

**Juniper Avenue Subdivision  
Preliminary Plat Application Narrative  
And  
Suggested Findings**

Introduction

Sandridge Construction LLC, the owner of Tax lot 81021CB01500 proposes to subdivide the 3.83 parcel into 12 lots for future construction of single family attached dwellings. The subject property is zoned RGM based on the Clatsop County Webmaps site which requires minimum 8,000 square foot lots pursuant to the linkage of Warrenton Municipal Code 16.121.050.A.1 and WMC 16.28.040.A.1, with allowances for single family attached dwellings to be constructed on lots of 2,500 square feet. The lot areas will vary from 33,160 to 2,713 square feet using the lot size averaging provision of WMC 16.216.020.C. The proposed development would include the usual array of infrastructure designed and constructed to city standards, such as a public access street, sidewalks, potable water, sanitary sewer, storm water facilities, street lights and fire hydrant(s). From the centerline of Juniper Avenue, the proposed street would be 234± to the eastern edge of a 120-foot hammerhead providing access to 4 lots and turnaround capabilities for emergency vehicles and solid waste collection trucks. The eastern (area) is a jurisdictional wetland and will not be disturbed; please see the wetland delineation report attached to the application package which has been concurred with by the Department of State Lands. More detail is presented below.

Suggested Findings

This section presents the applicable sections of the city's development code which are the standards that guide and govern the proposed development. Following each code section is the applicant's response as a suggested finding.

WMC 16.112.030 Growth Management Standards.

The following standards shall apply to development within growth management areas:

- A. All development shall provide the following primary urban services: water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.
  
- B. All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, school, police protection

and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land-use application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.

C. City specifications shall be the standard used as measurement of acceptability of a service.

D. Encourage the development within urban areas before the conversion of urbanizable areas.

*Suggested finding: The full array of urban infrastructure is included in the proposal as discussed above. These include potable water, sanitary sewer, storm water facilities, street lights and fire hydrants, all of which will be designed and constructed to city standards. They will provide access for emergency service vehicles, and a conduit for any children to access public schools which the letter from the Warrenton Hammond School district indicates has the capacity to accommodate. This section is satisfied.* 16.112.050 Land Divisions.

WMC 16.112.050 Land Divisions.

A. All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 16.216). Land divisions which would create a parcel under five acres in size in growth management areas shall be approved only if:

1. The lots created are at R-10 urban densities;
2. Primary and secondary urban services are supplied in accordance with Section 16.28.050;

*Suggested finding: The design of the preliminary plat is based on the standards and densities of the R-10 district, observing the charge of avoiding wetland disturbance and impacts as called for by WMC 16.156. The supply of primary and secondary services is discussed above and will be discussed again below.*

WMC 16.112.060 Cost Allocation.

The cost of providing the required urban services for a particular land use proposal under consideration shall be borne by the applicant or benefited properties unless otherwise authorized by the City Commission.

*Suggested finding: The applicant is aware and acknowledges it will be responsible for all costs of development.*

#### WMC 16.28.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:

- A. Single-family detached, attached or duplex dwelling.

*Suggested finding: The proposal is to create lots for future construction of single family attached dwellings.*

#### WMC 16.28.040 Development Standards.

The following development standards are applicable in the R-10 zone:

- A. Density Provisions.

1. Minimum lot area for residences: 8,000 square feet. Minimum density is five dwelling units per acre.
2. Minimum lot width at the front building line for detached dwelling: 50 feet.
3. Minimum lot area for single-family attached dwelling: 2,500 square feet.
4. Minimum lot width at the front building line for single-family attached dwelling: 25 feet.
5. Minimum lot depth: 70 feet.
6. Not more than 35% of the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance.

- B. Setback Requirements.

1. Minimum front yard setback: 15 feet.
2. Minimum side yard setback: 10 feet.
3. Corner lot minimum street side yard setback: 10 feet.

4. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of a rear property line.
5. Corner lot minimum rear yard setback: 10 feet.

*Suggested finding: As illustrated on the preliminary plat the proposal meets the applicable areal and dimensional standards of sub-paragraph A above and the setback standards presented in sub-paragraph B above. Given the local, state and federal regulatory constraints imposed on the on-site wetlands, the proposal satisfies the minimum density requirements of A.1 above for the developable portion of the property.*

#### 16.120.020 Vehicular Access and Circulation.

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 16.136, Public Facilities Standards.

*Suggested finding: The proposed pavement width exceeds the standard of WMC 16.136.020 Alternative Minimum for local streets. The proposed right-of-way of 46 feet will need a variance from the 50-foot standard; application for this variance accompanies the application package*

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 paragraph 3 of this subsection. 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 paragraph 3 of this subsection.

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Division 2, Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by paragraphs 1 and 2 of this subsection, 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 subsection I of this section.) 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.

*Suggested finding: The driveways to the most westerly lots exceed the corner clearance standard for a local street.*

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 subsection G of this section. 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 subsection I of this section, in order to maintain the required access spacing, and minimize the number of access points.

*Suggested finding: One access point is proposed for each single family attached unit.*

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:

*Suggested finding: As designed, the individual access driveways to each single family attached dwelling abut each other, effectively resulting in attached or shared driveways.*

2. Street Standards. Public and private streets shall conform to the standards of Chapter 16.136, Public Facilities Standards; Section 16.120.030, Pedestrian Circulation; applicable Americans With Disabilities Act (ADA) design standards; City construction standards for streets; and other applicable Development Code sections.

*Suggested finding: The applicant acknowledges this requirement and is discussed further below.*

WMC 16.124.070 New Landscaping.

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

B. Landscaping Plan Required.

9. Other information as deemed appropriate by the Community Development Director. An arborist's report may be required for sites with mature trees that are protected under this chapter and/or Chapter 16.156 of this Code.

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

1. Residential districts: 20% of the site.

*Suggested finding: The applicant recognizes the need for landscape plans and standards and threshold of landscaping in residential zoning districts. These plans can be better evaluated by the owners/builders on each of the 12 lots proposed at the building permit application phase when more detail on the buildings and their foot prints are available.*

#### 16.124.050 Fences and Walls.

Sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. 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 Chapter 16.220, Conditional Use Permits, or Chapter 16.212, Development Review and Site Design Review. Walls built for required landscape buffers shall comply with Section 16.124.030.

B. Dimensions.

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

2. Fences in the General Industrial (I-1) Zone may exceed six 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 four feet in height and fences exceeding six 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 four 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 paragraph 1 of this subsection. Chain-link fences and other open-style fences with at least 50% transparency or open space are allowed a maximum height of six feet within a required front yard setback area.

5. Walls and fences to be built for required buffers shall comply with Section 16.124.030.

6. Fences and walls shall comply with the vision clearance standards of Section 16.120.020.

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.

*Suggested finding: The applicant acknowledges these standards and procedures and will address them in detail with the final design of the retaining walls*

#### 16.124.080 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 16.136, 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 one and one-half inches diameter breast height (dbh) (two 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 Community Development Director 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, groundcover 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-appointed engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

*Suggested finding: As with other landscaping, the applicant believes plans for the selection of species and spacing of street trees is better addressed at the time the subdivision is substantially constructed but not completed. We believe this would be an appropriate condition of approval.*

WMC 16.128.030 Vehicle Parking Standards.

### **Table 16.128.030.A**

#### **Off-Street Parking Requirements**



<b>Residential Uses</b>	<b>Parking Spaces Required</b>
Single-family detached dwelling (including manufactured home on individual lot)	2 spaces
Two- and three-family dwelling	1.5 spaces per dwelling unit
Multifamily and single-family attached dwelling	
Studio units or 1-bedroom units less than 500 sq. ft.	1 space per unit
1-bedroom units 500 sq. ft. or larger	1.5 spaces per unit
2-bedroom units	1.75 spaces per unit
3-bedroom or greater units	2 spaces per unit

*Suggested finding: All units will have 2 parking spaces.*

#### 16.132.010 Clear Vision Areas.

See also Section 16.120.020 and Figure 16.120.020.N.

A. 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.

B. 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.

C. 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:

1. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade;
2. Open-wire fencing that does not obscure sight more than 10% may be a maximum of 48 inches high.

D. The following dimensional requirements govern clear vision areas:

1. The minimum length of street sides of the clear vision triangle shall be 15 feet. See Figure 16.132.010.
2. The minimum vision clearance area may be increased by the Community Development Director, City-appointed engineer, or Planning Commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

*Suggested finding: Landscaping will be designed to comply with the clear vision standard at all driveways and at the intersection of the proposed street and Juniper Avenue.*

WMC 16.136.020 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 16.120, 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 16.272, 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 16.156).

**Table 16.136.010**

**City of Warrenton Street Design Standards**

Type of Street	Standard Requirements or Alternative Minimum	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes <sup>4</sup>	Median/Flex Lane <sup>3</sup>	Bike Lanes (both sides)	On-Street Parking (both sides)	Curb	Planting Strip <sup>3</sup>	Sidewalks
<i>Local Roads</i>										
<b>Local Road</b>	Standard Requirements	60 ft.	36 ft. <sup>6</sup>	12 ft.	None	None	8 ft.	Yes	5 ft.	5 ft.
	Alternative Minimum <sup>2</sup>	50 ft. (48 ft.) <sup>4</sup>	28 ft.	10 ft.	None	None	8 ft. <sup>4</sup>	Yes	5 ft.	5 ft.

Notes:

<sup>1</sup> Width if on-street parking is constructed in place of bike lanes. The travel lane width shall function as a shared roadway and accommodate bikes. On-street parking is not permitted where posted speeds are greater than 35 mph.

<sup>2</sup> The standard design should be provided where feasible. In constrained areas where providing the standard widths are not practical, alternative minimum design requirements may be applied with approval of the City Engineer.

<sup>3</sup> Median/flex lane and planting strips are optional depending on surrounding land use and available right-of-way.

<sup>4</sup> Parking on residential neighborhood streets is allowed and may be allowed on one side only in constrained areas or where approved by the City Engineer, resulting in a curb-to-curb width of 28 feet and overall right-of-way width of 48 feet.

*Suggested finding: Because of the lot width and the applicant's desire to meet the minimum lot depth and front and rear setback standards, a 46-foot right-of-way is proposed together with a 34-foot wide curb to curb street as an alternative minimum local road. A variance is requested for the right-of-way and the argument regarding the variance criteria of WMC 16.272 is discussed in a separate narrative.*

WMC 16.136.040 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 16.112.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City-appointed 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.

*Suggested finding: The drawings submitted show the proposed locations of the public water mains and sanitary sewer. Upon approval of the preliminary plat the applicant will prepare and submit to the City for review and approval construction plans for these facilities.*

#### WMC 16.136.050 Storm Drainage Improvements.

A. General Provisions. The City shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made in conformance with Chapter 16.140, Stormwater and 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-appointed engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City-appointed 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 stormwater 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.

*Suggested findings: The owner will install curbs and gutters in the proposed street to contain stormwater runoff from that impervious surface. A catch basin will be installed in the hammerhead to collect the stormwater which will ultimately be conveyed to a City owned 15-inch pipe along the northern property line. Stormwater from this pipe will continue to be discharged to the wetland on-site. Although there is no easement for the city's stormwater pipe presently, the owner will grant an easement to the City. No effect to stormwater flows either up-stream or down-stream properties is anticipated to result from the proposed subdivision and future residential development. A preliminary stormwater report is included in this submittal*

WMC 16.136.060 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 16.120 and 16.132);
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 Undergrounding Requirement. The standard applies only to proposed land divisions and large-scale developments. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography or existing development conditions.

*Suggested findings: Upon preliminary plat approval, the applicant will collaborate with the utility entities to design for the construction of power and communication facilities underground and otherwise consistent with the standards of this code section.*

*Suggested finding: Acknowledged.*

#### 16.136.080 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 of 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 16.212.040, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments.

*Suggested finding: Acknowledged.*

#### 16.136.090 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-appointed 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 Chapter 16.228, 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-appointed engineer's specifications, for permanent filing with the City.

*Suggested finding: Acknowledged.*

#### Chapter 16.140 STORMWATER AND SURFACE WATER MANAGEMENT

##### 16.152.060 Grading Permit Requirements.

A. Permits Required. Except as exempted in Section 16.152.040, 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 the 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 chapter. 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 5,000 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 5,000 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 2010 Oregon Structural Specialty Code Appendix J, as may be amended.

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 any 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.

1. 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.

2. 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. (Ord. 1175-A § 14, 2013)

*Suggested finding: Engineered Grading Plans for the site were prepared and approved by the City. A preliminary grading permit for the site has been issued and work has commenced. Sheets 4 and 5 of the preliminary plat plan set submitted with this application illustrates the final grading plan proposed for this application. Upon preliminary plat approval, the applicant will submit application for the final grading together with engineered construction plans for the public improvements.*

WMC 16.152.100 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.



*Response: Cuts will be completed per the project geotechnical engineering report as referenced in the grading plans.*

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50% slope) unless the permittee furnishes a soils engineering or 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.

*Response: The project geotechnical engineering report requires permanent cut and fill slopes to be no greater than 1.5H:1V. Cut slopes are designed to conform to the 2:1 requirement.*

#### WMC 16.152.110 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.

*Response: Fills will conform to the project geotechnical engineering report.*

B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two 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 one unit vertical in five units horizontal (20% slope) and the height is greater than five 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 one unit vertical in five 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.

*Response: The project geotechnical engineering report requires permanent cut and fill slopes to be no greater than 1.5H:1V. Fill slopes are designed to conform to that requirement. The grading plans will refer to the project geotechnical engineering report, which describes stripping/organic soil removal, clearing and grubbing, and cut/fill construction requirements.*

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.

*Response: The final grading plan will refer to the project geotechnical engineering report, which describes stripping/organic soil removal. Large rock was not found during the geotechnical investigation; no significant amount of rock is expected to be encountered. If rocks greater than 12" in maximum dimension are found, they will be disposed of off-site or in conformance with this section.*

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

*Response: The geotechnical engineering report details compaction and testing requirements.*

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 one unit vertical in two units horizontal.

*Response: The project geotechnical engineering report requires permanent cut and fill slopes to be no greater than 1.5H:1V. Therefore, proposed fill slopes are designed at 1.5H:1V.*

*Suggested finding: Sheets 5 and 6 of the preliminary plan set illustrates the proposed cuts and fills. All earth movement designs are in compliance with the standards above or the geotechnical report.*

WMC 16.152.120 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 measured 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 two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

The applicant is requesting a variance to this requirement due to spatial and terrain constraints on the south side of property which borders a City owned parcel. The applicant is proposing a 4-foot tall retaining wall placed at the property line and some additional slope as shown on Sheet 5 of the submitted plans. Construction of the wall will require an easement from the City. If needed a permanent easement could also be obtained.

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 two 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.

*The applicant is requesting a variance to this requirement due to spatial constraints on the south side of property in the vicinity of the south arm of the roadway hammer head as shown on Sheet 5 of the preliminary plans. Sloping onto the adjoining property eliminates the need for a not aesthetically pleasing 10-12 foot tall retaining wall along the property line to support the roadway. Either a permanent or, at a minimum, a temporary construction easement from the City is needed.*

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.

*The applicant will have final grading plans reviewed by a geotechnical engineer.*

#### WMC 16.152.130 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 one unit vertical in three units horizontal (33.3% slope).

B. Terraces.

1. Terraces at least six 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.

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

3. 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.

*Response: The proposed cut and fill slopes do not exceed 30-feet in height; therefore, no terracing is proposed.*

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

*Response: No subsurface drainage is proposed as subsurface drainage is not required by the project geotechnical report.*

D. Disposal.

1. 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 non-erosive down-drains or other devices.

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

*Response: The proposed grading will drain in a similar pattern to existing conditions, generally toward existing wetlands on the eastern portion of the property. Protection of an existing storm sewer outfall is shown on the plans. Building pads will be built in conformance to the above requirements.*

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 three 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.

*Response: No interceptor drains are proposed as they were not recommended in the geotechnical report.*

WMC 16.152.140 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.

*Suggested finding: The applicant has secured a Department of Environmental Quality 1200C permit for the preliminary grading and erosion control BMPs have been installed. These BMPs will remain in place and repaired where necessary to control erosion from the final grading activities. Once grading construction of the street and utilities is completed, construction of the dwellings and landscaping will provide the final stabilization of the site.*

WMC 16.152.150 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:

A. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 16.152.070 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 subsurface 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.

B. A report prepared by a soils engineer retained to provide such services in accordance with Section 16.152.070, 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.

*Suggested finding: Acknowledged.*

WMC 16.156.030 Wetland Area Development Standards.

Wetland areas in the City of Warrenton are identified on the 1" equals 400' feet 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 subdivision, partition planned unit development, conditional use, site design review, variance, or temporary building permits that would lead to the disturbance of a wetland upon approval and issuance of grading or building permits, shall include a delineation of the wetland boundary, approved by the Oregon Department of State Lands.

B. Applications to the City of Warrenton for grading or building permits that would authorize development within a jurisdictional wetland boundary approved by the Oregon Department of State Lands shall contain the following:

1. A State of Oregon Wetland Removal-Fill Authorization.
2. Written verification from the Warrenton Community Development Director, or designee, that the affected wetland area is classified as "non-significant" per the *City of Warrenton Locally Significant Wetland Map* dated October 17, 1997. Alternatively, for development in a "significant" wetland, a City of Warrenton Hardship Variance (see Section 16.156.080) must be obtained instead of the Community Development Director's written verification.

C. Applications to the City of Warrenton for subdivision, partition, planned unit development, conditional use, site design review, variance, or temporary building permits that include designs of altering land within 25 feet of a mapped wetland, or 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 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.

D. Applications to the City of Warrenton for subdivision, partition, planned unit development, conditional use, site design review, variance, or temporary building permits, or grading 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 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 delineation of the wetland boundary, approved by the Oregon

Department 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.

E The City of Warrenton will notify the Oregon Department of State Lands of applications for preliminary plat, partition, planned unit development, conditional use, site design review, variance, or temporary building permits, and grading and building permits that appear to affect a wetland on the *City of Warrenton Wetland Conservation Plan Inventory* (Local Wetland Inventory) dated October 17, 1997 or other waters. (Ord. 1183-A § 1, 2013)

*Suggested finding: No work or disturbance of a wetland is proposed, although grading will be conducted within 25 feet of the wetland on site. A copy of the wetland delineation map and concurrence letter from the Department of State Lands is included in the application package.*

WMC 16.184.030 Design Standards.

A. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property lines) shall not exceed eight units or 200 feet (from end-wall to end-wall) whichever is less.

B. 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 stormwater management.

1. The maximum allowable driveway width facing the street is 10 to 24 feet per dwelling unit. The maximum combined garage width per unit is 50% of the total building width. For example, a 24-foot wide unit may have one 12-foot wide garage.

2. 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.

C. 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.

*Suggested findings: The block of 4 units making up the eastern building will be 110 feet long; the remaining 2-unit structures will be 55 feet long. Both are well within the standard of paragraph A above. Driveways for the 4-unit structure would each be 12-feet wide and abut*

*each other, effectively creating a single drive for each 2 units. The garages would be 13 feet wide, less than half of the total unit width. Driveways for the 2-unit structures would similarly abut each other and combined would be 24 feet wide. The garages would be 14-feet wide, again less than half of the individual dwelling total width of 30 feet. No common areas are contemplated.*