

ORDINANCE NO. 1084-A

Introduced by Commissioner Hellberg

Amending Ordinance 1058-A, the Warrenton Development Code Chapter 2.5 – General Commercial (C-1) District, Chapter 3.0 – Design Standards, Chapter 4.0 – Applications and Review Procedures, and Chapter 4.2 – Development Review and Site Design Review, and declaring an emergency

WHEREAS, certain changes are necessary to revise, update, and amend the City of Warrenton Development Code; and

WHEREAS, the changes that have been incorporated into Ordinance No. 1084-A were presented to the City Planning Commission during a scheduled public hearing on November 9, 2005; and

WHEREAS, the City Planning Commission, after receiving public testimony, and deliberating fully on the proposed changes, voted unanimously to recommend approval of the changes to the City Commission; and

WHEREAS, the City Commission conducted a public hearing on December 20, 2005 on the proposed changes that have been incorporated into Ordinance No. 1084-A; and

WHEREAS, Ordinance No. 1084-A, containing the incorporated changes, was presented to the City Commission on December 20, 2005, for deliberations and possible approval; and

NOW, THEREFORE, The Warrenton City Commission does ordain as attached.

Section 1. The Warrenton Development Code Chapter 2.5 – General Commercial (C-1) District, Chapter 3.0 – Design Standards, Chapter 4.0 – Applications and Review Procedures, and Chapter 4.2 – Development Review and Site Design Review, is amended as shown:

Section 2. Other parts of Ordinance No. 1058-A and all other ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.

Section 3. The Warrenton City Commission having reviewed the present Development Code of the City of Warrenton and the need to regulate land use within the city does hereby determine that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Warrenton, and an emergency is hereby declared to exist, and this ordinance shall become in full force and effect from and after the date it is enacted and signed by the Mayor.

PASSED by the City Commission of the City of Warrenton, Oregon, this 20th day of December, 2005.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 20th day of December, 2005.


GILBERT GRAMSON, Mayor

ATTEST:


EDWARD C. MADERE, City Manager

Chapter 2.5 — General Commercial (C-1) District

Sections:

2.5.100	Purpose
2.5.110	Permitted Land Uses
2.5.120	Conditional Uses
2.5.130	Development Standards
2.5.135	Design Standards
2.5.140	Other Applicable Standards

2.5.100 Purpose

The purpose of the General Commercial Zone is to allow a broad range of commercial uses providing products and services in the Warrenton downtown area, the Hammond business district and marina, and along the Highway 101 corridor.

2.5.110 Permitted Uses

The following uses and their accessory uses are permitted in the C-1 zone if the uses conform to the standards in Section 2.5.130, 2.5.140, 3.2, 4.2 and other applicable Development Code standards, and other City laws:

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin and SW Dolphin Avenues (only) and shall comply with the above noted sections as well as Section 3.04:
 - (1) Personal and business service establishments such as barber or beauty shop, clothes cleaning, or funeral home;
 - (2) Professional, financial, business and medical offices;
 - (3) Retail business establishments;
 - (4) Amusement enterprises such as theater or bowling alley;
 - (5) Technical, professional, vocational and business schools;
 - (6) Membership organizations such as unions, lodge hall, club or fraternal buildings;
 - (7) Eating and drinking establishment;
 - (8) Hotel, motel or other tourist accommodation, including bed and breakfast;
 - (9) Automobile sales, service or repair establishment;
 - (10) Boat and marine equipment sales, service or repair facilities;
 - (11) Building material sales yard
 - (12) Government buildings and uses;
 - (13) Transportation facilities and improvements subject to the standards of Section 2.0.4.

- B. For all other C-1 zoned areas within the City limits of Warrenton, the following uses and their accessory uses are permitted and shall comply with the above noted sections:
 - (1) Personal and business service establishments such as barber or beauty shop, clothes cleaning or funeral home.
 - (2) Professional, financial, business and medical offices.

- (3) Retail business establishments.
- (4) Amusement enterprises such as theater or bowling alley.
- (5) Technical, professional, vocational and business schools.
- (6) Membership organizations such as unions, lodge hall, club or fraternal buildings.
- (7) Eating and drinking establishment.
- (8) Hotel, motel or other tourist accommodation, including bed and breakfast.
- (9) Automobile sales, service or repair establishment.
- (10) Boat and marine equipment sales, service or repair facilities.
- (11) Building material sales yard.
- (12) Duplex subject to standards of Chapters 3.2 (Landscaping), 3.17 (Single-Family Standards) and Section 4.2.4 (Site Design).
- (13) Triplex subject to standards of Chapters 3.2 (Landscaping), 3.17 (Single-Family Standards) and Section 4.2.4 (Site Design).
- (14) Multi-family housing development subject to standards of Chapters 3.2 (Landscaping), 3.18 (Multi-family Standards) and Section 4.2.4 (Site Design).
- (15) Residential home, and residential facility (Care Facilities).
- (16) Home Occupations.
- (17) Boarding, lodging or rooming houses.
- (18) Family day care and day care center.
- (19) Government buildings and uses.
- (20) Public utility structures.
- (21) Hospital, sanitarium, rest home, nursing or convalescent home.
- (22) Congregate care or assisted living facility.

- (23) Single Family Residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
- (24) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.5.120 Conditional Uses

The following uses and their accessory use may be permitted in the C-1 zone when approved under Section 4.4 and shall comply with Sections 2.5.130 thru 2.5.140, 3.2 (Landscaping) and 4.2 (Site Design Review):

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin and SW Dolphin Avenues, and shall comply with the above noted sections and Section 3.04:
 - (1) Cabinet, carpenter, woodworking or sheet metal shops;
 - (2) Processing uses such as bottling plants, bakeries and commercial laundries;
 - (3) Research and development establishments;
 - (4) Wholesale storage and distribution facilities, including cold storage.
- B. The following uses and their accessory uses are permitted in all other C-1 zoned areas within the City limits of Warrenton:
 - (1) Cabinet, carpenter, woodworking or sheet metal shops.
 - (2) Building contractor shops, including plumbing, electrical and HVAC.
 - (3) Fuel oil distributor.
 - (4) Processing uses such as bottling plants, bakeries and commercial laundries.
 - (5) Research and development establishments.
 - (6) Wholesale storage and distribution facilities, including cold storage.
 - (7) Veterinary clinic, kennels.
 - (8) Tool and equipment rental.
 - (9) Mini-warehouses or similar storage uses.
 - (10) Church, synagogue, or other place of worship.
 - (11) Commercial uses with attached residential use(s) (e.g., attached apartment(s) or multi-family dwelling).

2.5.130 Development Standards

The following development standards are applicable in the C-1 zone:

- (1) Density Provisions:
 - a. Minimum lot size, commercial uses: none.
 - b. Minimum lot size, residential uses: Same as in Section 2.4.130.

5

- c. Minimum lot size, multiple-use commercial and residential developments: Based on the residential component: Same as in Section 2.4.130.
- d. Minimum lot width, commercial uses: none.
- e. Minimum lot width at the front building line, residential uses: Same as in Section 2.4.130.
- f. Minimum lot depth, commercial uses: none.
- g. Minimum lot depth, residential uses: Same as in Section 2.4.130.
- h. Maximum building height: 45 feet.
- i. Residential Uses: Maximum Lot Coverage; not more than 55% of the lot area shall be covered by buildings, except as may be permitted by conditional use or variance.
- j. Commercial Uses or Multiple (Mixed Use): Maximum Lot Coverage; None.

(2) Setback requirements:

- a. Minimum front yard setback, commercial uses: none except where adjoining a residential zone, in which case it shall be 15 feet. See next section for maximum front yard setback for commercial uses.
- b. Minimum side and rear yard setbacks, commercial uses: none except where adjoining a residential zone in which case there shall be a visual buffer strip of at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet. Such buffers must conform to the standards in Section 3.2, Landscaping, Trees, Fences and Walls.
- c. Minimum front yard setback, residential uses: 15 feet.
- d. Minimum side yard setback, residential uses: 8 feet.
- e. Minimum corner lot street side yard setback, residential use: 8 feet.
- f. Minimum rear yard setback, residential uses: 15 feet except accessory structures that meet the criteria of Section 5.3.110 may extend to within five feet of a rear property line.
- g. Minimum corner lot rear yard setback, residential uses: 10 feet.

(3) Landscaping requirements shall comply with Chapter 3.2 of the Development Code.

Section 2.5.135 Design Standards

The following Design Standards are applicable in the C-1 zone:

- (1) Any commercial development shall comply with Chapter 3.0 of the Development Code.
- (2) Duplexes and triplexes shall comply with Chapter 3.17 and Section 4.2.4.
- (3) Multi-family housing developments shall comply with Chapter 3.18 and Section 4.2.4.
- (4) Lots fronting onto US Highway 101 shall have a setback of at least 50 feet between any part of the proposed building and the nearest right-of-way line of US Highway 101.
- (5) Signs in General Commercial Districts along Fort Stevens Highway/State Highway 104 (i.e., S. Main Ave., N. Main Ave., NW Warrenton Dr., and Pacific Drive) shall comply with the special sign standards of Section 3.7.4(d).
- (6) Maximum front yard setback for commercial buildings in the C-1 zone along Ft. Stevens Hwy./State Hwy. 104 shall be 10 feet.

2.5.140 Other Applicable Standards

- (1) Outside sales and service areas must be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.
- (2) Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2, and Section 3.4.3.
- (3) All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.
- (4) Signs shall comply with standards in Chapter 3.7.
- (5) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (6) All other applicable Development Code requirements shall also be satisfied.

7

Chapter 3.0 — Design Standards

- 3.0 – Design Standards
- 3.1 – Access and Circulation
- 3.2 – Landscaping, Street Trees, Fences and Walls
- 3.3 – Vehicle and Bicycle Parking
- 3.4 – Clear Vision Areas
- 3.5 – Public Facilities Standards
- 3.6 – Surface Water Management
- 3.7 – Signs
- 3.8 – Wireless Communication Facilities
- 3.9 – Grading, Excavating, and Erosion Control Plans
- 3.10 – Wetland and Riparian Corridor Development Standards
- 3.11 – Columbia River Estuary Shoreland and Aquatic Area
Development Standards
- 3.12 – Impact Assessment and Resource Capability Determination
- 3.13 – Manufactured Home Design Standards
- 3.14 – Manufactured Home Dwelling Park Standards
- 3.15 – Recreational Vehicle Park Design Standards
- 3.16 – Accessory Structure, Accessory Dwelling, Garage, and
Carport Design Standards
- 3.17 – Single-Family Attached, Duplex, and Triplex Design
Standards
- 3.18 – Multi-Family Housing Design Standards
- 3.19 – Large Scale Developments
- 3.20 – Agriculture, Horticulture, and Livestock
- 3.21 – Bed and Breakfast Standards

Chapter 3.0 — Design Standards

- 3.01 Purpose Statement
- 3.02 Applicability
- 3.03 Types of Design Standards
- 3.04 Design Standards for Commercial Development abutting: Highway 101, SE Marlin Ave, and SW Dolphin Ave.

3.01 Purpose Statement

A. Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a property relationship between the taxable value of property and the cost of municipal services.

B. The City Commission declares that the purposes and objectives of the site design requirements and review procedure are to:

1. Assure that development plans are designed in a manner that insures property functioning of the site and maintains a high quality visual environment.
2. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
3. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
4. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;
5. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;
6. Stabilize and improve property values to prevent blighted areas and, thus, increase tax revenues;
7. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.

8. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;

9. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;

10. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

3.02 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.

3.0.3 Design Standards.

The City's development design standards are for the commercial district along Highway 101, SW Dolphin and SE Marlin Avenues.

3.04. Design Standards for Commercial Development abutting:

- (a) Highway 101,
- (b) SE Marlin Ave, and
- (c) SW Dolphin Ave.

3.04.1 Orientation of Buildings - Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.

3.04.2 Natural Features - the property owner/developer is encouraged to protect and incorporate areas of special interests and other natural features such as grade, trees, vegetation and waterways, into the overall site plan. These areas may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

3.04.3 Building Requirements:

- A. Customer Entrances. The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projections, raised corniced parapets over the door, arcades, arches, wing walls, and integral planters are highly encouraged.

- B. Roof Design. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs shall not be allowed.
- C. Materials.
- i. The predominant exterior building materials shall be of high quality materials, including, but not limited to brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products. Simulated material maybe substituted for any of the aforementioned building materials.
 - ii. It is encouraged, that no one single building material shall be used for 100% construction of a building.
 - iii. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T 1-11. Prefabricated steel panels are excluded unless the design and material meets the City's design standards.
 - iv. Metal roof may be allowed if compatible with the overall architectural design of the building.
- D. Architectural Features. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Planning Director.
- E. Building Colors. Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent colors for the facade and/or roof of the building are prohibited except as approved for building trim.
- F. Mechanical Equipment, Outdoor Storage and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides and/or rear of a building, except when a site abuts Highway 101, in which case the said areas shall be located to the sides of the building that do not face Highway 101.
- i. All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight (8") inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

- ii. Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than twenty-five (25%) percent of the enclosure facade.
 - iii. The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- 3.04.4 Community Amenities. Each building shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as: a patio/seating area, water feature, art work or sculpture, clock tower, pedestrian plaza with park benches or other features acceptable to the review authority.
- 3.04.5 Outdoor Lighting. The lighting shall be shielded and directed down into the site and shall not shine or glare onto adjacent property or streets. Light poles, light fixtures and flag poles shall not exceed 25 feet in height.
- 3.04.6 Parking (Pods) Areas. Parking (pods) areas shall be divided by a six (6') foot pathway placed between the two rows of head-on parking stalls, which shall extend the full length of each parking pod. There shall be parking spaces provided for travelers in RVs and travel trailers. This section shall be in compliance with the requirements in WDC Sections 3.4.300 (Walkways in Parking Areas) and 3.3 (Vehicle and Bicycle Parking).
- 3.04.7 Pathways/Walkways from Parking Area to Building Entrance(s) - Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods (areas). The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the buildings(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of 5 feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the International Building code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority; and shall meet the requirements in WDC Section 3.1.3 (Pedestrian Access and Circulation).
- 3.04.8 Landscaping. Landscaping shall meet the requirements in WDC Section 3.2 (Landscaping, Street Trees, Fences and Walls).

2. Commercial District. 15 percent of the site shall be landscaped according to the requirements of this section
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

- 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 healthy plantings of shrubs, flowering plants and/or trees. 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.

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 and razor 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 4.0 — Applications and Review Procedures

- 4.0 – Administration of Land Use and Development Permits
- 4.1 – Types of Applications and Review Procedures
- 4.2 – Site Design Review
- 4.3 – Land Divisions and Lot Line Adjustments
- 4.4 – Conditional Use Permits
- 4.5 – Planned Unit Developments
- 4.6 – Modifications to Approved Plans and Conditions of Approval
- 4.7 – Land Use District Map and Text Amendments
- 4.8 – Code Interpretations
- 4.9 – Miscellaneous Permits (Temporary Use, Home Occupation & Home Office)
- 4.10 – Coastal Zone Consistency Review
- 4.11 – Protection of Historic Buildings
- 4.12 – Protection of Archaeological Sites
- 4.13 – Traffic Impact Study
- 4.14 -- Annexation

- D. Type IV Procedure (Legislative and Map Amendments). Type IV procedures apply to legislative matters and map amendments. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations and comprehensive plan amendments which apply to entire districts). The Type IV procedure is also used for land use district map amendments and comprehensive plan map amendments. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Commission.

Table 4.1.2
Summary of Development Decisions and
Permit by Type of Decision-Making Procedure

Permit Type or Development Decision	Decision-Making Procedure	Code, Statute, or Ordinance Reference
Access Permit	Type I	WDC Chapters 3.1, 4.2, and 4.3
Address Assignment	Type I	City Ordinance No. 359-A
Annexation	Type IV	Section 4.14
Appeal	Type III	WDC Chapter 4.1
Business License	Type I	City Ordinance 857-A
Building Permit	N/A	Uniform Building Code (requires a development or site design review)
Code Interpretation	Type II	WDC Chapter 4.8
Code Amendment	Type IV	WDC Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan Article 20
Conditional Use Permit	Type III	WDC Chapter 4.4
Demolition Permit	N/A	Uniform Building Code
Fill Permit (non-wetland)	Type I	WDC Chapter 3.9 and Uniform Building Code
Floodplain Development Permit	Type I	WDC Chapter 2.17
Flood Zone Determination	Type I	Flood Insurance Rate Maps (FIRM) for Warrenton/Hammond
Grading Permit	Type I	WDC Chapter 3.9 and Uniform Building Code
Hardship (Wetland) Variance	Type III	WDC Chapter 3.10.7
Home Occupation Permit	Type III	WDC Chapter 4.9 and 4.4
Home Office Permit	Type I	WDC Chapter 4.9
Land Partition (Preliminary Plat)	Type II	WDC Chapter 4.3
Land Partition (Final Plat)	Type I (II)	WDC Chapter 4.3
Land Use Compatibility Statement (LUCS)	Type I	WDC and Comprehensive Plan

- (c) A statement explaining the specific issues raised on appeal;
- (d) Filing fee.

(3) The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

- b. Scope of appeal. The appeal of a Type I Ministerial Decision by a person with standing shall be limited to the specific issues raised during the review period, unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type I Ministerial Decision;
- c. Appeal procedures. Type III notice and hearing procedures shall be used for all Type I Ministerial Appeals, as provided in Sections 4.1.5.C - G;
- d. Record of the Public Hearing is subject to Section 4.1.6(M)

E. Appeal to City Commission. The decision of the Planning Commission regarding an appeal of a Type I Ministerial Decision is the final decision of the City unless appealed to City Commission. An appeal to City Commission shall follow the same notification and hearing procedures as for the Planning Commission appeal.

F. Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830.

G. Effective Date. The decision is effective the day after it is final.

4.1.4 Type II Procedure (Administrative)

A. Preapplication conference. A preapplication conference is optional for Type II applications. Preapplication conference requirements and procedures are in Section 4.1.7.

B. Application requirements.

- 1. Application Forms. Type II applications shall be made on forms provided by the City of Warrenton;
- 2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;

(3) The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

b. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 4.1.4.C, unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow such additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II Administrative Decision;

d. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 4.1.5.C - G;

e. Record of the Public Hearing is subject to Section 4.1.6(M)

H. Appeal to City Commission. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Commission. An appeal to City Commission shall follow the same notification and hearing procedures as for the Planning Commission appeal.

I. Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830.

4.1.5 Type III Procedure (Quasi-Judicial)

A. Preapplication conference. A preapplication conference is required for all Type III applications. The requirements and procedures for a preapplication conference are described in Section 4.1.7.C.

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the City of Warrenton;

2. Content. Type III applications shall:

a. Include the information requested on the application form;

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
 - e. Record of the Public Hearing is subject to Section 4.1.6(M)
2. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this section;
 - a. When the planning commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section D is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final

discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
 3. Form of decision. The hearings body shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required;
 4. Decision-making time limits. A final order for any Type I or II Appeal or Type III action shall be filed with the Planning Director within ten business days after the close of the deliberation.
- F. Notice of Decision. Written notice of a Type I or II Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within five business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- G. Final Decision and Effective Date. The decision of the hearings body on any Type I or II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Commission.
- H. Appeal. A Type III decision may be appealed to the City Commission following the same procedure as appeals of a Type II decision (see Section 4.1.4.G). The notification and hearings procedures for appeals of Type III applications shall be the same as for the initial hearing (see Sections 4.1.5C-G).
- I. Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830.

4.1.6 Type IV Procedure (Legislative and Map Amendments)

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a preapplication conference are described in Section 4.1.7.C.

B. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the Planning Director;
2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. Three (3) copies of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

C. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Commission, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Director in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment). For quasi-judicial map amendments only, all property owners within 200 feet of the site;
 - (2) Any affected governmental agency;
 - (3) Recognized neighborhood groups or associations affected by the ordinance;
 - (4) Any person who requests notice in writing;
 - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

- b. Consider the recommendation of the Planning Commission; however, it is not bound by the Planning Commission's recommendation; and
- c. Act by ordinance, which shall be signed by the Mayor after the City Commission's adoption of the ordinance.

H. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified members of the City Commission present is required to decide any motion made on the proposal.

I. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Commission decision is filed with the zoning administrator. The City shall also provide notice to all persons as required by other applicable laws.

J. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

L. Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830.

M. Record of the Public Hearing.

1. The public hearing shall be electronically recorded. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the Planning Director to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices which were given as required by this Chapter.

Chapter 4.2 —Site Design Review

Sections:

- 4.2.1 Purpose
- 4.2.2 Applicability
- 4.2.3 Reserved
- 4.2.4 Site Design Review - Application Review Procedure
- 4.2.5 Site Design Review - Application Submission Requirements
- 4.2.6 Site Design Review Criteria
- 4.2.7 Bonding and Assurances
- 4.2.8 Development in Accordance With Permit Approval

4.2.1 Purpose.

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review.
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
- F. Encourage the conservation of energy resources.
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.2 Applicability.

Site Design Review shall be required for all new, developments and modifications of existing developments, except for regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. This applies to all development within the City limits of Warrenton. Site Design Review ensures compliance with the basic development standards of the land use district (building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

- A. Site Design Review. Site Design Review shall be conducted by:

1. the Planning Director with public notice (Type II); or
2. Planning Commission with a public notice and hearing (Type III). (See Chapter 4.1 for review procedure.)

4.2.3 RESERVE

4.2.4 Site Design Review - Application Review Procedure

A. Site Design Review – Determination of Type II and Type III Applications. Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria:

1. Residential developments with between five (5) and nine (9) dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.3. Residential developments with greater than nine (9) units shall be reviewed as a Type III application.
2. Commercial, industrial, public/semi-public, and institutional buildings (including building additions) with:
 - i. more than, or equal to, 4000 square feet and less than 10,000 square feet of gross floor area using less than two acres of land shall be reviewed as a Type II application,
 - ii. with greater than, or equal to, 10,000 square feet of gross floor area or using two (2) or more acres of land shall be reviewed as a Type III application.
3. Developments involving the clearing and/or grading of two (2) acres or more shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-5 (above) and subsection 6 (below).
4. All developments requiring building permits in designated historic overlay districts shall be reviewed as Type III applications.

4.2.5 Site Design Review - Application Submission Requirements

All (#1 thru #6) of the following information is required for Site Design Review application submittal:

1. Proposed site plan. The site plan shall contain the following information,
 - a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns;
 - b. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

- c. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- d. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- e. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials;
- f. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- g. Loading and service areas for waste disposal, loading and delivery;
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements,
- k. Location, type, and height of outdoor lighting;
- l. Location of mail boxes, if known;
- m. Locations, sizes, and types of signs (shall comply with Chapter 3.7).
- n. The Planning Director may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc
- q. The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
- r. Identification of slopes greater than 10% percent;
- s. The location, condition (paved, gravel unimproved, etc.) and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
- t. Any areas identified as located in a designated floodplain and/or floodway;
- u. Depict any wetland and riparian areas, streams and/or wildlife habitat areas;
- v. Site features such as, pavement, areas having unique views, and drainage ways, canals and ditches;

- w. Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots;
 - x. The location, size and type of trees and other vegetation on the property;
 - y. North arrow, scale, names and addresses of all property owners;
 - z. Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
2. Architectural drawings. Architectural drawings shall be submitted showing the following “a thru c”, and shall comply with Chapter 3.
- a. Building elevations with building height and width dimensions;
 - b. Building materials, color and type.
 - c. The name of the architect or designer.
3. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.4.
4. Landscape plan. A landscape plan is required and shall comply with Chapter 3.2
5. Proposed Sign(s) shall be required in conformance with the City’s Sign Code (Chapter 3.7).
6. Copies of all existing and proposed restrictions or covenants.
7. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.6.

4.2.6 Site Design Review Criteria

The Planning Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- A. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.5, above.
- B. The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions,

density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

- C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
- D. The application complies with the applicable Design Standards contained in Chapter 3.

4.2.7 Bonding and Assurances

- A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;
- B. Release of Performance Bonds. The bond or assurance shall be released when the city engineer finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation. Landscaping shall be installed prior to final building inspections and issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Planning Director, city engineer, planning commission, or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
- D. Business License Filing. The applicant shall ensure that all contractors and sub-contractors, and business occupants of the completed project, whether permanent or temporary, apply for and receive a City business license prior to initiating work on the site or conducting business from the site.

4.2.8 Development in Accordance With Permit Approval

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits.

Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.7. Site Design Review approvals shall be subject to all of the following standards and limitations:

- A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on

Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.

B. Approval Period. Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A grading permit or building permit has not been issued within a one-year period; or
2. Construction on the site is in violation of the approved plan.

C. Extension. The Planning Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original approved site design review plan;
2. The applicant can show intent of initiating construction on the site within the one year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
4. The applicant demonstrates that failure to obtain grading permits and/or building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than two (2) years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.4. A temporary public facility is any facility

are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

- e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

D. Traffic Impact Study Requirements.

1. Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.
2. Transportation Planning Rule Compliance, Section 4.7.6.

4.14 Annexation

- A. Purpose - The purpose of this section is to implement the policies of the City of Warrenton Comprehensive Plan; provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal; provide for dissemination of public information and for sufficient time for public review; provide for City and County coordination of a request for an annexation; and provide for an expedited process by establishing procedures whereby the annexation and zoning, if applicable, may be considered concurrently.

4.14.1 Application Procedure. Annexation is a land use decision and is subject to applicable provisions in the City of Warrenton Comprehensive Plan, Oregon Revised Statutes (ORS 222), and Oregon Administrative Rules (OAR 660-014-0060). In addition, the procedures below shall be followed:

- A. Planning Commission shall conduct a public hearing after notification of all property owners within 200 feet outside of the boundary (ies) of the proposed annexation. The Planning Commission shall review the proposal for compliance with the annexation policies contained in this chapter and make a recommendation to the City Commission, based on:
 1. The Planning Commission shall forward its recommendation and findings to the City Commission.
- B. Upon receipt of the Planning Commission recommendation, the City Commission shall conduct a public hearing and consider an Ordinance declaring the requested lands to be annexed to the City of Warrenton.
 1. The City Commission shall review the record of the Planning Commission public hearing, their recommendation, and shall determine whether to approve, approve with conditions or modifications, or disapprove the feasibility of the proposed annexation in accordance with the criteria set forth in Section 4.14.3.
 2. The City Commission may conduct additional public hearings.
 3. The City Commission shall make findings and declare their decision in writing.

4.14.2. Annexation Application. The petitioner (property owner) for annexation shall complete an application form provided by the Planning Department. The application fee shall be submitted with the application. The application shall include:

- A. A map demonstrating that the proposed annexation is contiguous to the City limits;
- B. Specific information on each parcel within the proposed annexation area;
 - 1. Acreage of property(ies) to be annexed;
 - 2. Map and tax lot(s) number.

4.14.3. Annexation Criteria. Lands may be annexed only if the City Commission finds that the requested annexation complies with ORS 222, OAR 660-014-0060, and the following criteria

- A. Written findings, which address the following:
 - 1. Existing land uses within annexation area;
 - 2. Existing zoning within the annexation area; and
 - 3. Existing improvements:
 - i. water
 - ii. sewer
 - iii. streets
 - iv. storm drainage
 - 4. Special Districts within the area:
 - i. water districts
 - ii. irrigation districts
 - iii. fire district
 - iv. school district
 - v. other
 - 5. Urban services, the present availability of urban service systems to the proposed annexation area, their capacity and cost of extension and/or improvement to urban standards:
 - i. sanitary sewers - streets - parks
 - ii. storm drainage - water
 - iii. fire - power
 - iv. schools - police
- B. Compliance with all applicable policies of the City of Warrenton Comprehensive Plan.
- C. The petitioner has adequately addressed infrastructure supply and demand issues. The annexation is considered timely in that an adequate level of urban services and infrastructure can be provided by the City upon annexation or a plan is in place for the provision of such services or infrastructure in a reasonable period of time.

4.14.4 Application Processing Procedure. The procedures for processing a request for a full and complete annexation shall be:

- A. A completed application with fee is received by the City of Warrenton Planning Department.
- B. The Planning Director shall schedule public hearings before the Planning Commission and the City Commission. Hearings shall comply with Development Code Section 4.1.6. A staff report shall be prepared by the Planning Director addressing the applicant's findings and request to annexation.

