wide;

b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;

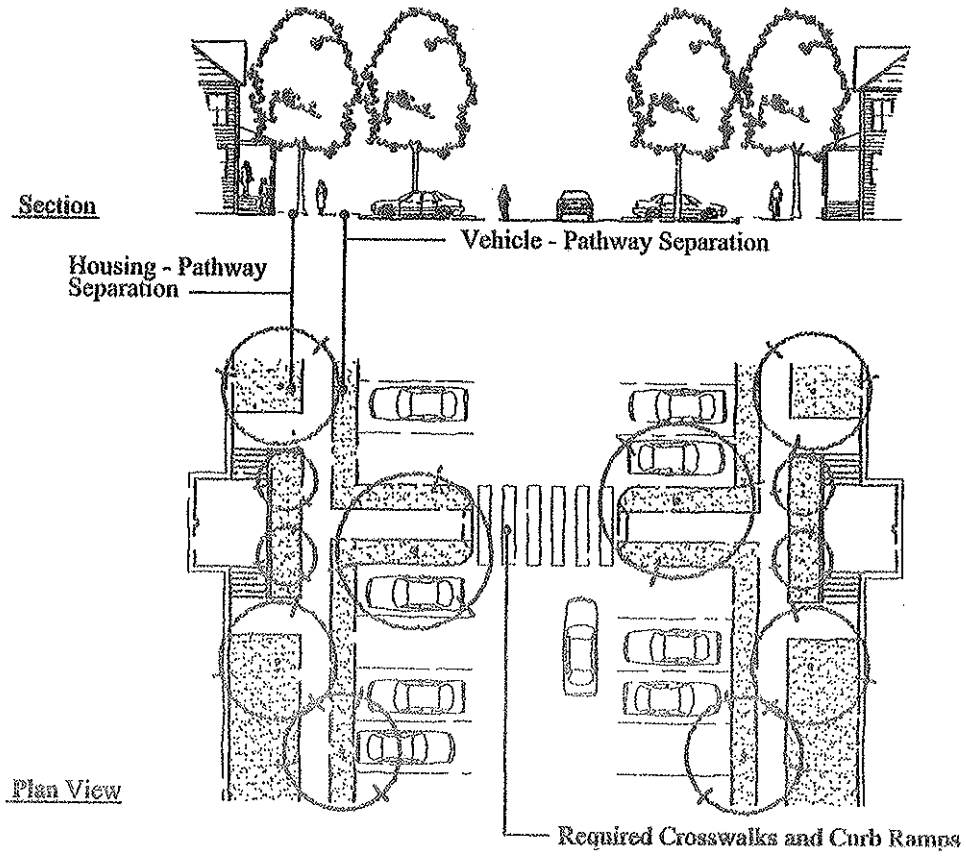
c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;

e. The Planning Commission or zoning administrator may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or

other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

Figure 3.1.3B - Pathway Standards (Typical)



B. Design and Construction. Pathways shall conform to all of the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in

conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 6 feet wide. (See also, Chapter 3.5 – Public Facilities Standards for public multi-use pathway standards.)

5. Accessible routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.1 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting significant natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

Section 3.2.2 Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas.

Section 3.2.3 **New Landscaping** sets standards for and requires landscape plans for all new development in the city requiring a city permit. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

Section 3.2.4 Street Trees sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

Section 3.2.5 Fences and Walls, sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.2 Landscape Conservation

A. **Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind

breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means:

1. Significant Trees and Shrubs. Individual trees located within a mapped wetland area as depicted on the 1"-400' maps entitled *City of Warrenton Wetland Conservation Plan Inventory* dated October 17, 1997 with a trunk diameter of 18 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Commission as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).

2. Exceptions: Protection shall not be required for: (1) Plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Clatsop County, or (2) As otherwise excepted by Chapter 3.10, Protection of Wetland and Riparian Areas.

C. Mapping and Protection Required. All mapped wetland and riparian areas shall be protected in accordance with Chapter 3.10 and other applicable sections of this code.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees (Section B.1) Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.

2. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and mapped wetland and/or riparian areas.

E. Construction. All areas of significant vegetation and mapped wetland and riparian areas shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, wetlands, and riparian areas, except as approved by the City for installation of utilities or streets, or in accordance with other approved plans.

F. Exemptions. The protection standards in this Section shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a

report from a certified arborist or other qualified professional (i.e., a certified member of the Oregon Loggers Association) to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

2. Emergencies. Significant vegetation may be removed in the event of an emergency when the vegetation poses an immediate threat to life or safety.

3. Licensed Timber Operations. Logging operations that have been permitted by the Oregon Department of Forestry as being consistent with the Oregon Forest Practices Rules and Statutes.

3.2.3 New Landscaping

A. Applicability. This Section shall apply to all developments within the City of Warrenton.

B. Landscaping Plan Required. For every new development in the City of Warrenton requiring a city permit, a landscape plan is required. All landscape plans shall include the following minimum required details (see Section 4.2.5B for additional landscape plan requirements for projects requiring Site Design Review):

1. Legal description (e.g., assessor parcel number, copy of warranty deed, etc.) for the subject property;

2. Property lines with the location and general description (height and type of material) of existing and proposed fences and other buffering or screening materials;

3. The location of existing and proposed terraces or retaining walls;

4. The location of existing and proposed plant materials;

5. Wetland and/or riparian area boundaries on the property, if any;

6. Existing and proposed structures;

7. Driveway and adjoining roadway widths, descriptions, and locations; and,

8. Prevailing drainage patterns for the property.

9. Other information as deemed appropriate by the zoning administrator. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2 and/or Chapter 3.10 of this Code.

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential Districts. 20 percent of the site.

2. Commercial District. 10 percent of the site, except 0 percent may be approved by the Planning Commission for sites in the C-1 or C-MU District, where pedestrian amenities are provided in lieu of landscaping.

3. General Industrial District. A minimum of 20 percent of the site shall be landscaped.

The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting.

D. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, turf grasses (e.g. grass sod or seed), non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, turf grasses, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.

3. "Non-native, invasive" plants , as per Section 3.2.2B, shall be prohibited.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50 percent of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 5 years of growth, whichever comes sooner.

6. Tree Size. Trees shall have a minimum caliper size of 1 ½ inches or greater (2 inches for required street trees) at time of planting.

7. Shrub Size. Shrubs shall be balled and burlapped and sized to fit in multi-gallon containers.

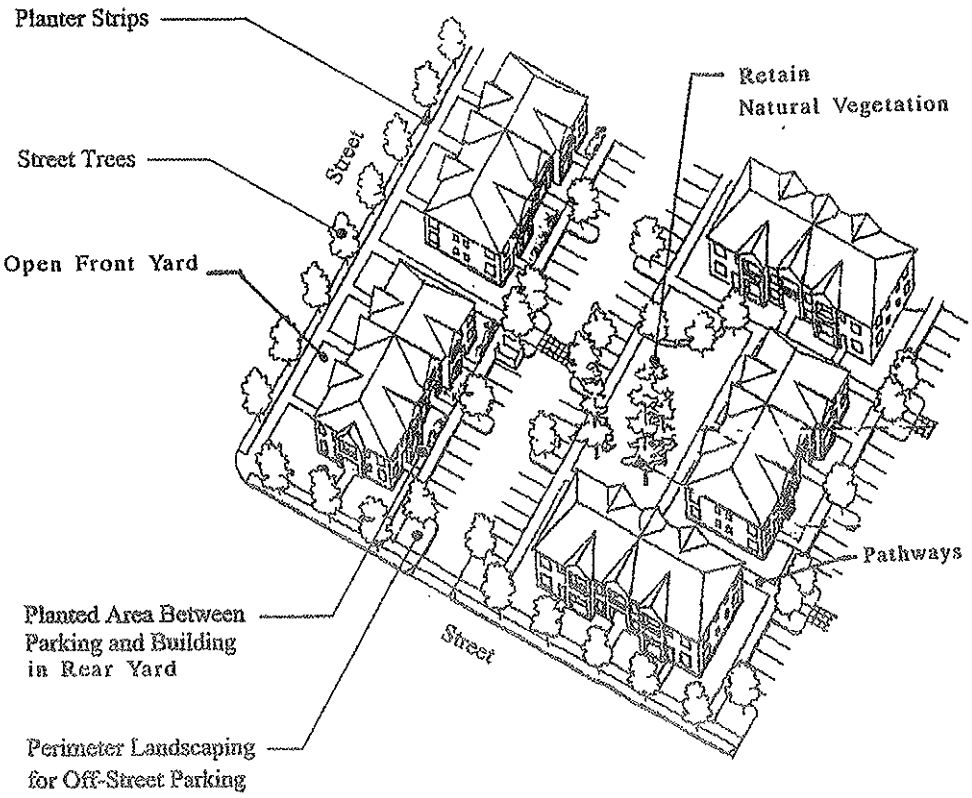
8. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 30 percent of the underlying soil within 2 years.

9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2.2 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree

standards of Section 3.2.4 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants

Figure 3.2.3 - Landscape Areas in a Multiple Family Housing Development (Typical)



E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.1 through 3.2.5). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, and to help control surface water drainage and improvement of water quality, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:

   a. Provide visual screening and privacy within side and rear yards while leaving front yards and building entrances mostly visible for security purposes;

   b. Use shrubs and trees as wind breaks, as appropriate;

c. Retain natural vegetation, as practicable;

d. Define pedestrian pathways and open space areas with landscape materials;

e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;

f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;

g. Use a combination of plants for year-long color and interest;

h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

2. Parking areas. A minimum of 8 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

3. Buffering and Screening Required - Buffering and screening are required under the following conditions:

a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building (other than a single-family, two-family, or three-family dwelling), the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer not less than 4 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space (except for a single-family residence, duplex, and triplex), a landscape buffer is required to fulfill this requirement.

c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Section 3.1 - Access and Circulation. (See Section 3.2.5 for standards related to fences and walls.)

F. **Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

G. **Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Section 4.4).

3.2.4 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.5 – Public Facilities Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. **Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.

2. Use low-growing trees for spaces under utility wires.

3. Select trees which can be "limbed-up" where vision clearance is a concern.

4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street

5. Use species with similar growth characteristics on the same block for design continuity.

6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.

8. Select trees for their seasonal color, as desired.

9. Use deciduous trees for summer shade and winter sun.

B. Caliper Size. The minimum caliper size at planting shall be 1 ½ inches diameter breast height (dbh) (2 inches for required street trees), based on the American Association of Nurserymen Standards.

C. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The zoning administrator or Planning Commission may approve planting of street trees in other areas upon submission of a landscaping plan that demonstrates comparable (or greater) benefits to the neighborhood. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

E. Assurances. The City shall require the developer to provide a performance and maintenance bond, or cash deposit, in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

3.2.5 Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Section 4.4 - Conditional Use Permits or Section 4.2 - Site Design Review. Walls built for required landscape buffers shall comply with Section 3.2.3.

B. Dimensions.

1. The maximum allowable height for fences and walls in the City of Warrenton is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. Refer to subsection 4 below for additional fence standards for residential uses.

2. Fences in the General Industrial (I-1) Zone may exceed 6 feet if necessary to protect the welfare of the general public (i.e., airport runway safety, military, coast guard, or homeland security defense facilities, etc.) but not for protection of private property (i.e., auto repair lots, equipment yards, woodworking shops, etc.). Barbed wire fencing is prohibited in all zones except as necessary to enclose livestock or to protect the welfare of the general public (not private property).

3. A building permit is required for walls exceeding 4 feet in height and fences exceeding 6 feet in height, in conformance with the Uniform Building Code.

4. The height of fences and walls within a required front yard setback area for residential uses shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Walls may exceed this height in accordance with subsection 1 above. Chain-link fences and other open-style fences with at least 50% transparency or open space are allowed a maximum height of 6 feet within a required front yard setback area.

5. Walls and fences to be built for required buffers shall comply with Section 3.2.3.

6. Fences and walls shall comply with the vision clearance standards of Section 3.1.2.

C. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

Chapter 3.3 — Vehicle and Bicycle Parking

Sections:

3.3.1 Purpose

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.2 Applicability.

All developments in the City of Warrenton shall comply with the provisions of this Chapter.

3.3.3 Vehicle Parking Standards.

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with requirements in this Section, Chapter, and Code, unless greater requirements are otherwise established. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.3.3.A.

A. General Provisions

1. Groups of four or more off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street or right-of-way, other than an alley, will be required. Section 3.1.2.K contains driveway opening and width standards.

2. Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrian, bicycle, and vehicular traffic on the site.

3. Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, painting, or other appropriate markers.

4. Fractional space requirements shall be counted as a whole space.

5. All parking lots shall be designed and constructed to meet the city standards of Section 3.1.2, Chapter 3.3, Chapter 3.5, and this Code.

Table 3.3.3.A Off Street Parking Requirements

Residential Uses	Parking Spaces Required
1. Single-Family Detached Dwelling. (inc. manufactured home on individual lot)	Two spaces.
2. Two- and Three-Family Dwelling.	1.5 spaces per dwelling unit.
3. Multi-Family and Single-Family Attached Dwelling:	
a. Studio units or 1-bedroom units less than 500 sq.ft..	One space per unit.
b. 1-bedroom units 500 sq.ft. or larger.	1.5 spaces per unit.
c. 2-bedroom units.	1.75 spaces per unit.
d. 3-bedrrom or greater units.	Two spaces per unit.
4. Senior Housing; Retirement Complexes for Seniors 55+ years.	One space per unit.
5. Rooming and Boarding Houses; Dormitories.	Two spaces per each three guest rooms, or one space per three beds, whichever is greater.
6. Bed and Breakfast.	One space per guest bedroom.
7. Manufactured Home Parks.	Two spaces per dwelling unit.
8. Accessory Dwelling.	None if lot already contains at least two spaces; otherwise, one space is required.

Commercial Uses	Parking Spaces Required
9. Auto, Boat, or RV sales; Retail Nurseries and similar bulk retail uses.	One space per 1000 square feet of the first 10,000 square feet of gross land area plus one space per 5000 square feet for the excess over 10,000 square feet of gross land area and one space per two employees on the largest shift.
10. General Retail or Personal Services Businesses including Banks, Salons, and Markets	One space per 350 sq.ft. of gross floor area.
11. Shopping Centers and Multi-Tenant Commercial Centers with:	
a. less than 25,000 sq.ft. of gross leasable floor area.	Four spaces per 1000 square feet of gross leasable floor area.
b. at least 25,000 sq. ft. of gross leasable floor area but not more than 400,000 sq.ft. of gross leasable floor area.	Four spaces per 1000 sq.ft. of gross leasable floor area plus eight spaces per 1000 sq.ft. of gross restaurant or café area plus theater seating pursuant to Table 3.3.3.A.17 (if applicable).
c. more than 400,000 square feet of gross	A special parking study shall be prepared by the applicant and submitted to the City Engineer for review and approval. It no case shall the off-street parking requirement be less than that under subsection 11(b) above.
12. Furniture or Appliance Repair Shop or Retail Store.	One space per 750 sq.ft. of gross floor area
13. Chapels and Mortuaries.	One space per four fixed seats in the main chapel or eight feet of bench length.
14. Hotels and Motels.	One space per each guest room plus one space for the manager.
15. Medical and Dental Offices.	One space per 350 sq.ft. of gross floor area.

16. General Offices providing on-site customer service.	One space per 450 square feet of gross floor area.
17. General Offices not providing on-site customer service.	One space per employee on the largest shift.
18. Restaurants, Bars, Cafes, Ice Cream Parlors, and similar uses.	One space per four seats or one space per 100 sq.ft. of gross leasable floor area, whichever is less.
19. Theaters, Auditoriums, Gymnasiums, and similar uses.	One space per four seats.
20. Dance Hall, Skating Rink.	One space per 300 sq.ft. of dance floor of skating area plus one space per two employees.
21. Bowling Alley.	Two spaces for each lane plus one space for each employee.
22. Espresso Stand.	One space.
Industrial Uses	**Parking Spaces Required**
23. Industrial Uses, except Warehousing.	One space per two employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.
24. Warehousing, including Mini-Storage Warehouses	One space per 1000 sq.ft. of gross floor area or for each two employees, whichever is greater, plus one space per company vehicle.
25. Public Utilities (Gas, Water, Telephone, etc.)	One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.
26. Wireless Communication Facilities.	One space.
27. Passenger Terminal.	One space per 500 sq.ft. of gross floor area.

Public, Recreational, and Institutional Uses	Parking Spaces Required
28. Child Care Centers having 13 or more children	One space per two employees; a minimum of two spaces is required.
29. Churches and similar places of worship.	One space per four fixed seats or eight feet of bench length, or 72 sq.ft. of floor area not containing fixed seating, whichever is less.
30. Club, Lodge, or association.	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
31. Golf except miniature.	Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this Section.
32. Marina.	One space per each two slips.
33. Miniature Golf.	One space per hole plus one space per employee.
34. Hospitals.	1.5 spaces per patient bed.
35. Library.	One space per 400 sq.ft. of gross floor area.
36. Nursing and Convalescent Homes.	One space per three patient beds.
37. Post Office.	One space per 50 sq.ft. of patron service area, plus one space per employee.
38. Rest Homes or Assisted Living Facilities .	One space per two patient beds or one space per apartment unit.
39. Kindergarten, Pre-School, or equivalent private or parochial school.	One space per employee.
40. Elementary and Junior High Schools or equivalent.	1.5 spaces per classroom, or one space per four seats or eight feet of bench in auditorium or assembly room, whichever is greater.

41. High School or equivalent.	1.5 spaces per classroom, plus one space per 10 students the school is designed to accommodate, or one space per four seats or eight feet of bench in auditorium or assemble room, whichever is greater.
42. Colleges, Universities, Trade Schools, or equivalent.	1.5 spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing (if any).
43. Stadium, Sports Arena, or similar open assembly	One space per six seats or 12 feet of bench length.

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). See also, Chapter 3.1 - Access and Circulation.

2. Off-site parking. Except for single-family, two-family, and three-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 200 feet or a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

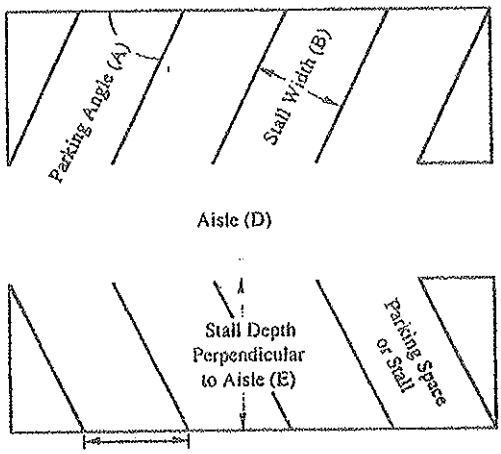
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.7.

C. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. See Section 3.1.2.O for parking lot construction standards. Up to 40% of the required spaces may be sized to accommodate compact cars. Standard parking spaces shall conform to the dimensions in Figure 3.3.3.C. Disabled person parking spaces shall conform to the standards (and dimensions) in Section 3.3.3.D.

Figure 3.3.3.C - Parking Stall Dimensions (See 3.3.3.D for Disabled Parking)



Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in	12 ft.	24 ft.	7 ft. 6 in.
	Disabled					
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft	24 ft.	14 ft.
	Disabled					
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled					
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled					
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled					

Important cross-references:
See also, Chapter 2 - Land Use District standards; Section 3.1 - Access and Circulation; Section 3.2 - Landscaping; Section 3.6 - Surface Water Management.

D. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in Section D.

Figure 3.3.3.D - Disabled Person Parking Requirements

Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

* one out of every 8 accessible spaces ** 7 out of every 8 accessible parking spaces

3.3.4 Bicycle Parking Requirements.

All uses shall provide bicycle parking in conformance with the following standards which are evaluated during Development Review or Site Design Review:

A. **Number of Bicycle Parking Spaces.** A minimum of 2 bicycle parking spaces per use is required for all uses with more than 10 vehicle-parking spaces. The following additional standards apply to specific types of development:

1. Multi-Family Residences. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces should be sheltered under an eave, overhang

Chapter 3.4 — Clear Vision Areas

Sections:

3.4.0 Clear Vision Areas

See also Section 3.1.2N and Figure 3.1.2N.

A clear vision area shall be maintained on the corner of property adjacent to the intersection of two streets, or adjacent to the intersection of a street and a railroad.

(1) A clear-vision area shall consist of a triangular area. Two sides of the triangle are lot lines measured from the corner intersection of the street lot lines for a distance specified in this Section or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The triangle's third side is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

(2) A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:

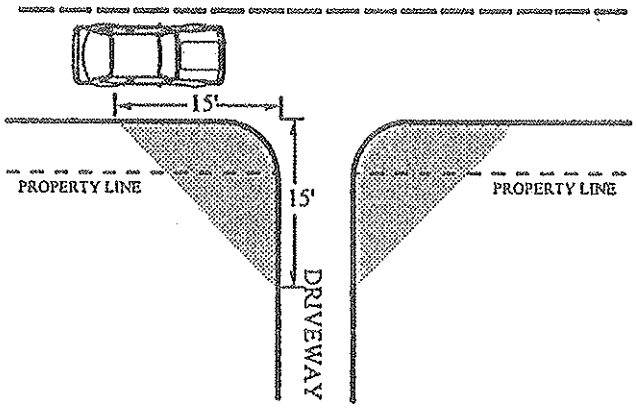
a. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade;

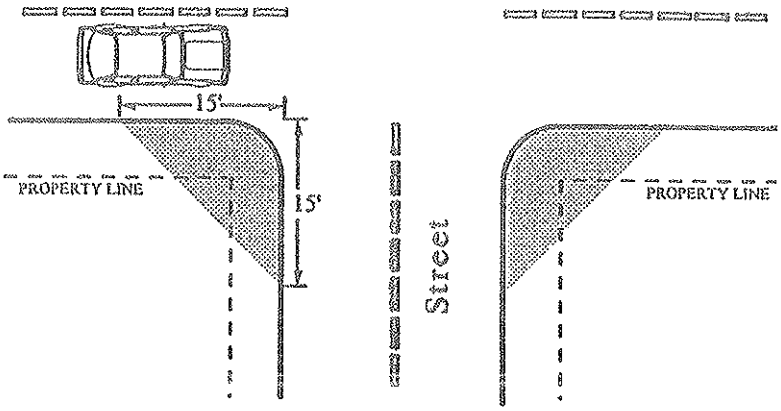
b. Open-wire fencing that does not obscure sight more than 10 percent may be a maximum of 48 inches high.

(3) The following dimensional requirements govern clear vision areas:

a. The minimum length of street sides of the clear vision triangle shall be 15 feet. See Figure 3.4.0. The minimum vision clearance area may be increased by the zoning administrator, city engineer, or planning commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.

Figure 3.4.0 - Vision Clearance Areas





Chapter 3.5 — Public Facilities Standards

Sections:

3.5.0 Purpose and Applicability

A. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, bus transit, and bicycling. This Chapter implements portions of the City's Transportation System Plan.

Important cross-reference to other standards: The City requires that public and private streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities (public or private), utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public (or private, in some instances) facilities related to development comply with the public facility requirements established in this Chapter.

C. Standard Specifications. The City shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.

D Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

3.5.1 Transportation Standards

A. Development Standards. No development shall occur unless the lot or parcel abuts a public or private street, other than an alley, for at least 25 feet and is in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan, Transportation System Plan, and the provisions of this Chapter.

2. Development of new streets (public or private), and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;

3. New streets and drives connected to a city collector or arterial street shall be paved; and

4. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:

   a. A partial improvement may create a potential safety hazard to motorists or pedestrians;

   b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

   c. The improvement would be in conflict with an adopted capital improvement plan; or

   d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

B. Variances. Variances to the transportation design standards in this Section may be granted by means of a Class 2 Variance, as governed by Chapter 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (see Chapter 3.10).

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Commission for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the city attorney and shall name "the public," as grantee.

D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and Comprehensive Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the city engineer in accordance with the design standards in Section 'N', below; and

2. Where the location of a street is not shown in an existing street plan (See Section 'H'), the location of streets in a development shall either:

   a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or

   b. Conform to a street plan adopted City, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall conform to the design standards in Table 3.5.1. A variance shall be required in accordance with Chapter 5.1 of this Code to vary the standards in Table 3.5.1. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the Transportation System Plan or Comprehensive Plan;

2. Anticipated traffic generation;

3. On-street parking needs;

4. Sidewalk and bikeway requirements based on anticipated level of use;

5. Requirements for placement of utilities;

6. Street lighting;

7. Street tree location, as provided for in Chapter 3.2;

8. Protection of significant vegetation and wetland and riparian areas, as provided for in Chapters 3.2 and 3.10;

9. Safety and comfort for motorists, bicyclists, and pedestrians;

10. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;

11. Access needs for emergency vehicles; and

12. Transition between different street widths (i.e., existing streets and new streets), as applicable.

Table 3.5.1 City of Warrenton Street Design Standards

Type of Street	Ave. Daily Trips (ADT)	Right of Way Width	Curb to Curb Pavement Width	Motor Vehicle Travel Lanes[4]	Median/ Flex Lane[5]	Bike Lanes or On-Street Parking (both sides)	Curb	Planting Strip[5]	Side-walks
Arterial Roads									
4-Lane Arterial	varies	80 - 102 ft.	64 - 78 ft.	12 ft.[4]	14 ft.	8 ft.	Yes	6 ft.	6 ft.
2-Lane Arterial	varies	80 ft.	40 - 54 ft.	12 ft.[4]	14 ft.	8 ft.	Yes	6 ft.	6 ft.
Collector Roads									
Collector Road	varies	60 - 64 ft.	36 - 40 ft.	12 ft.[4]	None	6-8 ft.	Yes	6 ft.	6 ft.
Local Roads									
Local Road	varies	50 - 60 ft.	28 - 36 ft.	10-12 ft.	None	8 ft. parking on one or both sides[1]	Yes (on one or both sides)	5 ft.	5 ft.[3]
Alternative Local Road[2]	< 250	50 ft.	20 - 28 ft. (no curbs req'd)	10 ft.	None	None [1]	None	5 ft.	None
Alleys	N/A	12 - 24 ft.	12 - 24 ft.	N/A	N/A	None	None	None	None
Multi-Use Paths	N/A	8 - 16 ft.	8 - 16 ft.	N/A	N/A	None	None	None	None

[1]Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 35 mph) roads.

[2]The alternative local road standard may be used when approved by the City of Warrenton. The standard is intended to apply under the following circumstances:

-The local road will serve 18 or fewer dwelling units upon buildout of adjacent property.
-The ADT volume of the road is less than 250 vehicles per day.
-Significant topographical or environmental constraints are present.
-Use of the alternative local road standard will not create gaps in connectivity or roadway standards with adjacent roadway sections (i.e. sidewalk, parking, travel lane widths)
-The City Engineer and Emergency Service Providers have reviewed and accepted usage of the alternative local roadway standard.

[3]Sidewalks are required on all local roads in high-density residential and commercial zones unless exempted by the City Engineer or Planning Commission.

[4]Where parking is constructed next to a travel lane, the travel lane shall be increased to a width of 14' to function as a shared roadway and accommodate bicycles.

[5]Footnote indicates that these features are optional. Flex lanes would provide for traffic flow in one direction or another depending upon the specific traffic patterns and demands for an area. Flex lanes could be used for transit routes or emergencies, and would provide extra right-of-way width for future rail or transit. Appropriate safety measures would need to be installed in conjunction with flex lanes.

→REFER TO FIGURES 5-3, 5-4, & 5-5 OF THE TSP FOR CROSS SECTION VIEWS OF LOCAL, COLLECTOR, AND ARTERIAL ROADS.

G. Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval. Traffic signals on roads under state jurisdiction shall be determined by the Oregon Department of Transportation.

H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the zoning administrator or planning commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:

   a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

   b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

   c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) may be constructed for stub streets over 150 feet in length for a time period of up to two years. The developer shall guarantee conversion of the temporary hammerhead into a cul-de-sac that meets the standards of this Code by posting a performance bond that guarantees the required improvement within the time specified.

I. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.

2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in Section 3.1 - Access and Circulation: The maximum block length shall not exceed 1000 feet between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The maximum length of blocks along an arterial is 1800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or location of adjoining streets justifies an exception.

   Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Section 3.1.3A.

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Section 3.5.1F, Table 3.5.1, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

K. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.5.0.D.

M. Cul-de-sacs. A dead-end street shall be no more than 200 feet long, shall not provide access to greater than 18 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 40 feet from center to edge of pavement except that turnarounds that contain a landscaped island or parking bay in their center shall have a minimum radius of 45 feet. When an island or parking bay is provided, there shall be a fire apparatus lane of at least 20 feet in width; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

See Section 3.1.2.L for fire access and parking area turnaround requirements based on adopted Uniform Fire Code standards.

N. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

O. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Section 3.1 - Access and Circulation and city construction standards.

P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on

each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

Q. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;

2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 3.12.F;

3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or

4. Other treatment suitable to meet the objectives of this subsection;

5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 3.1.2.

R. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.5.1. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets are the same as design standards for public streets and shall conform to the provisions of Table 3.5.1; and

T. Street Names. Street naming and numbering in the City of Warrenton (and Hammond) shall follow the uniform system of the City's Addressing Ordinance (City Ord. No. 359-A). Street names, signs and numbers shall conform to the City's Addressing Ordinance.

U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

V. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

W. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.

X. Street Light Standards. Street lights shall be installed in accordance with City standards.

Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

1. Sub-base and leveling course shall be of select crushed rock;

2. Surface material shall be of Class C or B asphaltic concrete;

3. The final lift shall be Class C asphaltic concrete as defined by O.D.O.T/A.P.W.A. standard specifications;

4. No lift shall be less than 1-1/2 inches in thickness; and,

5. All streets shall be developed in accordance with City of Warrenton construction standards.

3.5.2 Public Use Areas

A. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

2. If determined by the Planning Commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications of public use areas shall conform to Section 3.5.0.D (Conditions of Approval).

B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

C. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

3.5.3 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies. Where city sanitary sewers are not physically or legally available to service the site, the applicant must demonstrate provisions for a suitable on-site disposal system permitted by DEQ prior to issuance of City permits. All development within a Growth Management (GM) Zone, as identified on the official Warrenton Zoning Map, shall comply with the Growth Management Zone Standards of Chapter 3.21.

B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

C. Over-sizing. Proposed improvements to the City sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan, Water System Master Plan, and/or Sanitary Sewer Master Plan. The developer shall be entitled to system development charge credits for the over-sizing.

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

3.5.4 Storm Drainage

A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Section 3.6 - Surface Water Management.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

D. Easements. Where a development is traversed by a watercourse, wetland, drainage way, channel or stream, the City may require a dedication of a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

3.5.5 Utilities

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new land divisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct circulation and access aisles or impede vision clearance areas for vehicular traffic (Chapters 3.1 and 3.4);

2. The City reserves the right to approve the location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. The standard applies only to proposed land divisions and large-scale developments. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography or existing development conditions.

3.5.6 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Section 4.2 – Development and Site Design Review, and Section 4.3 - Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

3.5.7 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been

approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by Resolution by the City Commission. The City may require the developer or land divider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, Section 4.2.4 – Development and Site Design Review, and Section 4.3.180 - Land Divisions.

3.5.8 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. Adopted Installation Standards. The Oregon Standard Specifications for Construction, (combined APWA/ODOT standards) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

C. Commencement. Work shall not begin until the City has been notified in advance and all required permits have been issued.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Section 4.6 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide four set(s) of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

Chapter 3.6 — Surface Water Management

When it is determined that there may be a problem with storm water drainage due to a proposed development, or a development that is under construction, the applicant may be required to have a registered engineer verify that the amount and pattern of surface water drainage will not be changed in a manner which is detrimental to other property owners or the City's drainage system. The Building Official, City Engineer, Planning Commission, or Zoning Administrator may require this certification.

See Section 3.5.4 for additional requirements.

Chapter 3.7 — Signs

Sections:

3.7.1 Purpose

This section regulates size, location and illumination of signs with the interest of safeguarding and enhancing the City's economic well-being, traffic safety and visual environment.

3.7.2 General Requirements

The following general provisions shall govern all signs:

a. Signs shall not extend into, over or upon any public street or right-of-way. A sign may extend over a public sidewalk provided the bottom of the sign structure shall be at least eight feet above the grade of the sidewalk and the sign does not project more than three feet into the public right-of-way. A highway directional or informational sign maintained and owned by the Oregon Department of Transportation may extend over a street right-of-way.

b. Signs or sign supporting structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic or a traffic sign.

c. All signs shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated streets, surrounding public or private streets, or surrounding public or private property.

d. Sign area does not include foundation supports and other essential structures which do not serve as a backdrop or border to the sign. Only one side of a double faced sign is counted in measuring the area of a sign.

e. Signs shall not contain flashing elements or moving, rotating or otherwise animated parts.

f. All signs together with their supporting structure shall be kept in good repair and maintenance.

g. It is the responsibility of the property owner to remove any abandoned sign within 30 days of the cessation of its use.

h. Murals that are painted directly upon building walls or other exterior features (not windows) are exempt from the size limitations of this Section. Murals must be

professional-grade and maintained in accordance with the accepted practices of the International Union of Painters and Allied Trades.

i. Off-site signs shall be prohibited.

3.7.3 Additional Residential Zone Sign Requirements

Additional residential zone sign requirements are within the following zones: R-40, R-10, R-M and R-H Zones.

a. Conditional uses may have one permanent nameplate sign with up to four square feet of sign area.

3.7.4 Additional Commercial & Industrial Zone Sign Requirements

Additional commercial and industrial zone sign requirements are within the following zones: C-1, C-MU, C-2, R-C, I-1, I-2, and URR Zones.

a. Unless otherwise restricted elsewhere in this Code, permitted and conditional uses are permitted permanent signs with a cumulative area based on lineal feet of street frontage, up to a maximum of 400 square feet. For sites with more than one side of street frontage, signs based on the length of one site frontage may not be placed on another site frontage. Sites with frontage on Highway 101 are permitted up to two square feet of cumulative sign area per front foot. Except as otherwise restricted by this Code, all other commercial and industrial sites may have up to one square foot of cumulative sign area per lineal foot of street frontage.

b. Unless otherwise restricted elsewhere in this Code , permitted and conditional uses shall have no more than 50 square feet of temporary sign space.

c. No sign shall exceed 45 feet in height or extend higher than ten feet above the height of the building to which it is attached or associated, whichever is less.

d. Signs in Commercial and Industrial Districts (C-1, C-2, C-MU, RC, URR, I-1, I-2) along Fort Stevens Highway/State Highway No. 104 (S. Main Ave., N. Main Ave., NW Warrenton Drive, and Pacific Drive) shall be limited to a cumulative of 32 square feet of sign area per commercial or industrial use. For sites with more than one side of street frontage, one additional sign (up to 32 square feet) may be provided.

e. Scrolling electronic reader board signs are not allowed in the areas described in 3.7.4(d) above.

f. One professional-grade sandwich board, not taller than four-feet in height, may be permitted for each commercial use provided that no less than six-feet of unobstructed pedestrian corridor is maintained across the property at all times.

g. Unless otherwise permitted by site design review or other city action, the total number of signs allowed per commercial or industrial use shall be two signs (i.e., one pole sign

together with one projecting wall sign or one projecting wall sign together with one sandwich board sign, etc.). For sites with more than one side of street frontage, one additional sign (up to 32 square feet or based on lineal feet of street frontage, as applicable) may be provided.

3.7.5 Additional Aquatic Zone Sign Requirements

Signs in aquatic zones (A-1, A-2, A-3) shall be limited to 32 square feet in size per aquatic use. Signs are not permitted in the A-5 zone. The Planning Commission may authorize additional sign requirements as part of the conditional use permit process.

Chapter 3.8 — Wireless Communication Facilities

Sections:

3.8.0 Purpose

To accommodate the increasing communication needs of Warrenton residents, businesses, and visitors while protecting the public health, safety, and general welfare, and visual and aesthetic environment of the City, these regulations are established to:

(1) Provide a process and uniform comprehensive standards for the development of Wireless Communication Facilities (WCFs);

(2) Enhance the ability to provide communications services to City residents, businesses, and visitors;

(3) Protect the City's natural resources, historical resources, and visual environment from potential adverse effects of Wireless Communication Facilities, through careful design and siting standards.

3.8.1 Permitted Uses

1. Satellite dishes having diameters of three feet or less are exempt from this Section and shall be permitted in all zones without need for review or permit by the City of Warrenton.

2. Satellite dishes with diameters greater than three feet shall be permitted in all zones and shall be located on the ground in the rear yard no closer than five (5) feet to a rear or side property line.

3.8.2 Conditionally Permitted Uses

Wireless communication facilities shall be allowed conditionally in the A-1, A-2, A-3, C-2, I-2, R-C, and OSI zoning districts, upon approval of a conditional use permit pursuant to Section 4.4.

3.8.3 Prohibited Uses

Wireless communication facilities are prohibited on all lands designated as Residential, General Commercial, Mixed-Use Commercial, or General Industrial by this Code and the City's Comprehensive Plan.

3.8.4 Application Requirements

In addition to all standard required conditional use permit application materials, an applicant for a new WCF or modifications to an existing WCF shall submit the following information:

1. A visual study containing, at a minimum, a vicinity map depicting where, within a half-mile radius, any portion of the proposed tower could be visible, and a graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the zoning administrator and the applicant.

2. Documentation of the steps that will be taken to minimize the visual impact of the proposed facility.

3. A landscape plan drawn to scale that is consistent with the need for screening at the site. Existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.

4. A feasibility study for the collocation of telecommunication facilities as an alternative to new structures, in conformance with Section 3.8.5. The feasibility study shall include:

    a. An inventory, including the location, ownership, height, and design of existing WCFs within one-half mile of the proposed location of a new WCF. The zoning administrator may share such information with other applicants seeking permits for WCFs, but shall not, by sharing such information, in any represent or warrant that such sites are available or suitable.

    b. If collocation is not feasible, documentation of the efforts that have been made to collocate on existing or previously approved towers. Each applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact.

    c. Documentation as to why collocation on existing or proposed towers or location on an existing tall structure within one-half mile of the proposed site is not practical or feasible. Collocation shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The zoning administrator and/or Planning Commission may consider expert testimony to determine whether the fee and costs are reasonable. Collocation costs exceeding new tower development are presumed to be unreasonable.

5. A report containing the following information:

    a. A report from a licensed professional engineer documenting the following:

i. A description of the proposed tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed tower structure shall be included. If proposed tower is intended to accommodate future collocation, the engineer shall document that the design is sufficient for that purpose. If the proposed tower is not intended to allow for future collocation, the engineer shall provide an explanation why it is not so intended.

ii The total anticipated capacity of the tower in terms of the number and types of antennae which can be accommodated. The engineer shall also describe any limitations on the ability of the tower to accommodate collocation. The engineer shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not used.

ii. Documentation that the proposed tower will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code, latest adopted edition at the time of the application.

b. A description of mitigation methods, which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment.

c. Documentation demonstrating compliance with non-ionizing electromagnetic emissions standards as set forth by the Federal Communications Commission.

d. Evidence that the proposed tower will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.

6. A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.

7. If a new tower is approved, the owner shall be required, as a condition of approval, to:

a. Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the tower site is located;

b. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

c. Negotiate in good faith for shared use by third parties; and

d. Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

8. The planning official may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

9. A WCF Conditional Use Permit application fee as established by Resolution by the Warrenton City Commission.

3.8.5 Collocation

In order to encourage shared use of towers, all new WCFs shall comply with the following collocation standards.

1. To encourage shared use of towers, a conditional use permit shall not be required for the addition of antennae to an existing tower that has been already been designed and permitted to receive additional antennae arrays. A Type I Administrative Review by the zoning administrator and compliance with the Uniform Building Code and/or the State of Oregon Structural Specialty Code is required.

2. The height of an existing support structure may be increased by ten (10) feet or less for the purpose of accommodating collocation without a discretionary review process by the City, provided that there is no change to the type of tower and tower height is increased by the minimum amount necessary to accommodate the collocated facilities. Increases in height exceeding ten (10) feet, but not more than twenty (20) feet, beyond the original design shall require the approval of a Type I Administrative Review permit as provided in Sections 4.0 and 4.1. Height increases of twenty (20) or more feet for the purpose of accommodating collocation shall require the approval of a conditional use permit.

3. All collocated facilities, and additions to existing towers, shall meet all requirements of the State of Oregon Structural Specialty Code, latest adopted edition. A building permit shall be required for such alterations or additions. Documentation shall be provided by a licensed professional engineer, verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.

4. All collocated facilities shall be designed in such a way as to be visually compatible with the tower structures on which they are placed.

3.8.6 Development Standards

All new WCFs shall comply with the following standards:

Tower Height -

Freestanding WCFs shall be exempted from height limitations. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum, which is necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer.

1. A WCF that is attached to an alternative tower structure may not exceed the height of the alternative tower structure, unless findings are made by the Planning Commission that such an increase will have a minimal impact on the appearance of the structure.

2. All applications for development of new WCFs, or proposals to modify existing WCFs shall contain written consents from the following agencies: FAA, FCC, ODOT Aeronautics Division, and Port of Astoria. This list is not meant to be an exhaustive list; the applicant is responsible for assuring that all new development complies with all applicable local, state, and federal laws.

3. The City of Warrenton supports use of the newest technology available to help camouflage WCFs and their support towers. At the writing of this Development Code (September 2002), the City of Warrenton considers the following design standard to be of the highest preference to the City:

   > Colocatable monopole with matching short-davit arm antennae array configurations, painted off-white.

   Deviations from this standard must be accompanied by a report prepared by a license professional engineer.

Chapter 3.9 –Grading, Excavating, and Erosion Control Plans

Sections:

3.9.1 Purpose

The purpose of this ordinance is to safeguard life, limb, property, and the public welfare by controlling activities that lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, public and private roadways caused by development activities, including clearing, grading, stripping, excavating, and filling of land.

3.9.2 Scope

This ordinance sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

3.9.3 Permits Required

Except as provided in Section 3.9.4 of this ordinance, no person shall do any grading work without first having attained a grading permit from the building official.

3.9.4 Exempted Work

A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any structure having unsupported height greater than 5 feet after completion of such structure.

3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, tunnels, or utilities.
6. Mining, quarrying, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 1 unit vertical in 1-1/2 units horizontal (66.7% slope).
9. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other chapter of this code, or other laws or ordinances of the City of Warrenton.

3.9.5 Hazards

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt in writing from the building official, shall within the time period specified therein eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

3.9.6 Grading Permit Requirements

A. Permits Required. Except as exempted in Section 3.9.4 of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

B. Application. To obtain a grading permit, the applicant shall file an application in writing to the City of Warrenton on a form furnished by building official. Every such application shall contain:

1. Identification and description of work to be covered by the permit for which the application is made, including estimated quantities of work involved.
2. Description of the land on which the proposed work is to be done by legal description, street address, Assessor Parcel Number, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Plans, diagrams, computations, and specifications, and other data as required by this ordinance. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in

detail that it will conform to all provisions of this code and relevant laws, ordinances, rules, and regulations of the city.

5. Applicant's signature.
6. Other data as required by the building official.

C. Grading Designation. Grading in excess of 5000 cubic yards shall be permitted in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 5000 cubic yards shall be designated as "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements of engineered grading.

D. Engineered Grading Requirements. As required by UBC Section 3309.4-7.

E. Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of and buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.

F. Issuance. The application, plans, specifications, computations, and other data filed by an applicant for a grading permit shall be reviewed by the building official. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. The provisions of UBC Section 106.4 are applicable to grading permits.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

3.9.7 Grading Fees

Grading fees shall be set Resolution by the Warrenton City Commission. Where such fees have not been established by the City, UBC Section 3310 shall be used to determine grading plan review and permit fees.

3.9.8 Bonds

The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in ns amount equal to that which would be required in the surety bond.

3.9.9 Cuts

A. General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or and engineering geology report, or both, stating that the site has been investigated and given an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

3.9.10 Fills

A. General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of the fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension of greater than 12 inches shall be buried or placed in fills. The building official may permit the placement of larger rock when the soils engineer properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply: (1) Prior to issuance of a grading permit, potential rock disposal areas shall be delineated on the grading plan; (2) Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and, (3) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

D. Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density.

E. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal.

3.9.11 Setbacks

A. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measure perpendicular to the site boundary.

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

C. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect adjoining property from damage as a result of such grading. These precautions may include, but are not limited, to: (1) Additional setbacks; (2) Provisions for retaining or slough walls; (3) Mechanical or chemical treatment of the fill slope surface to minimize erosion; and (4) Provisions for the control of surface waters.

D. Modification of Slope Location. The building official may approve additional setbacks. The building official may require investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

3.9.12 Drainage and Terracing

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

B. Terrace. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be a mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height, shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches or terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches in thickness or and approved equal paving. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary exceeding 13,500 square feet (projected) without discharging into a down drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities unless waived by the building official. The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area: (1) No proposed fills are greater than 10 feet in maximum depth; (2) No proposed finish cut or fill slope faces a vertical height in excess of 10 feet; and, (3) No existing slope faces, which have a slope face steeper than 1 unit vertical in 10 units horizontal, have a vertical height in excess of 10 feet.

E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measure horizontally. Interceptor drains shall be paved with a minimum of 3 inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the building official.

3.9.13 Erosion Control

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection of the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the material, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap, or other devices or methods shall be employed to control erosion and provide safety.

3.9.14 Grading Inspection

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with Section 3.9.14E for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with ch

approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If , in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, of the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. If shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

3.9.15 Completion of Work

Upon completion of the rough grading work and at the completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3.9.14E showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of sub-surface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer.

   Civil engineers shall state that to the best of their knowledge the work within the specified area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by a soils engineer retained to provide such services in accordance with Section 3.9.14C, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the

work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

Chapter 3.10 – Wetland and Riparian Corridor Development Standards Ordinance

Sections:

3.10.1 Purpose

This ordinance provides development standards for wetland and riparian corridors in the City of Warrenton and the Warrenton Urban Growth Area to comply with Statewide Planning Goal 5 (OAR Division 660 Chapter 23). The City of Warrenton has inventoried its wetland and riparian corridor resources, made a determination of significance for each resource unit, and produced applicable development standards that are contained in this ordinance.

3.10.2 Applicability

This ordinance applies to all lands lying within the City of Warrenton and the Warrenton Urban Growth Area.

3.10.3 Wetland Area Development Standards

(1) Wetland areas in the City of Warrenton are identified on the 1":400' maps entitled *City of Warrenton Wetland Conservation Plan Inventory* dated October 17, 1997. These maps show approximate wetland boundaries for wetland areas within the Warrenton Urban Growth Boundary.

a. Applications to the City of Warrenton for development permits, grading permits, or building permits that would alter land **within a mapped wetland** boundary, shall contain the following:

1. A valid State of Oregon Wetland Removal-Fill Authorization.

2. Written verification from the Warrenton Planning Director, or its designee, that the affected wetland area is classified as "non-significant" per the City of Warrenton Locally Significant Wetland Map dated (adoption date of the ordinance). Alternatively, for development in a "significant" wetland, a City of Warrenton Hardship Variance (see Section 3.10.35) must be obtained instead of the Planning Director's written verification.

b. Applications to the City of Warrenton for development permits, grading permits, or building permits that would alter land **within 25 feet of a mapped wetland** boundary, but not within a mapped wetland area itself, shall contain the following:

1. A jurisdictional delineation of the wetland boundary, approved by the Oregon Division of State Lands.

2. A to-scale drawing that clearly delineates the wetland boundary, the proposed setback to the wetland area (if any), and existing trees and vegetation in the mapped wetland area.

c. Applications to the City of Warrenton for development permits, grading permits, or building permits on parcels that *contain* mapped wetland areas but would **not alter land within 25 feet of a mapped wetland** area, or portion thereof, shall present the following:

1. A to-scale drawing that clearly depicts the wetland boundary (as mapped on the City of Warrenton Wetland Conservation Plan Inventory) and the proposed setback to the wetland area for all new or proposed development. A jurisdictional delineation of the wetland boundary, approved by the Oregon Division of State Lands, is not required by the City of Warrenton but may be submitted in lieu of the wetland boundary on the wetland inventory.

d. The City of Warrenton will notify the Oregon Division of State Lands of applications for development permits, grading permits, and building permits that appear to affect a wetland or waterway on the City of Warrenton Wetland Conservation Plan Inventory (Local Wetland Inventory) dated October 17, 1997.

3.10.35 Significant Wetland Area Development Standards

The following additional development standards shall apply to all development in significant wetlands as designated on the *City of Warrenton Locally Significant Wetland Map* dated January 21, 2004:

a. Alteration of a significant wetland or portion of a significant wetland by grading, excavating, placement of fill including structures, and removal of vegetation, shall be prohibited, except for the following uses, upon demonstration that the uses are designed and constructed to minimize intrusion into the wetland area:

1. Agricultural (farming and ranching) activities other than construction of buildings, structures, or paved roads conducted in accordance with federal, state, and local laws; or,

2. Replacement of existing structures, streets, driveways, and utilities in the same location that do not disturb additional wetland surface area; or,

3. Perimeter mowing and other cutting necessary for hazard prevention; or,

4. Removal of non-native vegetation or nuisance plants and replacement with native plant species. All work conducted under this subsection (subsection 4) must occur by hand (i.e., hand-pulling, machete, chain saw, or other similar means) unless approval from the Oregon Division of State Lands or the US Army Corp of Engineers for mechanized work has been granted. Submission of a Landscape Plan (including a revegetation plan) in accordance with Chapter 3.2 of this Code is required; or,

5. Maintenance of existing ditches (not streams) to same configuration as previously constructed; or,

6. A forest operation subject to the requirements of the Oregon Forest Practices Act and associated administrative rules; or,

7. Uses authorized by an approved City of Warrenton Hardship Variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization.

3.10.4 Riparian Corridor Inventory

(1) The *City of Warrenton Riparian Corridor Map* dated January 21, 2004, together with the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 identify the following riparian corridors:

1. Columbia River-Hammond Marina: 0 feet *(non-significant)*
2. Columbia River-Hammond Marina to NW 13th Street: 0 feet *(non-significant)*
3. Columbia River-13th Street to mouth of Skipanon River: 75 feet
4. Columbia River-mouth of Skipanon River to Youngs Bay Bridge: 75 feet
5. Youngs Bay Bridge to Lewis & Clark River Bridge: 75 feet
6. Lower Skipanon River: 0 feet *(non-significant)*
7. Upper Skipanon River: 50 feet
8. Lower reach of un-named tributary to the Upper Skipanon River: 0 or 50 feet
9. Alder Creek: 50 feet
10. Tansy Creek: 50 feet
11. Skipanon Slough: 30 feet
12. Holbrook Slough: 0 or 50 feet
13. Adams Slough: 50 feet
14. Vera Creek: 50 feet
15. Coffenbury Lake: 50 feet
16. Crabapple Lake: 50 feet
17. Creep and Crawl Lake: 50 feet
18. Long Lake: 50 feet
19. Wild Ace Lake: 50 feet
20. Shag Lake: 50 feet
21. Abbot Lake: 50 feet
22. Cemetery Lake: 50 feet
23. Clear Lake: 50 feet
24. Leinenweber Lake: 50 feet

25. Kyle Lake: 50 feet
26. Pond Lilly Lake: 50 feet

(2) Conflicts between site conditions and riparian corridors shown on the *City of Warrenton Riparian Corridor Map* and *Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 shall be resolved using the procedure described in Section 3.10.6.

3.10.5 Riparian Corridor Development Standards

(1) Rivers, lakes, creeks, and sloughs in the City of Warrenton that are subject to the riparian corridor development standards of this Section (Section 3.10.5) are shown on the *City of Warrenton Riparian Corridor Map* and *Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004. Individual riparian corridor unit maps dated January 21, 2004 that show the ESEE Impact Areas and riparian corridor boundaries, as required by Statewide Planning Goal 5, have been adopted as part of the *Riparian Corridor Map* and *Riparian Corridor Inventory and ESEE Analysis*. The inventory of significant riparian corridors is listed in Section 3.10.4 above and is contained in *Chapter 3 of the Riparian Corridor Inventory and ESEE Analysis*. The *Riparian Corridor Map* and *Riparian Corridor Inventory and ESEE Analysis*, together with the individual riparian corridor unit maps, have been adopted as addenda to the Warrenton Comprehensive Plan. Riparian corridors that have been identified as non-significant for purposes of Statewide Planning Goal 5 are not subject to the provisions of this Section (Section 3.10.5).

(2) This ordinance shall prevent the permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces, except for the following uses, upon demonstration that the uses are designed and constructed to minimize intrusion into the riparian area:

a. A water-dependant or water-related use allowed in the base zone; or,

b. To provide access to the water for a water-related or water-dependent use in a manner consistent with Statewide Planning Goal 17; or,

c. Public utility structures and corridors; or,

d. Public streets, roads, or trails identified in the Warrenton Transportation System Plan; or,

e. Replacement of existing structures or impervious surfaces with structures or impervious surfaces in the same location that do not disturb additional riparian surface area; or,

f. Expansion or replacement of existing structures in a riparian corridor may be approved subject to the requirements for non-conforming uses and activities in Chapter 5.2 of this Code; or,

g. For the Alder Creek, Tansy Creek, and Upper Skipanon River (northerly stretch only) riparian corridor units, the following additional uses are allowed in the riparian corridor (refer to the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 for more details):

1. New attached or detached accessory structures, including decks, porches, gazebos, etc., not more than 400 square feet in size. The accessory structure must satisfy the following criteria before development approval, and building permits (if applicable), may be granted by the City:

i. The accessory structure must be the first or second structure on the lot to encroach into the 50-foot riparian corridor;
ii. All portions of the accessory structure, including overhangs and cantilevered sections, must remain at least 25-feet away from the top-of-bank (or bank full stage) of the respective water area;
iii. Equal or better protection for the respective water area must be demonstrated through appropriate design and location of the structure. Suitable planting of riparian vegetation and/or trees between the accessory structure and the water body may be required;
iv. All structures must meet or exceed the applicable floodplain regulations of the City (Chapter 2.18 of the Warrenton Development Code);
v. Appropriate erosion control practices in accordance with Chapter 3.9 of the Warrenton Development Code must be in place prior to, during, and after construction; and,
vi. No construction shall take place before development approval by the City is granted in accordance with Section 4.2.2 of the Warrenton Development Code.

h. The riparian corridors associated with the following water bodies receive full protection under this ordinance and none of the uses listed above are permitted in these corridors. Refer to the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 for more details.

- Unnamed Tributary to the Upper Skipanon River (west stretch only);
- Upper Skipanon River[1] (southerly stretch only, not including areas south of Hwy 101);
- Crabapple Lake;
- Creep-and-Crawl Lake;
- Wild Ace Lake; and,
- Shag Lake.

(3) This ordinance shall prevent the permanent alteration of the riparian corridor by removal or alteration of vegetation, or soil disturbance, except for the following uses, upon demonstration that the uses are designed and constructed to minimize intrusion into the riparian area:

[1] Please refer to Section 4.4 of the ESEE document for special allowances for the Warrenton High School property.

a. As part of a restoration, enhancement, or mitigation plan approved by the City of Warrenton or by the US Army Corp of Engineers or the Oregon Division of State Lands; or,

b. As needed for maintenance and repair of an existing structure; or,

c. As needed for public safety (e.g., to provide for clear vision at a street intersection, or to provide a fuel-free buffer around a structure); or,

d. As needed to maintain existing public utility corridors; or,

e. As needed to maintain existing flood control dikes and tidegates; or,

f. As needed to maintain the City's existing stormwater collection system; or,

g. To provide access to the water for a water-related or water-dependent use in a manner consistent with Statewide Planning Goal 17;

h. To maintain residential landscaping installed prior to the date of this ordinance;

i. To prevent damage to an existing structure (e.g., the removal of dead or dying trees that may cause structural damage if they were to fall);

j. As part of a forest operation subject to the requirements of the Oregon Forest Practices Act and its administrative rules; or,

k. As part of an agricultural operation; or,

l. For the Alder Creek, Tansy Creek, and Upper Skipanon River (northerly stretch only) riparian corridor units, the following additional uses are allowed in the riparian corridor (refer to the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 for more details):

1. New attached or detached accessory structures, including decks, porches, gazebos, etc., not more than 400 square feet in size. The accessory structure must satisfy the following criteria before development approval, and building permits (if applicable), may be granted by the City:

i. The accessory structure must be the first or second structure on the lot to encroach into the 50-foot riparian corridor;
ii. All portions of the accessory structure, including overhangs and cantilevered sections, must remain at least 25-feet away from the top-of-bank (or bank full stage) of the respective water area;
iii. Equal or better protection for the respective water area must be demonstrated through appropriate design and location of the structure. Suitable planting of riparian vegetation and/or trees between the accessory structure and the water body may be required;

iv. All structures must meet or exceed the applicable floodplain regulations of the City (Chapter 2.18 of the Warrenton Development Code);

v. Appropriate erosion control practices in accordance with Chapter 3.9 of the Warrenton Development Code must be in place prior to, during, and after construction; and,

vi. No construction shall take place before development approval by the City is granted in accordance with Section 4.2.2 of the Warrenton Development Code.

m. The riparian corridors associated with the following water bodies receive full protection under this ordinance and none of the uses listed above are permitted in these corridors. Refer to the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 for more details.

- Unnamed Tributary to the Upper Skipanon River (west stretch only);
- Upper Skipanon River (south stretch only, not including areas south of Hwy 101)[2];
- Crabapple Lake;
- Creep-and-Crawl Lake;
- Wild Ace Lake; and,
- Shag Lake.

3.10.6 Riparian Corridor Location Procedure

(1) Riparian corridors as shown on the *City of Warrenton Riparian Corridor Map* and *Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 may not be accurate enough or sufficiently detailed to precisely locate the riparian corridor on a particular parcel. In instances where the Planning Director cannot accurately determine the riparian corridor on a particular parcel, he or she may request additional information from the landowner or permit applicant. The land owner or applicant may provide the City with additional site-specific information concerning the location of the riparian corridor on their parcel including, but not limited to a boundary survey, topographic map, aerial photograph, hydrographic date or other information that helps determine the location of the top of bank and the limits of the riparian corridor on the parcel.

(2) The Planning Director shall rely on site-specific information provided by the landowner or applicant to resolve any conflicts concerning location of a riparian corridor on a site unless contradicted by substantial evidence.

(3) A landowner or applicant may appeal the Planning Director's decision concerning the location of a riparian corridor to the Planning Commission using the procedure of *Section 4.1.3.D of the Warrenton Development Code.*

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[2] Please refer to Section 4.4 of the ESEE document for special allowances for the Warrenton High School property.

3.10.7 Hardship Variance Procedure and Criteria

(1) For any lands demonstrated to have been rendered not buildable by application of this ordinance, the property owner may apply for a hardship variance for relief from the restrictions of this ordinance.

(2) Hardship variance applications are subject to review in accordance with the standards of *Warrenton Development Code Section 4.1.5, Type III Procedure (Quasi-Judicial).* Granting of a hardship variance requires that:

a. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;

b. Strict adherence to this ordinance and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and;

c. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

d. The variance is the minimum necessary to retain use of the property.

e. Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.

f. The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan policy.

3.10.8 Wetland Area Boundary Adjustment Procedure

(1) The 1":400' maps entitled *City of Warrenton Wetland Conservation Plan Inventory* dated October 17, 1997 show approximate wetland boundaries for wetland areas within the Warrenton Urban Growth Boundary. (These maps are also referred to as the *City of Warrenton Local Wetland Inventory (LWI)* maps.)

(2) To amend the City's LWI maps, a property owner, or its agent, must submit a jurisdictional delineation of the appropriate wetland boundary to the City of Warrenton. Upon receipt of the wetland delineation by the City, the Planning Director shall use a Type I Ministerial Procedure to confirm that the Oregon Division of State Lands has concurred with the wetland delineation in writing.

(3) Written concurrence by the DSL of the wetland delineation shall compel the City to amend the LWI maps and produce a written record of the decision to the property owner.

(4) The City's decision may be appealed in accordance with *Section 4.1.3.D of the Warrenton Development Code.*

3.10.9 Wetland Significance Determination Amendment Procedure

(1) To amend the significance determination of a mapped wetland area, an affected property owner or its agent must abide by the following procedure:

a. A proposed change to the significance determination of a wetland that is depicted on the City of Warrenton *Locally Significant Wetland Map (LSW Map)* shall follow the Type III Quasi-Judicial Amendment procedure of *Section 4.1.5 and Section 4.7.3.A of the Warrenton Development Code.*

b. The LSW Map is adopted as part of the Warrenton Comprehensive Plan. Thus, amendments to the Map are subject to review by the Warrenton Planning Commission and City Commission. The Planning Commission shall make a recommendation to the City Commission and the City Commission shall decide such applications.

c. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:

1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.

a. The assessment must be completed by a qualified wetland scientist; and,

b. The assessment must include the entire wetland inventory unit; and,

c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and,

d. The assessment must include analyses of those specific criterions in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream (WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)), wildlife habitat, etc.).

2. In addition to the notice requirements of Section 4.1.5.C of this Code, the City shall provide notice of the initial evidentiary hearing to DLCD and DSL at least 45 days in advance of the meeting date.

3. The City shall mail a copy of the official staff report, together with the entire application packet, to DLCD and DSL not less than seven days in advance of the initial evidentiary hearing date for the matter.

d. The City Commission's decision may be appealed to the Oregon Land Use Board of Appeals.

Chapter 3.11 — Columbia River Estuary Shoreland and Aquatic Area Development Standards

Sections:

3.11.1 Aquaculture and Fisheries

The standards in this subsection apply to all projects that could affect commercial or recreational fisheries or aquaculture. This section is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.

(1) Water diversion structures or man made spawning channels shall be designed and built to maintain minimum stream flows for aquatic life in affected streams.

(2) Water discharged from aquaculture or hatchery facilities shall comply with state or federal discharge permit conditions.

(3) Aquaculture facilities shall be located far enough from sanitary sewer outfalls to avoid potential health hazards.

(4) Aquaculture facilities shall be constructed to blend in with and not detract from the aesthetic qualities of the area. In developed areas, views from upland property shall be given consideration in facility design.

(5) In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

(6) Commercial fish drifts shall be protected from conflicting in-water activity, including dredging, in-water dredge material disposal, and aquatic area mining and mineral extraction, by coordinating review of such activity with fishery regulatory agencies, fishing organizations, drift captains and drift right owners, and other interested parties.

(7) Prior to approval of in-water activities with the potential for affecting fisheries, the project sponsor shall notify local drift captains, the Columbia River Fisherman's Protective Union and the Northwest Gillnetters Association.

3.11.2 Deep-Water Navigation, Port and Industrial Development

The standards in this subsection apply to port and industrial development occurring in and over estuarine waters, and on adjacent shorelands. This section also applies to navigation projects related to deep-draft maritime activities, such as channel, anchorage and turning basin development or expansion.

(1) New or expanded shoreland and aquatic area facilities for the storage or transmission of petroleum products must have on-site equipment for the containment of oil spills.

(2) New or expanded facilities for deep-water navigation, port or industrial development requiring aquatic area dredging or filling may be allowed only if all of the following criteria are met:

a. The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or is specifically allowed in the applicable aquatic zone; and

b. A need (i.e., a substantial public benefit) is demonstrated; and

c. The proposal does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

(3) Deep-water navigation, port or industrial development requiring new piling or dolphin installation, construction of pile-supported structures, or other uses or activities which could alter the estuary may be permitted only if all of the following criteria are met:

a. A need (i.e., a substantial public benefit) is demonstrated; and

b. The proposal does not unreasonably interfere with public trust rights; and

c. Feasible alternative upland locations do not exist; and

d. Potential adverse impacts are minimized.

(4) Off-street parking may only be located over an aquatic area if all of the following conditions are met:

a. Parking will be on an existing pile-supported structure; and

b. Suitable shoreland areas are not available; and

c. The amount of aquatic area committed to parking is minimized; and

d. The aquatic area is in an Aquatic Development Zone.

3.11.3 Diking

The standards in this subsection apply to the construction, maintenance and repair of flood control dikes in shoreland and aquatic areas. The standards do not apply to dredged material containment dikes.

(1) Dike maintenance and repair may be allowed under any of the following circumstances:

a. Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the repair is commenced within 36 months of the breach, regardless of whether the property has reverted to estuarine habitat.

b. Existing serviceable dikes (including those that allow some seasonal inundation) may be repaired.

c. Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the property has not reverted to estuarine habitat (as determined by U.S. Army Corps of Engineers and the Oregon Division of State Lands).

Dike repair projects that do not fit under (a), (b), or (c) above; that is projects where the property has reverted and more than 36 months have elapsed; must be reviewed as new dikes.

(2) Dike maintenance and repair are distinguished from new dike construction. To qualify as maintenance and repair, changes in the location, size, configuration, orientation and alignment of the dike must be limited to the minimum amount necessary to retain or restore its operation or function or to meet current engineering standards. Filling aquatic areas for dike maintenance may be allowed only if it can be clearly demonstrated that there are no feasible engineering alternatives, which would avoid the use of aquatic area fill.

(3) The outside dike face shall be suitably protected from erosion during construction and maintenance operations. Shoreline stabilization standards shall be met.

(4) New dikes in aquatic areas may be permitted either;

a. As part of an approved fill project; or

b. As a temporary flood protection measure needed to promote public safety and welfare, subject to applicable U. S. Army Corps of engineers, and Oregon Division of State Lands rules; or

c. Subject to an exception to Statewide Planning Goal 16.

3.11.4 Dredging and Dredged Material Disposal

Standards in this subsection are applicable to all estuarine dredging operations and to both estuarine shoreland and aquatic dredged material disposal.

(1) Dredging in estuarine aquatic areas, subject to dredging and dredged material disposal policies and standards, shall be allowed only if all of the following criteria are met:

a. Dredging is specifically allowed by the applicable aquatic zone and required for one or more of following uses and activities:

(i) Navigation or navigational access;

(ii) An approved water dependent use of aquatic areas or adjacent shorelands that requires an estuarine location;

(iii) An approved restoration project;

(iv) Mining or mineral extraction;

(v) Excavation necessary for approved bridge crossing support structures, or pipeline, cable, or utility crossing;

(vi) Obtaining fill material for dike maintenance where an exception to Oregon State-wide Planning Goal 16 has been approved;

(vii) Maintenance of existing tidegates and tidegate drainage channels;

(iix) Aquaculture facilities;

(ix) Temporary alterations;

(x) Installation of tidegates in existing functional dikes;

(xi) Incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

b. A need (i.e., a substantial public benefit) is demonstrated; and

c. The proposal does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

(2) When dredging is permitted, the dredging shall be the minimum necessary to accomplish the proposed use.

(3) Undesirable erosion, sedimentation, increased flood hazard, and other changes in circulation shall be avoided at the dredging and disposal site and in adjacent areas.

(4) The timing of dredging and dredged material disposal operations shall be coordinated with state and federal resource agencies, local governments, and private interests to protect estuarine aquatic and shoreland resources, minimize interference with commercial and recreational fishing, including snag removal from gillnet drifts, and insure proper flushing of sediment and other materials introduced into the water by the project.

(5) Bottom sediments in the dredging area shall be characterized by the applicant in accordance with U.S. Environmental Protection Agency, and Oregon Department of Environmental Quality standards. Information that may be required includes, but is not limited to, sediment grain size distribution, organic content, oil and grease, selected heavy metals, pesticides and other organic compounds, and benthic biological studies. The types of sediment tests required will depend on dredging and disposal techniques, sediment grain size, available data on the sediments at the dredging site, and proximity to contaminant sources. Generally, projects involving in-water disposal of fine sediments will require a higher level of sediment testing than projects involving disposal of coarse sediments. Projects involving upland disposal may be exempted from the testing requirement, depending on the nature of the sediments and the amount of existing sediment data available. Unreasonable burdens on the permit applicant shall be minimized by considering the economic cost of performing the sediment evaluation, the utility of the data to be provided, and the nature and magnitude of any potential environmental effect.

(6) Adverse short-term effects of dredging and aquatic area disposal such as increased turbidity, release of organic and inorganic materials or toxic substances, depletion of dissolved oxygen, disruption of the food chain, loss of benthic productivity, and disturbance of fish runs and important localized biological communities shall be minimized.

(7) The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshalling and staging, shall be considered prior to approval of new projects or expansion of existing projects. Projects will not be approved unless disposal sites with adequate capacity to meet initial excavation dredging and at least five years of expected maintenance dredging requirements are available.

(8) Dredging for maintenance of existing tidegate drainage channels and drainage ways is limited to the amount necessary to maintain and restore flow capacity essential for the

function (the drainage service provided by the tidegate) of tidegates and to allow drainage and protection of agricultural and developed areas. Tidegate maintenance dredging does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected tidegate drainage channel or drainage way as it existed prior to the accumulation of sediments.

(9) Dredging for mining and mineral extraction, including sand extraction, shall only be allowed in areas deeper than 10 feet below MLLW where the project sponsor demonstrates that mining and mineral extraction in aquatic areas is necessary because no feasible upland sites exist and that the project will not significantly impact estuarine resources. The estuary bottom at the project site shall be sloped so that sediments from areas shallower than 10 feet below MLLW and other areas not included in the project do not slough into the dredged area. Dredging as part of an approved dredging project which also provides fill for an approved fill project shall not be subject to this standard.

(10) When proposing dredging for sand extraction, the project sponsor shall first consider obtaining the material from a shoaled area within a federally-authorized navigation channel that is currently shallower than its authorized depth. Said dredging shall be coordinated with the U.S. Army Corps of Engineers. The dredging depth shall not exceed the authorized channel depth plus any over-dredging that the Corps would normally perform while maintaining the site.

Dredged Material Disposal Standards

(11) Dredged material disposal shall occur only at designated sites or at new sites which meet the requirements of the Dredged Material Disposal Site Selection Policies.

(12) Proposals for in-water disposal of dredged materials, including flowlane disposal, beach nourishment, estuarine open-water disposal, ocean disposal, and agitation dredging, shall:

a. Demonstrate the need for the proposed action and that there are no feasible alternative disposal sites or methods that entail less damaging environmental impacts; and

b. Demonstrate that the dredged sediments meet state and federal sediment testing requirements and water quality standards (see Dredging Standard 5); and

c. Not be permitted in the vicinity of a public water intake.

(13) Proposals for in-water estuary disposal shall be coordinated with commercial fishing interests, including, but not limited to: gillnet drift captains at the dredging and disposal site, the Columbia River Fisherman's Protective Union, Northwest Gillnetters Association, and the State fishery agencies. In-water disposal actions shall avoid gillnet drifts whenever feasible. When it is not feasible to avoid gillnet drifts, impacts shall be minimized in coordination with fisheries interests through:

a. Disposal timing,

b. Gear placement,

c. Choice of disposal area within the drift, and

d. Disposal techniques to avoid snag placement.

(14) Flowlane disposal, estuarine open water disposal and agitation dredging shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purpose of affected natural and conservation designations. The monitoring program shall be established prior to undertaking disposal. The program shall be designed to both characterize baseline conditions prior to disposal and monitor the effects of the disposal. The primary goals of the monitoring are to determine if the disposal is resulting in measurable adverse impacts and to establish methods to minimize impacts. Monitoring shall include, at a minimum, physical measurements such as bathymetric changes and may include biological monitoring. Specific monitoring requirements shall be based on, at a minimum, sediment grain size at the dredging and disposal site, presence of contaminants, proximity to sensitive habitats and knowledge of resources and physical characteristics of the disposal site.

The monitoring requirement shall be discontinued when adequate information has been gathered to determine impacts and establish an agreed-upon disposal volume and methodology. If the agreed-upon volume and methodology is altered, the monitoring requirement may be reestablished. Monitoring may be waived on small projects where the impacts would be undetectable. A decision to waive the requirement shall be made in coordination with state and federal regulatory agencies.

(15) Flowlane disposal shall be in Aquatic Development areas identified as low in benthic productivity and use of these areas shall not have adverse hydraulic effects. Use of flowlane disposal areas in the estuary shall be allowed only when no feasible alternative land or ocean disposal sites with less damaging environmental impacts can be identified and the biological and physical impacts of flowlane disposal are demonstrated to be insignificant. The feasibility and desirability of alternative sites shall take into account, at a minimum:

a. Operational constraints such as distance to the alternative sites;

b. Sediment characteristics at the dredging site;

c. Timing of the operation;

d. Environmental Protection Agency constraints on the use of designated ocean disposal sites;

e. The desirability of reserving some upland sites for potentially contaminated material only.

Long term use of a flowlane disposal area may only be allowed if monitoring confirms that the impacts are not significant. Flowlane disposal is contingent upon demonstration that:

f. Significant adverse effects due to changes in biological and physical estuarine properties will not result; and

g. Flowlane disposal areas shall be shown able to transport sediment downstream without excessive shoaling, interference with recreational and commercial fishing operations, including the removal of snags from gillnet drifts, undesirable hydraulic effects, or adverse effects on estuarine resources (fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

(16) Ocean disposal shall be conducted such that:

a. The amount of material deposited at a site is compatible with benthic populations, other marine resources, and other uses of the area;

b. Interference with sport and commercial fishing is minimized;

c. Disposal is strictly confined to the sites designated by the U.S. Environmental Protection Agency; and

d. The disposal site does not shoal excessively and create dangerous wave and swell conditions.

(17) Beach nourishment shall only be conducted at sites identified in the Dredged Material Management Plan. New sites may be added to the Plan by amendment after an exception to Oregon Statewide Planning Goal 16 for the site has been approved. Beach nourishment shall be conducted such that:

a. The beach is not widened beyond its historical profile. The historical profile shall be defined as the widest beach profile that existed prior to June 1986.

b. The material placed on the beach consists of sand of equal or greater grain size than the sand existing on the beach.

c. Placement and subsequent erosion of the materials does not adversely impact tidal marshes or productive intertidal and shallow subtidal areas.

d. Efforts are made to maintain a stable beach profile.

e. Dredged material is graded at a uniform slope and contoured to minimize juvenile fish stranding and hazards to beach users.

Use of beach nourishment sites shall be allowed only when no feasible land or ocean sites with less damaging environmental impacts can be identified. The feasibility and desirability of alternative sites shall take into account, at a minimum:

f. Operational constraints such as distance to the alternative sites;

g. Sediment characteristics at the dredging site;

h. Timing of the operation;

i. Environmental Protection Agency constraints on the use of designated ocean disposal sites;

j. The desirability of reserving some upland sites for potentially contaminated material only.

(18) Except as noted below, land disposal and site preparation shall be conducted such that:

a. Surface runoff from disposal sites is controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands, and drainage ways. Disposal runoff water must enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing characteristics. Underground springs and aquifers must be identified and protected;

b. Dikes are constructed according to accepted engineering standards and are adequate to support and contain the maximum potential height and volume of dredged materials at the site, and form a sufficiently large containment area to encourage proper ponding and to prevent the return of dredged materials into the waterway or estuary. Containment ponds and outfall weirs shall be designed to maintain adequate standing water at all times to further encourage settling of dredged materials. The dikes shall be constructed within the boundaries of the disposal site and shall be constructed of material obtained from within the site or other approved source.

Clean dredged material placed on land disposal sites located directly adjacent to designated beach nourishment sites may be allowed to flow directly into the waterway without conforming to (a) and (b), above, provided that all policies and standards for in-water disposal and beach nourishment are met and the dredged materials are not allowed to enter wetlands or the waterway in areas other than the designated beach nourishment site.

(19) Land disposal sites which are not intended for dredged material disposal or development use within a two year period following disposal shall be revegetated as soon as site and weather conditions allow, unless habitat management plans agreed upon by resource management agencies specify that open sand areas should remain at the site. The project sponsor shall notify the City and state and federal permitting and resource management agencies when disposal is completed and shall coordinate revegetation with these agencies. The notification shall be sent to at least the following agencies: the local jurisdiction, U.S. Army Corps of Engineers, Soil Conservation Service, Division of State Lands, Oregon Department of Fish and Wildlife. Revegetation of a disposal site does not preclude future use of the sites for dredged material disposal. The disposal site

design shall be reviewed to determine if wetlands or other habitats will form on the site during the period between disposal actions. The disposal permit may be conditioned to allow future disposal actions to fill the created wetlands or habitats.

(20) The final height and slope after each use of a land dredged material disposal site shall be such that:

a. The site does not enlarge itself by sloughing and erosion into adjacent areas;

b. Loss of materials from the site during storms and freshets is minimized; and

c. Interference with the view from nearby residences, scenic points, and parks does not occur.

3.11.5 Estuarine Construction: Piling and Dolphin Installation, Shoreline Stabilization and Navigational Structures

The standards in the subsection apply to over-the-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in aquatic areas. This subsection does not apply to structures located entirely on shorelands or uplands, but does apply to structures, such as boat ramps, that are in both aquatic and shoreland designations. Standards in this subsection also apply to excavation for creation of new water surface area.

(1) Where land use management practices and vegetative shoreline stabilization is shown not to be feasible (in terms of cost, effectiveness or other factors), structural means may be approved subject to applicable policies, standards and designation use restrictions.

(2) Where structural shoreline stabilization is shown to be necessary because of the unfeasibility of vegetative means, the choice among various structural means shall be made on a case by case basis. Factors to be considered include, but are not limited to:

a. Hydraulic features;

b. Shoreland habitat;

c. Adjacent land and water uses;

d. Aquatic habitat;

e. Water quality;

f. Engineering feasibility;

g. Navigation;

h. Impacts on public shoreline access.

(3) Jetties, groins and breakwaters shall be constructed of clean, erosion-resistant materials from upland sources. In-stream gravel shall not be used, unless part of an approved mining project. Material size shall be appropriate for predicted wave, tide and current conditions.

(4) Where a jetty, groin, breakwater or other in-water structure is proposed for erosion or flood control, the applicant shall demonstrate that non-structural solutions, such as land use management practices, or other structural solutions, such as riprap, will not adequately address the problem.

(5) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:

a. A need (i.e., a substantial public benefit) is demonstrated; and

b. The proposal does not unreasonably interfere with public trust rights; and

c. Feasible alternative upland locations do not exist; and

d. Potential adverse impacts are minimized.

(6) Jetties, groins, breakwaters and piers requiring aquatic area fill may be allowed only if all of the following criteria are met:

a. The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or is specifically allowed in the applicable aquatic zone; and

b. A need (i.e., a substantial public benefit) is demonstrated; and

c. The proposal does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

(7) Proposals for bulkheads may be approved only if it is demonstrated that sloped riprap will not adequately fulfill the project's objectives.

(8) Proposals for new bulkheads or for new riprap bankline slopes steeper than 1.5 to 1 (horizontal to vertical) must demonstrate that adequate shallow areas will be available for juvenile fish shelter, or that the area is not typically used for juvenile fish shelter.

(9) Plant species utilized for vegetative stabilization shall be selected on the basis of potential sediment containment and fish and wildlife habitat values. Trees, shrubs and grasses native to the region should be considered for vegetative stabilization; however, plant species and vegetation stabilization techniques approved by the Soil Conservation

Service, the U.S. Army Corps of Engineers and other participating federal and state resource agencies are also appropriate. Stabilization of dike slopes must not include vegetation (particularly trees) which jeopardize the dike.

(10) Riprap bank protection must be appropriately designed with respect to slope, rock size, placement, underlying material and expected hydraulic conditions. Project design by a licensed engineer shall meet this requirement. Warrenton may also find that riprap projects designed by other individuals, such as experienced contractors, soil conservation service personnel or others, meet this standard.

(11) New shoreline stabilization projects shall not restrict existing public access to public shorelines.

(12) Shoreline stabilization shall not be used to increase land surface area. Where an avulsion has occurred, fill may be used to restore the previous bankline, so long as the corrective action is initiated within one year of the date of the avulsion. Any other extension of the bankline into aquatic areas shall be subject to the policies and standards for fill.

(13) Structural shoreline stabilization measures shall be coordinated with state and federal agencies to minimize adverse effects on aquatic and shoreland resources and habitats.

(14) Bulkheads installed as a shoreland stabilization and protective measure shall be designed and constructed to minimize adverse physical effects (i.e., erosion, shoaling, reflection of wave energy or interferences with sediment transport in adjacent shoreline areas) resulting from their placement.

(15) Emergency maintenance, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons, property or shoreline stabilization facilities is permitted, not withstanding the other requirements in these standards, but subject to those regulations imposed by the Corps of Engineers and the Division of State Lands.

(16) Revegetated shoreline areas shall be protected from excessive livestock grazing or other activities that would prevent development of effective stabilizing plant cover.

(17) The size and shape of a dock or pier shall be the minimum required for the intended use.

(18) Proposals for new docks and piers may be approved only after consideration of alternatives such as mooring buoys, dryland storage, and boat ramps.

(19) Individual single-user docks and piers are discouraged in favor of community moorage facilities common to several users and interests.

(20) With regard to excavation of shorelands to create new estuarine aquatic surface area, the following provisions are applicable. The maximum feasible amount of the new water surface area shall be excavated as an upland site, behind protective berms. The new aquatic area shall be connected to adjacent water areas as the excavation is completed. Excavation in this manner shall not result in channelization of the waterway.

(21) Sediments and materials generated by the excavation to create new estuarine water surface area shall be deposited on land in an appropriate manner.

(22) Water quality degradation due to excavation to create new estuarine water surface area shall be minimized. Adverse effects on water circulation and exchange, increase in erosion and shoaling conditions, and introduction of contaminants to adjacent aquatic areas resulting from excavation of the area and presence of the new aquatic area will be minimized to the extent feasible.

3.11.6 Filling of Aquatic Areas and Non-tidal Wetlands

This subsection applies to the placement of fill material in tidal wetlands and waters. These standards also apply to fill in non-tidal wetlands in shoreland designations that are identified as "significant" wetlands under Statewide Planning Goal 17.

(1) Fill in estuarine aquatic areas may be permitted only if all of the following criteria are met:

a. The proposed use is required for navigation or for other water-dependent use requiring an estuarine location, or is specifically allowed under the applicable aquatic zone; and

b. A need (i.e., a substantial public benefit) is demonstrated; and

c. The proposed fill does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

(2) A fill shall cover no more than the minimum necessary to accomplish the proposed use.

(3) Aquatic area fills using either dredged material or other easily erodible material shall be surrounded by appropriately stabilized dikes.

(4) Aquatic areas shall not be used for disposal of solid waste.

(5) Projects involving fill may be approved only if the following alternatives are examined and found to be infeasible:

a. Construct some or all of the project on piling;

b. Conduct some or all of the proposed activity on existing upland;

c. Approve the project at a feasible alternative site where adverse impacts are less significant.

3.11.7 Fish and Wildlife Habitat

This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat, both in estuarine aquatic areas and in estuarine shorelands.

(1) Projects affecting endangered, threatened or sensitive species habitat, as identified by the US Fish and Wildlife Service or Oregon Department of Fish and Wildlife, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:

a. Soliciting and incorporating agency recommendations into local permit reviews;

b. Dedicating and setting aside undeveloped on-site areas for habitat;

c. Providing on or off-site compensation for lost or degraded habitat;

d. Retaining key habitat features (for example; roosting trees, riparian vegetation, feeding areas).

(2) In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

(3) Uses and activities with the potential for adversely affecting fish and wildlife habitat may be approved only if the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);

d. Reducing or eliminating the impact over time by preservation and maintenance operations.

(4) Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with Mitigation and Restoration Standards (Section 5.600).

3.11.8 Land Transportation Systems

Standards in this subsection are applicable to the maintenance and construction of railroads, roads and bridges in estuary shoreland and aquatic areas. Public, as well as private facilities are covered under this section. Forest roads, however, are excluded.

(1) New or relocated land transportation routes shall be designed and sited so as to:

a. Enhance areas in the Marine Commercial Shorelands Zone, the Water-Dependent Industrial Shorelands Zone, and the Skipanon East Bank Mediated Development Shorelands Zone when possible; and

b. Direct urban expansion toward areas identified as being suitable for development; and

c. Take maximum advantage of the natural topography and cause minimum shoreline disruption; and

d. Preserve or improve public estuary access where existing or potential access sites are identified; and

e. Avoid isolating high-intensity waterfront use areas or water-dependent development areas from water access.

(2) Maintenance and repair of roads and railroads and maintenance and replacement of bridges shall be permitted regardless of the plan designation through which the road or railroad passes, provided:

a. The same alignment is maintained; and

b. The same width is maintained, except that necessary enlargements to meet current safety and engineering standards may be permitted; and

c. The number of travel lanes is not increased.

(3) Fill-supported causeways or bridge approach fills across aquatic areas or across significant non-tidal wetlands in shoreland areas shall not be permitted; bridge abutments may, however, be approved.

(4) Removal of riparian vegetation along transportation right-of-ways may be permitted in order to maintain clear vision.

3.11.9 Log Storage

This subsection includes standards for the establishment of new, and the expansion of existing, log storage and sorting areas in aquatic and shoreland areas.

(1) New aquatic log storage areas shall be located such that logs will not go aground during tidal changes or during low flow periods.

(2) Proposals for reestablishment of previously used aquatic log storage areas must meet standards applied to new log storage areas, unless such areas have been abandoned for fewer than 36 months.

(3) New aquatic log storage areas shall not be located in areas which would conflict with active gillnet fish drifts or with other commercial or recreational fishing activities.

(4) New aquatic log storage areas shall be located where water quality degradation will be minimal and where good flushing conditions prevail.

(5) Unpaved shoreland log yards underlaid by permeable soils shall have at least four feet of separation between the yard surface and the winter water table.

(6) Log storage and sorting facilities in Marine Commercial Shorelands, Water-Dependent Industrial Shorelands, or Skipanon East Bank Mediated Development Shorelands shall not preclude or conflict with existing or possible future water-dependent uses at the site or in the vicinity, unless the log storage or sorting facility is itself an essential part of a water-dependent facility.

3.11.10 Mining and Mineral Extraction

Standards in this subsection are applicable to the extraction of sand, gravel, petroleum products and other minerals from both submerged lands under aquatic areas and from shoreland areas. These standards are also applicable to outer continental shelf mineral development support facilities built in the estuary.

(1) Aquatic area mining and mineral extraction shall only occur in aquatic areas deeper than ten feet below MLLW, where estuarine resource values are low, and when no feasible upland sources exist.

(2) Proposed shoreland mining and mineral extraction activities with potential impacts on estuary shoreland and aquatic areas shall provide the local government with a copy of a proposed or approved surface mining plan.

(3) Project sponsors proposing estuarine shoreland or aquatic area mining or mineral extraction shall demonstrate that the activity is sited, designed and operated to minimize adverse impacts on the following:

a. Significant fish and wildlife habitat; and

b. Hydraulic characteristics; and

c. Water quality.

(4) Petroleum extraction and drilling operations shall not be allowed in estuarine aquatic areas. Petroleum may, however, be extracted from beneath estuarine aquatic areas using equipment located on shorelands or uplands. Petroleum exploration activities, with the exception of exploratory drilling, may be permitted in estuarine aquatic areas and in estuarine shoreland areas.

(5) Unless part of an approved fill project, spoils and other material removed from aquatic areas shall be subject to Dredging and Dredged Material Disposal Standards in Section 3.11.4.

3.11.11 Mitigation and Restoration

Standards in this subsection are applicable to estuarine restoration and mitigation projects in aquatic areas and adjacent shorelands.

(1) Any fill activities that are permitted in estuarine aquatic areas or dredging activities in intertidal and shallow to medium depth estuarine subtidal areas shall be mitigated through project design and/or compensatory mitigation (creation, restoration or enhancement of another area) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.

(2) Mitigation for fill in the aquatic areas or dredging in intertidal and shallow to medium depth subtidal areas shall be implemented, to the extent feasible, through the following mitigation actions:

Project Design Mitigation Actions

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of action and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this would include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

Compensatory Mitigation Actions

e. Creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Any combination of the above actions may be required to implement mitigation requirements. The compensatory mitigation actions listed in part (e) shall only be considered when, after consideration of impact avoidance, reduction or rectification, there are still unavoidable impacts.

(3) If compensatory mitigation actions are required, the U. S. Fish and Wildlife Service shall be asked to make a Resource Category determination for the site proposed for development. The classification shall be listed on the permit application and review notice. The following list summarizes the mitigation goal for each resource category:

a. Resource Category 1: Habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the Columbia River Estuary area. Mitigation Goal: No loss of existing habitat value.

b. Resource Category 2: Habitat to be impacted is of high value for evaluation species and is relatively scarce or becoming scarce on a national basis or in the Columbia River Estuary area. Mitigation Goal: No net loss of in-kind habitat value.

c. Resource Category 3: Habitat to be impacted is of high to medium value for evaluation species and is relatively abundant on a national basis and in the Columbia River Estuary area. Mitigation Goal: No net loss of habitat value while minimizing loss of in-kind habitat value.

d. Resource Category 4: Habitat to be impacted is of medium to low value for evaluation species. Mitigation Goal: Minimize loss of habitat value.

If the area subject to impact is in a Resource Category 2 or lower (4 = lowest), the following sequence of mitigation options shall be considered:

- In-Kind/On-Site
- In-Kind/Off-Site
- Out-of-Kind/On-Site
- Out-of-Kind/Off-Site

Generally, the requirements for considering each option before moving on to the next shall be stricter for higher Resource Categories.

(4) Permit applicants shall submit a mitigation plan for each project proposal that requires mitigation. The mitigation plan shall define specific goals and objectives of the proposed

mitigation action. The plan shall also address where applicable, performance specifications that include but are not necessarily limited to the following:

a. Starting date;

b. Completion date;

c. Grade specifications;

d. Area and elevation specifications;

e. Channel specifications;

f. Buffers;

g. Vegetation plantings;

h. Monitoring;

i. Contingency plan (outline of potential remedial work and specific remedial contingency actions);

j. Accountability requirements (e.g., bonding or any mechanism that serves as a bond).

Goals, objectives and performance specifications shall be defined for both project design and compensatory mitigation. These components of the plan shall be developed in cooperation with relevant state and federal resource and regulatory agencies.

(5) Each mitigation action shall be reviewed against its goals, objectives, and performance specifications.

(6) All compensatory mitigation site plans shall include a contingency plan. The contingency plan shall include corrective measures to be taken in the event of suboptimal project performance (based on project goals and objectives). A list of remedial follow-up action strategies shall be specified in the contingency plan. These remedial strategies shall specifically address the goals, objectives and performance specifications of the mitigation site plan.

(7) Post-mitigation monitoring for project design mitigation, when relevant, and compensatory mitigation shall be required over a 2-5 year time period, depending on the size and complexity of the mitigation project. Local governments, in coordination with state and federal resource agencies, shall design and implement the monitoring. Monitoring requirements may be waived as follows:

a. A waiver of the 2-5 year monitoring requirement shall be granted if, at any time during the 2-5 year period, the project is judged successful; or

b. If a mitigation project fails to satisfy the original goals and objectives after the designated time period, and the developer has met all the site design and contingency plan requirements, then the developer is not responsible for remedial action. However monitoring may still be required up to a predetermined time period to help agencies determine workable strategies for future mitigation efforts.

(8) All mitigation actions shall begin prior to or concurrent with the associated development action.

(9) For estuarine wetlands, once a compensatory mitigation action is required, the habitat types displayed in OAR 141-85-254 shall provide the basis for comparing development activities and possible mitigation areas. The mitigation trade method described in OAR 141-85-256 shall be used to determine acreage and credit requirements for mitigation sites.

(10) Habitat trade-off requirements for non-tidal wetlands shall be determined in coordination with appropriate state and federal agencies if compensatory mitigation is required. Mitigation requirements shall be made on a case by case basis using determinations made by these agencies.

(11) Removal and fill actions potentially exempt from estuarine mitigation requirements include:

a. Removal or fill of less than 50 cubic yards of material;

b. Filling for repair and maintenance of existing functional dikes where there is negligible physical or biological damage to tidal marsh or intertidal area;

c. Riprap to allow protection of existing bank line with clean, durable erosion resistant material provided that the need for riprap protection is demonstrated and that this need cannot be met with natural vegetation, and no appreciable increase in upland occurs;

d. Filling for repair and maintenance of existing roads where there is negligible physical or biological damage to tidal marsh or intertidal areas;

e. Dredging for authorized navigation channels, jetty or navigational aid installation, repair or maintenance contract with the Army Corps of Engineers;

f. Any proposed alteration that would have negligible adverse physical or biological impact on estuarine resources.

g. Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, state, and federal agencies; and

h. Beach nourishment, subject to Dredging and Dredged Material Disposal Standards, Section 3.11.4.

Any waiver of mitigation shall be coordinated with state and federal agencies.

(12) Activities that do not require mitigation even though they involve intertidal removal include:

a. Maintenance dredging - dredging a channel basin, or other facility which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary over-dredging; and

b. Aggregate mining - provided the site has historically been used for aggregate removal on a periodic basis.

(13) Actions not considered as mitigation include:

a. As a general rule, conversion of an existing wetland type to another wetland type as mitigation for impacts on another wetland shall not be allowed. However, diked non-tidal wetlands with low wildlife value can be discounted and restored to tidal influence as mitigation for impacts in diked non-tidal wetlands. Also, enhancement of an existing wetland can be considered mitigation for impacts in another wetland;

b. Transfer of ownership of existing wetlands to public ownership;

c. Dedication of existing wetlands for natural uses;

d. Provision of funds for research; or

e. Monetary compensation for lost wetlands except where monies are used to purchase mitigation credits at a mitigation bank.

(14) The following criteria shall be considered when selecting and including potential mitigation sites in the Mitigation and Restoration Plan for the Columbia River Estuary (not in order of priority):

a. Proximity to potential development sites;

b. Opportunity to create or restore habitat conditions and other values similar to those at the impacted sites or historically and presently scarce habitat types;

c. Character of potential sites (e.g., low habitat value and no conflicting uses);

d. Potential for protection through zoning; and

e. Amount of new dike requirements, if any.

(15) A plan amendment shall be required to remove any mitigation site from the mitigation plan. For a Priority 1 mitigation site the plan amendment shall require a demonstration that there is no longer a need for the site or that a suitable alternative mitigation site has been designated and protected. A Priority 2, Level 3 site shall be partially or totally removed from the mitigation plan if the landowner proposes a development that would preclude all or part of its use for mitigation and, 30 days after the permit application has been circulated, a negotiated agreement to sell the land, or certain landownership rights, for mitigation use has not been made. The negotiation shall be between the landowner and any interested buyer. The site shall not be removed from the plan until the development is completed. A Priority 2, Level 4 or a Priority 3 site shall be partially or totally removed from the mitigation plan if the landowner chooses to develop part of all of the site to a degree that would preclude its availability for mitigation use.

(16) Warrenton shall make the determination of whether a development will preclude all or some of the potential use of the site for mitigation purposes.

(17) After a mitigation action takes place, Warrenton shall amend its plan and change the designation to reflect its aquatic character.

(18) The developer implementing a mitigation action shall be responsible for all costs associated with the mitigation project unless an alternative agreement for cost responsibility is negotiated between the landowner and the developer.

(19) Shorelands in the Marine Commercial Shorelands Zone, Water-Dependent Industrial Shorelands Zone, or the Skipanon East Bank Mediated Development Shorelands Zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.

(20) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for mitigation subject to a finding that the use of the site for mitigation will be consistent with protection of natural values.

(21) Shorelands in the Marine Commercial Shorelands Zone, Water-Dependent Industrial Shorelands Zone, or the Skipanon East Bank Mediated Development Shorelands Zone can only be used for restoration subject to a finding that the use of the site for restoration will not preclude or conflict with water-dependent uses.

(22) Priority 2, Level 3 and 4 mitigation sites shall be designated as mitigation sites until they are proposed for restoration outside of the context of mitigation. At this time restoration shall be considered an allowed use subject to the 30 day freeze restrictions presented in mitigation standard 17. Restoration shall only be allowed at Priority 2 sites subject to a finding that the site is no longer required for mitigation.

(23) Priority 3, Level 4 mitigation sites shall be designated as mitigation sites until they are specified for restoration outside of the context of mitigation. At this time, restoration shall be considered an allowed use. Restoration shall only be allowed at Priority 3 sites subject to a finding that the site is no longer required for mitigation.

(24) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for restoration subject to a finding that the use of the site for restoration will be consistent with protection of its natural values.

3.11.12 Public Access to the Estuary and its Shoreline

Standards in this subsection apply to all uses and activities in shoreland and aquatic areas which directly or indirectly affect public access. "Public access" is used broadly here to include direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to shorelands and aquatic areas.

(1) Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment.

(2) Warrenton will implement its Public Access Plan.

(3) Warrenton shall review, under the provisions of ORS 271.300 - 271.360, proposals for the sale, exchange or transfer of public ownership which provides public access to estuarine waters.

3.11.13 Recreation and Tourism

Standards in this subsection are applicable to recreational and tourist-oriented facilities in estuary shoreland and aquatic areas.

(1) Off-street parking may only be located over an aquatic area if all of the following conditions are met:

a. Parking will be on an existing pile-supported structure; and

b. Suitable shoreland areas are not available; and

c. The amount of aquatic area committed to parking is minimized; and

d. The aquatic area is in an Aquatic Development Zone.

(2) New or expanded recreation developments shall be designed to minimize adverse effects on surface and ground water quality. Adverse effects of storm run-off from parking lots shall be minimized.

(3) New or expanded recreational developments shall be designed and located so as not to unduly interfere with adjacent land uses.

3.11.14 Residential, Commercial and Industrial Development

The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas. Within the context of this

section, residential uses include single and multi-family structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent, non-related.

(1) Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.

(2) Off-street parking may only be located over an aquatic area if all of the following conditions are met:

a. Parking will be on an existing pile-supported structure; and

b. Suitable shoreland areas are not available; and

c. The amount of aquatic area committed to parking is minimized; and

d. The aquatic area is in an Aquatic Development Zone.

(3) Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.

(4) Uses on floating structures shall be located in areas protected from currents and wave action, and shall not rest on the bottom during low tidal cycles or low-flow periods.

(5) Where groundwater is or may be used as a water supply, the ground-water table shall not be significantly lowered by drainage facilities, or be affected by salt water intrusion due to groundwater mining.

(6) Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.

(7) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:

a. A need (i.e., substantial public benefit) is demonstrated; and

b. The proposal does not unreasonably interfere with public trust rights; and

c Feasible alternative upland locations do not exist; and

d. Potential adverse impacts are minimized.

(8) Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:

a. The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or is specifically allowed in the applicable aquatic zone; and

b. A need (i.e., substantial public benefit) is demonstrated; and

c. The proposal does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

3.11.15 Shallow-Draft Ports and Marinas

The standards in this subsection apply to development of new marinas and improvement of existing marinas in aquatic areas of the estuary. Also covered are adjacent shoreland support facilities that are in conjunction with or incidental to the marina. Included under this section's coverage are both public and private marinas for either recreational, charter or commercial shallow draft vessels.

(1) New marinas may be approved only when existing marinas are inadequate with respect to location, support services or size; or cannot expand to meet area moorage needs.

(2) New marinas shall be located in or adjacent to areas of extensive boat usage, and in areas capable of providing necessary support services (including street access, upland parking, water, electricity and waste disposal).

(3) The feasibility of upland boat storage shall be evaluated concurrent with proposals for new or expanded marina facilities.

(4) Marina development and expansion may require some filling and dredging of presently undeveloped areas. Significant aquatic and shorelands resources shall be protected from preventable adverse impacts in the design, construction, and maintenance of marina facilities.

(5) Marina development requiring filling or dredging in estuarine aquatic areas may be permitted only if all of the following criteria are met:

a. The proposed use is required for navigation or for other water-dependent uses requiring an estuarine location, or is specifically allowed under the applicable aquatic zone; and

b. A need (i.e., substantial public benefit) is demonstrated; and

c. The proposal does not unreasonably interfere with public trust rights; and

d. Feasible alternative upland locations do not exist; and

e. Potential adverse impacts are minimized.

(6) New, expanded or renovated marinas shall be designed to assure adequate water circulation and flushing.

(7) New or expanded marinas shall provide facilities for emptying holding tanks so that these wastes are not placed in the river.

(8) Covered moorages may be permitted in marinas subject to the following requirements:

a. Information is provided on existing water quality and habitat conditions in the aquatic area proposed for the covered moorage; and

b. Data on existing aquatic vegetation, and an analysis of the proposed covered moorages' impact on aquatic vegetation are provided; and

c. Information is provided on light penetration, both with and without the proposed covered moorage; and

d. No more than 20% of the marina's aquatic surface is occupied by the covered moorages.

(9) New or expanded marina fuel docks shall maintain on-site equipment for the containment of spilled fuel.

(10) Floating docks in marinas shall be located such that they do not rest on the bottom during low tides.

(11) New individual docks outside of marinas may only be built when it is shown that existing marinas cannot reasonably accommodate the proposed use. Factors to be considered in this determination include, but are not limited to:

- Distance between proposed dock and nearest marina;
- Availability and cost of moorage space in marinas;
- Area where the boat will be used; and
- Presence of other individual docks in the area.

(12) The size and shape of docks and piers in marinas shall be limited to that required for the intended use.

(13) Alternatives to new docks and piers, such as mooring buoys, dry land storage and launching ramps, shall be investigated and considered before new docks are permitted in a marina.

3.11.16 Significant Areas

The standards in this subsection are intended to protect certain shoreland and aquatic resources with estuary-wide significance. Significant shoreland resources are identified as such in the Estuarine Resources and Coastal Shoreland Element of the Comprehensive Plan. Significant aquatic resources are found in Natural Aquatic areas. This section applies only to activities and uses the potentially affect significant shoreland or aquatic resources. Other resources without estuary-wide significance are not covered by this section. Only those resources identified as significant under Statewide Planning Goal 17 are covered by these standards.

(1) Temporary removal of riparian vegetation may be permitted in conjunction with a water-dependent use where direct access to the water is required for construction or for a temporary use. Riparian vegetation removed for these reasons must be replaced upon project completion. Permanent removal of riparian vegetation may be approved for a water-dependent project.

(2) Permanent removal of riparian vegetation may be permitted along transportation right-of-ways for purposes of maintaining clear vision. Riparian vegetation that threatens the stability of flood control dikes may be removed.

(3) Public access to significant scenic areas shall be provided in a manner consistent with the preservation of the scenic area and other significant resources.

(4) Tidegated sloughs and drainage ditches identified as having significant aquatic habitat value, significant riparian vegetation, or other significant shoreland resource value may be maintained with respect to depth, but their bankline location and configuration may not be altered, unless part of an approved fill or shoreline stabilization project.

(5) Riparian regulation may be removed as necessary for approved mitigation, restoration or creation projects.

(6) Timber harvested in the A-5 Zone and adjacent riparian areas shall meet these standards:

a. Any timber harvesting operations must be carried out in accordance with a harvest plan approved by the Oregon Department of Forestry; and

b. Selection of trees for harvest shall be done with consideration of retaining natural values.

3.11.17 Water Quality Maintenance

The standards in the subsection are intended to help protect and enhance the quality of water in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidegated sloughs in shoreland areas are covered.

(1) New and expanded marinas shall provide facilities for emptying holding tanks so that these wastes are not placed in the river.

(2) Thermal effluent shall be cooled before they are returned to the estuary.

(3) The potential adverse impacts on water quality of dredging, fill, in-water dredged material disposal, in-water log storage, water intake or withdrawal, and slip or marina development will be assessed during permit review. Parameters to be addressed include:

- Turbidity
- Dissolved oxygen
- Biochemical oxygen demand
- Contaminated sediments
- Salinity
- Water temperature
- Flushing

(4) New or expanded marine fuel docks must provide on-site equipment for the containment of fuel spills.

(5) New point-source waste water discharges into the Columbia River will be controlled through the National Pollution Discharge Elimination System (NPDES) permit program.

(6) Estuarine aquatic area pesticide and herbicide application will be controlled by the Department of Environmental Quality and by the Department of Agriculture.

3.11.18 Water-Dependent and Water-Related Use Criteria

The following criteria are applicable when determining whether a use is water-dependent, water-related, or non-dependent, non-related.

(1) A use is water-dependent when it can only be accomplished on, in, or adjacent to water. The location or access is required for one of the following:

a. Water-borne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping), or;

b. Recreation (active recreation such as swimming, boating and fishing, or passive recreation such as viewing and walking), or;

c. A source of water (e.g., energy production, cooling or industrial equipment or wastewater, other industrial processes, aquaculture operations), or;

d. Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).

(2) A use is water-related when it:

a. Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of, water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent uses; and

b. If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social and environmental values).

Chapter 3.12 — Impact Assessment and Resource Capability

Sections:

3.12.1 Impact Assessment

Oregon Statewide Planning Goal 16, dealing with estuarine resources, requires that actions which would potentially alter the estuarine ecosystem must be preceded by an assessment of potential impacts. The Impact Assessment need not be lengthy and complex, but it should enable reviewers to gain a clear understanding of the impacts expected.

3.12.2 Applicability of Impact Assessment Requirement

The following uses and activities, in addition to those so indicated in the aquatic zones, all require an Impact Assessment at the time a permit is reviewed:

(1) New dredging;
(2) Aquatic area fill;
(3) In-water structures;
(4) Riprap;
(5) New in-water log storage areas;
(6) Water intake pipes;
(7) In-water dredged material disposal;
(8) Beach nourishment;
(9) Other uses or activities which could affect estuarine physical or biological resources; and
(10 Uses or activities that require a Resource Capability Determination.

3.12.3 Information Needed for an Impact Assessment

Information needed to complete the Impact Assessment may be obtained from sources other than the permit application, such as a Federal Environmental Impact Statement. An assessment of impacts of aquatic area pesticide and herbicide application shall be provided by the Oregon Department of Agriculture and the Oregon Department of Environmental Quality. An assessment of the impacts of new point-source waste water discharges into the Columbia River Estuary will be provided through the National Pollution Discharge Elimination System (NPDES) permit program. A complete Impact Assessment includes the following information:

(1) Aquatic life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, sediments, and vegetation.

(2) Shoreland life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present, (including threatened or endangered species), seasonal abundance, soil types and characteristics, and vegetation present.

(3) Water quality, including information on: sedimentation and turbidity, dissolved oxygen, biochemical oxygen demand, contaminated sediments, salinity, water temperatures, and expected changes due to the proposed use or activity.

(4) Hydraulic characteristics, including information on: water circulation, shoaling patterns, potential for erosion or accretion in adjacent areas, changes in flood levels, flushing capacity, and water flow rates.

(5) Air quality, including information on quantities of particulates and expected airborne pollutants.

(6) Public access to the estuary and shoreline, including information on: proximity to publicly-owned shorelands and public street ends; effect on public boat launches, marinas and docks; and impact on inventoried public access opportunities.

(7) Navigation, including information on: distance from navigation channels, turning basins and anchorages; proximity to range markers.

(8) Demonstration that proposed structures or devices are properly engineered.

(9) Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.

(10) Demonstration that non-water dependent uses will not preempt existing or future water-dependent utilization of the area.

(11) Determination of methods for mitigation and accommodation of the proposed development, based on items (1) through (10) above, in order to avoid or minimize preventable adverse impacts.

3.12.4 Impact Assessment Conclusion

Based on the information and analysis in Section 3.12.3, one of the following four conclusions shall be reached:

(1) The proposed uses and activities do not represent a potential degradation or reduction of estuarine resource.

(2) The proposed uses and activities represent a potential degradation or reduction of estuarine resources. The Impact Assessment identifies reasonable alterations or conditions that will eliminate or minimize to an acceptable level expected adverse impacts.

(3) The proposed uses and activities will result in unacceptable losses. The proposed development represents irreversible changes and actions and unacceptable degradation or reduction of estuarine resource properties will result.

(4) Available information is insufficient for predicting and evaluating potential impacts. More information is needed before the project can be approved.

3.12.5 Resource Capability Determination

Some uses and activities may only be approved when consistent with the resource capabilities of the area and the purposes of the zone. This section describes procedures for making his determination. A completed Resource Capability Determination consists of the following elements.

(1) Identification of the affected area's zone, and its purpose.

(2) Identification of the types and extent of estuarine resources present and expected adverse impacts. This information is included in the Impact Assessment.

(3) A determination of whether the use or activity is consistent with the resource capabilities of the affected zone. A use or activity is consistent with the resource capabilities of the area when either

a. Impacts on estuarine resources are not significant; or

b. Resources of the area will be able to assimilate the use and activity and their effects and continue to function in a manner which:

- In Natural Aquatic Zones, protects significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

- In Conservation Aquatic Zones, conserves long-term use of renewable resources, natural biological productivity, recreation and aesthetic values and aquaculture.

For temporary alterations, the Resource Capability Determination must also include:

c. Determination that potential short-term damage to estuary and shoreland resources is consistent with the resource capabilities of the area; and

d. Determination that the area and affected resources can be restored to their original condition.

(4) Determining Consistency With the Purpose of the Zone: Certain uses in the Aquatic Development (A-1), Aquatic Conservation (A-2), and Aquatic Natural (A-3) zones may be permitted only if they are consistent with the purpose of the aquatic zone in which they occur. This determination is made as follows:

a. Identification of the affected zone, and its purpose.

b. Description of the proposals potential impact on the purposes of the affected zone.

c. Determination that the proposal is either:

(i) Consistent with the purpose of the affected zone; or

(ii) Conditionally consistent with the purpose of the affected zone; or

(iii) Inconsistent with the purpose of the affected zone.

Chapter 3.13 — Manufactured Home Design Standards

Sections:

3.13.1 Manufactured Home Design Standards

A manufactured home placed on an individual lot, other then a lot in an approved manufactured dwelling park, shall conform to the requirements of the zone in which it is located, applicable state installation standards, and the following additional provisions:

(1) The manufactured home shall be multi-sectional and enclose a floor space of not less than 1,000 square feet.

(2) The manufactured home shall be placed on an excavated and/or back-filled foundation and enclosed by skirting at the perimeter such that the manufactured home is located at least 16 inches from mainframe to grade.

(3) The skirting and perimeter foundation of the manufactured home shall consist of masonry or poured concrete.

(4) The manufactured home shall have a roof with a minimum pitch of 3:12. The roofing material shall be composition, shake, shingle or tile.

(5) The manufactured home shall have exterior siding material such as horizontal or vertical wood, vinyl or aluminum lap siding similar to that used in single-family residences constructed to the Uniform Building Code.

(6) The manufactured home shall not have bare metal siding or roofing.

(7) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwelling constructed under the state building code ORS 455.010.

(8) The manufactured home is required to have an attached or detached garage or carport that complies with Section 3.16. A building permit for the associated garage or carport must be issued concurrent with the placement permit for the manufactured home.

(9) The manufactured home shall have permanent porches a minimum size of 24 square feet. No temporary steps will be allowed at the time of occupancy. The Uniform Building Code will determine minimum landing size.

(10) All porches and decks to be constructed shall be shown on the site/plot plan.

(11) The manufactured home shall have a meter base and no power pole.

(12) The manufactured home shall utilize at least two of the following design features:

a. Dormer
b. Recessed entries
c. Architectural grade roofing
d. Bay or bow windows
e. Window shutters/or treatments
f. Off-sets on building face or roof (minimum 12")
g. Gables
h. Covered porch entry
i. Pillars or posts
j. Eaves (minimum 6")
k. 4:12 pitch roof

(13) All load-bearing foundations, supports and enclosures shall be installed in conformance with the Oregon Building Codes Agency regulations and with the manufacturer's installation specifications. Manufactured homes must also be provided with a permanent perimeter enclosure.

(14) The manufactured home's wheels, axles and hitch mechanism shall be removed. The wheels, axles and hitch mechanisms shall not be left under the manufactured home.

(15) If a manufactured home is removed from its foundation and not replaced by another manufactured home within 60 days, the owner of the lot shall immediately thereafter remove the foundation, fill all excavations and disconnect and secure all utilities.

Chapter 3.14 — Manufactured Dwelling Park Standards

Sections:

3.14.1 Purpose

This article is intended to regulate the location of manufactured dwelling parks and to provide additional standards of development for such areas, recognizing that a manufactured dwelling park is a unique type of high-density residential use which deserves special consideration due to its impact upon the community, roads and utilities.

3.14.2 Location Standards

Manufactured dwelling parks shall be located in R-M zones suitable for high-density residential development, be on well-drained sites and shall be so located that their drainage shall not endanger or adversely affect any other property.

3.14.3 Area Standards

(1) All Parks must meet the minimum State Standards for Mobile Home and Manufactured Dwelling Parks, as stipulated in the Oregon Revised Statutes, (ORS) 446.062 through 446.145 and the Oregon Administrative Rule (OAR) 918-600. Where standards for manufactured home developments are established by state law such requirements shall be in addition to the provisions of this rule.

(2) Manufactured Dwellings allowed will be limited to those built after June 15, 1976, and be a minimum size of 924 square feet.

(3) The minimum lot area for a manufactured dwelling park shall be one acre.

(4) Total density shall not exceed 8 units per acre. Each Manufactured Dwelling space shall be clearly defined.

(5) A centralized storage area for boats, campers, camping trailers, Recreational Vehicles and automobiles shall be provided in each manufactured dwelling park. Such storage area shall contain a minimum of one hundred sixty (160) square feet for each manufactured dwelling space and be enclosed by a sight-obscuring fence.

(6) A carport or garage will be required of like materials and color of the manufactured dwelling. Carports, awnings, garages and other accessory structures shall be built and installed in accordance with OAR 918-050.

(7) Minimum required parking spaces for each individual site will meet the standard provided in Section 3.3.3A:Two spaces for each dwelling unit.

(8) Except for structures which conform to the state definition of a mobile home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the Oregon Building Code specifications.

3.14.4 Setback Requirements

(1) Manufactured dwellings and manufactured dwelling accessory structures shall be located according to the setback requirements in ORS 446 and OAR 918-600-050. Manufactured dwellings shall be setback at least 15 feet from the perimeter boundary of the park.

(2) No manufactured dwelling shall be located so that any part of such manufactured dwelling will obstruct any drive or walkway, and will maintain a clear vision area as stated in Section 3.4 - Clear Vision Areas.

(3) No manufactured dwelling shall remain in a manufactured dwelling park unless it is in an approved manufactured dwelling space or stored unoccupied within the centralized storage area.

3.14.5 Access Requirements

Minimum street widths, access and parking design shall conform to ORS 446 an OAR 918-600-050.

Access drives shall be provided to each manufactured dwelling, shall be continuous unless provided with adequate turn-around area or cul-de-sac which is a paved area equaling 48 feet of paved area from curb to curb, and conforms to minimum fire and emergency codes, and requirements.

Minimum right-of-way widths within the Park shall be 30 feet. Minimum paved street widths, excluding sidewalks, shall be twenty-seven (27) feet, and include curbs and sidewalks. No parking shall be allowed on the streets. Visitor off-street parking equaling ½ space per rental space shall be made available in parking bays, at clearly designated places within the park. The visitor parking shall be located within 250 feet of the rental space it serves.

The roadway serving the Park must be paved to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the City Engineer.

Improvement of driveways, walkways, street, drainage and other utilities shall conform to adopted state standards for such or shall conform to City standards when consistent with state standards.

3.14.6 Required Improvements

(1) Each manufactured dwelling space shall meet the requirements of ORS 446, OAR 918-600 and OAR 918-505.

(2) Off-street parking shall be provided as required by OAR 918-600-050.

(3) Open space areas shall be provided as required by OAR 918-600-050.

(4) All open areas and individual space open areas shall be suitably landscaped according to plans and specifications approved by the Zoning Administrator. An approved landscape package and/or plan for lawns, shrubs, and a park perimeter landscape plan, shall be provided for the park, and include a typical manufactured dwelling site. Such areas shall be continually maintained and be the responsibility of the park owner.

(5) No permanent additions of any kind shall be built onto, or become a part of, any manufactured dwelling. Skirting of manufactured dwelling is mandatory and awnings are permissible. Skirting shall be installed according to OAR 918-600-510.

(6) Manufactured dwelling spaces shall be designed with a uniform layout, including pad, patio and access drive locations. One storage building with a floor area of 100 - 200 square feet and one garage with a floor area of 300 - 600 square feet may be constructed on each space. Storage buildings and garages shall either be of one uniform design for the entire park or be designed to be compatible with the manufactured dwelling on the subject space.

(7) All manufactured dwelling parks shall be served by the sanitary sewer system that meets the standards of the City of Warrenton. The design and layout of sewer lines to each manufactured dwelling space is subject to the review and approval of the City Engineer.

(8) Sight-obscuring fences or evergreen plantings shall be required along any property line, which abuts or faces any residential district. The Planning Commission may determine additional fencing or plantings, which may be required to assure compatibility of the manufactured dwelling park and its neighbors.

(9) Signs are limited to one identification sign with a maximum area on one side of twelve square feet and limited to eight feet in height above the ground. Such a sign may be indirectly illuminated but shall not contain exposed neon or similar tubing and shall not flash, rotate or move in any way.

(10) A stormwater drainage plan shall be developed to the Standards of the City of Warrenton, to handle runoff from the individual spaces and the park as a whole. This plan must be approved by the City Engineer.

3.14.7 Plans Required

Applications for manufactured dwelling park permits shall be accompanied by complete plans and specifications of the proposed park and all permanent buildings, indicating the proposed methods of compliance with City and State requirements. Such plans shall be to a scale of not less than one (1) inch equals fifty (50) feet. Plans shall be stamped and approved by a certified engineer or landscape architect, comply with OAR 918-600-040; and shall address the following items:

(1) Fill and grading detail showing existing and proposed elevations of pads, sidewalks and streets.

(2) Storm water drainage system design.

(3) Water distribution and sewage collection systems.

(4) Overall park layout with spaces, streets, sidewalks and required off-street parking.

(5) Open space and individual space landscaping.

3.14.8 Performance Bond

A performance bond may be required in an amount to be determined by the City to insure that a development proposal is completed as approved and within the agreed-upon time limit.

3.14.9 Other Standards

The following standards are not applicable to review of the Manufactured Dwelling Park except where they are required by state statute, and city comprehensive plan concurrence.

a. Conditional Use Standards under Section 4.4.2(2).

b. Conditional Use Standards under Section 4.4.3(2), and (3).

Chapter 3.15 — Recreational Vehicle Park Design Standards

Sections:

3.15.1 Recreational Vehicle Park Standards

(1) Density Provisions: Development size shall be not less than five acres.

(2) Location Standards: As set forth in the Comprehensive Plan and/or as approved by the Planning Commission using the criteria of Section 4.4.3 as a minimum standard for approval.

(3) Space Size

a. Minimum space size shall be 1,350 square feet.

b. There shall be no more than one vehicle in use per space.

(4) Setback and Screening Requirements.

a. All recreational vehicles and structures shall be located at least 25 feet from all park property lines. The Planning Commission may require greater setbacks in order to provide for required screening.

b. Screening, sight-obscuring fences or evergreen plantings shall be required along any property line, which abuts or faces any residential district. Additional fencing or planting may be required to insure compatibility with surrounding land use.

(5) Access Requirements: Access drives shall be provided to each rental space and shall be continuous unless provided with adequate turn-around area, and shall have a minimum width of 24 feet for two-way drives and 12 feet for one-way drives.

(6) Open Space/Recreation Area Requirement: At least 10% of the total lot area shall be devoted to recreation space.

(7) Signs: The sign area shall not exceed 32 square feet.

(8) Storage Area: A centrally located storage area shall be provided.

(9) Improvements: Improvements shall be provided as required by the appropriate Oregon Revised Statutes and administrative rules promulgated thereunder.

Chapter 3.16 — Accessory Structure, Accessory Dwelling, Garage, and Carport Design Standards

Sections:

3.16.1 Accessory Structure Standards

Accessory structures placed on a lot with an established residential dwelling shall conform to the requirements of the zone in which they are located and the following additional provisions:

(1) All accessory structures, except attached garages, shall not exceed 1200 square feet in size.

(2) Siding and color must be similar, but not necessarily made of the same material, to that of the associated dwelling.

(3) The pitch and the roofing material of the accessory structure shall be compatible with the associated dwelling and shall not exceed the apex of the associated dwelling.

(4) Flooring will be of a hard surface material; concrete, asphalt, etc.

(5) Windows, if installed, will be glass.

(6) Gutters may be required to eliminate drainage problems as directed by the building official.

(7) Fences and walls must comply with the Fence and Wall Standards of Section 3.2.5 and the Vision Clearance Standards of Chapter 3.4.

(8) All other applicable Code standards must be met.

3.16.2 Carport Standards

1. Carports constructed in conjunction with a single-family detached dwelling, manufactured home, or modular home shall:

   a. Be a minimum size of 240 square feet.

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be constructed in accordance with the Uniform Building Code Requirements of the State of Oregon.

2. Carports constructed in conjunction with a single-family attached dwelling, duplex, or triplex shall:

   a. Be a minimum size of 240 square feet per unit;

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be consistent with design standards of Section 3.17 and other applicable Sections of the Code.

   d. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon.

3. Carports constructed in conjunction with multi-family housing shall:

   a. Be a minimum size of 240 square feet;

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be consistent with design standards of Section 3.18 and other applicable Sections of the Code.

   d. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon.

3.16.3 Garage Standards

1. Garages constructed in conjunction with a single-family detached dwelling, manufactured home, or modular home shall:

   a. Be a minimum size of 240 square feet.

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be constructed in accordance with the Uniform Building Code Requirements of the State of Oregon.

2. Garages constructed in conjunction with a single-family attached dwelling, duplex, or triplex shall:

   a. Be a minimum size of 240 square feet per unit;

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be consistent with design standards of Section 3.18 and other applicable Sections of this Code.

   d. Be constructed in accordance with the Uniform Building Code

requirements of the State of Oregon.

3. Garages constructed in conjunction with multi-family housing shall:

   a. Be a minimum size of 240 square feet;

   b. Be compatible with Accessory Structure Standards of Section 3.16.1.

   c. Be consistent with design standards of Section 3.18 and other applicable Sections of this Code.

   d. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon.

3.16.4 Accessory Dwelling Standards

An accessory dwelling is a small, secondary housing unit located on a legal lot with an established single-family residence. Accessory dwellings are typically the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. Accessory dwellings provide cost-effective and independent living spaces for family members, such as in-laws, retired parents, etc.. Accessory dwellings can also provide semi-independent living spaces for physically or mentally disabled family members requiring partial supervision or assistance with activities of daily living. Accessory dwellings are never suited for rental dwellings and use of an accessory dwelling as a rental or income-producing unit is strictly prohibited and is subject to enforcement and penalties as prescribed by this Code. The housing density standard of residential zones does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory structures shall comply with the following standards:

1. Oregon Structural Specialty Code. The structure shall comply with the Oregon Structural Specialty Code.

2. Accessory Structure Standards. The structure shall comply with the accessory structure standards of Section 3.16.1.

3. Owner Occupied. The primary residence or accessory dwelling shall be owner-occupied. The owner may act as a resident caretaker of the principal house while occupying the accessory dwelling or appoint a family member to perform such duties.

4. Rental Unit Prohibited. Accessory dwellings are never appropriate for use as a rental unit or other income-producing unit. Accessory dwellings shall not be used as servants' quarters or as lodging (temporary or permanent) for housekeepers, gardeners, etc.. Use of an accessory dwelling for purposes other than what is expressly permitted in this Section is strictly prohibited and shall be subject to the enforcement and penalty provisions of Chapter 1.4.

5. One Unit. A maximum of one accessory dwelling unit is allowed per lot.

6. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 600 square feet.

7. Building Height. The building height of a detached accessory dwelling (i.e., separate cottage) shall not exceed the height of the primary residence, or 16 feet measured to the apex of the roof, whichever is less.

8. Buffering. A minimum 6-foot hedge may be required to buffer a detached dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

9. Off-Street Parking. No additional off-street parking is required if the lot already contains at least two off-street parking spaces; otherwise, one space is required.

Chapter 3.17 – Single-Family Attached, Duplex, and Triplex Design Standards

Sections:

3.17.1 Applicability

Single-family attached housing (townhomes on individual lots), duplex, and triplex developments shall comply with the standards of this Chapter.

3.17.2 Purpose

These standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure proper management and maintenance of common areas.

3.17.3 Design Standards

1. Building Mass Supplemental Standard

The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property lines) shall not exceed 8 units or 200 feet (from end-wall to end-wall) whichever is less.

2. Access Standards

Townhomes, duplexes and triplexes receiving access directly from a public or private street (as opposed to alley access) shall comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

a. The maximum allowable driveway width facing the street is 10-24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide garage.

b. Two adjacent garages shall share one driveway when individual driveways would be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance agreement/easement to benefit each lot, prior to building permit issuance.

3. Common Areas

"Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the city prior to building permit approval.

Chapter 3.18 – Multi-Family Housing Design Standards

Sections:

3.17.1 Applicability

Multi-family housing developments shall comply with the standards of this Chapter. Multi-family housing means housing that provides four or more dwelling units on a single legal lot and sharing common walls, floor/ceilings, courtyard, playground, parking area, or other communal amenity. Condominiums are considered multi-family housing developments.

3.17.2 Purpose

These standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure proper management and maintenance of common areas.

3.17.3 Design Standards

1. Building Mass Supplemental Standard

The maximum width or length of a multiple family building shall not exceed 200 feet (from end-wall to end-wall).

2. Common Open Space Standard

Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as useable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands (e.g., wetlands, riparian areas, and riparian setback areas/corridors) and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted towards meeting common open space requirements.

3. Trash Receptacles

Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet.

Chapter 3.19 - Large-Scale Developments

Sections:

1. Approvals Process:

a. Large-scale developments meeting subsection (a.), (b.), or (c.) of the definition of a *Large-Scale Development* in this Code shall be processed as a Type III application requiring public notice and review by the Planning Commission.

b. Large-scale developments meeting subsection (d.) of the definition of a *Large-Scale Development* in this Code shall be processed as a Type I application requiring ministerial review by the zoning administrator and other affected city departments.

c. Large-scale developments meeting subsection (d.) and (a.), (b.), or (c.) of the definition of a Large-Scale Development in this Code shall be processed as a Type III application requiring public notice and review by the Planning Commission.

2. General Provisions:

a. No permit will be issued or conditional use permit approved for a use defined as a large-scale development until the zoning administrator or Planning Commission (as applicable) determines that the all applicable sections of this Code have been satisfied.

b. The degree of protection from problems caused by hazardous soils or stormwater runoff which is required by the ordinance is considered reasonable for regulatory purposes. This ordinance shall not create liability on the part of the City of Warrenton or by any officer, employee or official thereof for any damages due to hazardous soils or storm water runoff that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2. Soil Suitability:

a. Unless the City Engineer (Type I) or Planning Commission (Type III) determines that an adequate detailed soil survey has already been undertaken for the entire portion of the site proposed for development, the owner or developer shall have a new soil survey of the site prepared to determine if construction on the site would be hazardous to facilities

on the parcel or to nearby property due to the load bearing capacity of the soils, the potential for wind or water erosion, or the wetness or slop characteristics of the soil.

b. The soil survey shall be performed by a registered geotechnical engineer that is licensed in the State of Oregon.

c. If the detailed soil survey indicates that significant amounts of hazardous soils are in locations desired for development, the developer or owner shall submit a report to the City of Warrenton prepared by a licensed geotechnical engineer which indicates suitable techniques to minimize potential soil hazards to facilities on the parcel or to nearby property.

d. The proposed use will only be approved if:

(1) The detailed soil survey indicates that there is not a significant amount of hazardous soils on the portion of the site proposed for development; or

(2) A method of eliminating hazards which could result from soils on the site prepared by a licensed geotechnical engineer and submitted to the City of Warrenton is acceptable to the Warrenton City Engineer.

e. If a detailed soil survey indicates that corrosive resistant materials are appropriate for pipes or foundations associated with the development, the Warrenton City Engineer may require that suitable materials be used for the pipes or foundations.

3. Storm Water Management:

a. The applicant shall submit a stormwater management plan to the City of Warrenton for review for the proposed development that is prepared by a registered engineer currently licensed in the State of Oregon.

b. The plan will attempt to follow the principal that the water falling on a given site should be absorbed or retained on-site to the extent that after development the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped. Techniques that capitalize on and are consistent with natural resources and processes will be used wherever possible. Holding ponds, permeable parking lot surfaces, and other special methods will, when appropriate, may be necessary for City of Warrenton approval. In part, the intent of the plan should be to minimize the adverse cumulative effects of development in an area on drainage.

c. The plan shall include provisions needed to control water erosion during and after construction associated with the development. Control with vegetation, particularly with plants already on the site, should occur whenever practical. Grade stabilization structures, debris basins, energy dissipators, or other facilities may be required when appropriate. Consistency with Chapter 3.9 of this Code is required.

4. Utilities in General.

a. The applicant shall provide detailed information and analyses, as necessary, to the City of Warrenton to allow the City to assess the expected impacts of the development on the capacity of Warrenton's water, sewer, transportation, and storm water runoff facilities. The development will only be allowed if sufficient capacity exists or suitable evidence indicates it will exist prior to completion of the development construction. In deciding the sufficiency of capacity, consideration will be given to possible increases in flows resulting from activities of existing system users and from facilities which are likely to be built due to the proposed use, but are not part of the development.

b. On-site water supply, sewage disposal, access and circulation, and stormwater runoff facilities must be approved by the Warrenton City Engineer. The development will not be allowed unless satisfactory provisions are made for these facilities. Satisfactory provisions, in part, mean that the size of any water lines, sewer lines, access roads, and drainageways will be sufficient to meet the needs of the development and, where desirable, accommodate growth in other areas. Suitable arrangement — including dedication of land or use of easements — shall be made so that the City will be able to maintain appropriate water, sewer, street, and drainage facilities. The construction of lengthy pressure-forced sewer lines to the site which by-pass undeveloped properties will be discouraged.

c. Utility lines in the development — including electricity, communications, street lighting and cable television — shall be required to be placed underground unless the Warrenton City Engineer determines that soils, topography or other conditions make underground installation unreasonable or impractical. Appurtenances and associated equipment such as surface mounted terminal boxes and meter cabinets may be placed above ground.

d. All utilities shall be installed in conformance with this Code and city construction standards.

5. Schools: Evidence indicating that local schools will be capable of accommodating the children from the development must be submitted in conjunction with proposals for large scale residential developments.

6. Landscape Suitability: The development shall comply with the provisions of a landscape plan which is prepared by a qualified person and is consistent with Chapter 3.2 of this Code.

7. Signs: All signs of any type within the development are subject to design review and approval by the zoning administrator or Planning Commission (Type III). The City shall consider each sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and need for the sign. No sign shall violate provisions in Chapter 3.7.

8. Additional Provisions:

a. The City of Warrenton may charge the applicant additional fees, as necessary, to cover the cost of reviewing surveys, reports, plans, or construction methods required to comply with the provisions of this Code.

b. The City of Warrenton may require the owner or developer to post a performance bond to assure that improvements required to comply with the provisions of this section are completed in accordance with the plans and specifications as approved by the zoning administrator, city engineer, and/or Planning Commission.

c. Proposals for large-scale developments shall be reviewed for consistency with all applicable sections of this Code prior to issuance of a development permit, including grading, filling, or building permits.

d. The standards of this Section are required in addition to development review (Type I) and site design review (Type III) standards of Chapter 4.2.

Chapter 3.20 – Agriculture, Horticulture, and Livestock

Sections:

3.20.1 Standards

1. The City provides for agriculture, horticulture, and livestock uses, subject to the following standards which are intended to provide buffering between these uses and residences:

a. Minimum Lot Size. No livestock shall be kept on any lot less than one acre in area, unless otherwise approved by the Planning Commission.

b. New Farm Structures. New barns, stables, and other buildings or structures used to house livestock shall not be developed closer than 25 feet to any property line.

c. Livestock Enclosure Required. All livestock shall be contained by appropriate fencing and any pens, cages, stables, or barns for maintenance of livestock or poultry or piles of manure, feed and bedding shall be located a minimum of 25 feet from any street or residential lot line in order to minimize odor and nuisance problems.

d. Compliance Required. In addition to these standards and other applicable standards of this code, adherence to all city, county, and state laws, including the city's public nuisance ordinance, is required.

e. Horticulture. Gardens, orchards, and crop cultivation is permitted in all zones unless restricted by other applicable provisions of this code or other laws of the City of Warrenton. Sales areas or retail businesses operated on the premises in conjunction with horticulture operation shall be prohibited unless specifically permitted by the development standards of the applicable zoning district(s).

Chapter 3.21 – Bed and Breakfast Standards

Sections:

3.21.1 Standards

1. In addition to other Code standards that apply, all Bed and Breakfasts in the City of Warrenton shall:

a. Limit the number of guest bedrooms to five;

b. Provide one off-street parking space per guest bedroom;

c. Limit signs to one non-illuminated wall-mounted sign not exceeding six square feet in area;

d. Be established, inspected, and licensed according to State Health Division requirements and/or other applicable state requirements;

e. Attain and maintain a current City of Warrenton business license.

Chapter 4.0 — Applications and Review Procedures

4.0 — Administration of Land Use and Development Permits

4.0.1 Introduction

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.1.2 in Chapter 4.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.