

Ordinance No. 1274

Introduced by All Commissioners

AN ORDINANCE AMENDING CHAPTER 16.152 OF THE WARRENTON MUNICIPAL CODE TO MODIFY REGULATIONS ON GRADING, EXCAVATING, AND EROSION CONTROL PLANS

WHEREAS, the City Commission recognizes that public health, safety, and general welfare necessitate the reasonable regulation of grading within Warrenton;

WHEREAS, the current City code has resulted in unintended adverse impacts on neighboring properties which these regulations are designed to address;

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: ~~new~~-deleted)

Section 1. Section 16.152 of the Warrenton Municipal Code is hereby amended as follows:

16.152.040 Exempted Work.

A grading permit is not required for the following:

- A. When approved by the ~~building official~~ **Building Official or their designee**, grading in an isolated, self-contained area if there is no danger **or potential impacts** to private or public property. **The Building Official or their designee may elect to identify proposed minor grading applications as exempt if the applicant is able to convince the reviewer that there is no potential hazard or impacts to the neighbors or the general public (i.e., grading is not adjacent to any property lines, no habitat or vegetation impacts, no changes to existing drainage patterns, no increase in stormwater drainage volumes, no floodplain impacts, no natural resource impacts, or no additional impacts based on criteria as identified in the Engineered Grading or Regular Grading requirements). Erosion control measures shall still be utilized.**
- B. ~~An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not apply to any fill made with the material from such excavation or exempt any structure having unsupported height greater than five feet after completion of such structure.~~ **Agricultural grading related to farm practices as defined ORS 30.930.**
- C. ~~Cemetery graves. Homeowner landscaping activities such as tree/shrub plantings or removal, gardening, landscaping (placement of soil amendments, topsoil, bark or rock coverings) and other similar activities. Grading volumes for such landscaping activities shall be less than 10 cubic yards per year and less than 1-foot in depth/thickness.~~
- D. ~~Refuse disposal sites controlled by other regulations.~~ **Cemetery graves.**
- E. ~~Excavations for wells, tunnels, or utilities.~~ **Refuse disposal sites controlled by other regulations; applicants shall follow all applicable Oregon Revised Statutes (ORS) requirements.**

- F. ~~Mining, quarrying, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.~~ **Excavations for wells, tunnels, or utilities; applicants shall follow all applicable Clatsop County and/or Oregon Revised Statutes (ORS) requirements.**
- G. Exploratory excavations under the direction of **geotechnical (soil)** engineers or engineering geologists.
- H. ~~An excavation which: (1) is less than two feet in depth; or (2) which does not create a cut slope greater than five feet in height and steeper than one unit vertical in one and one-half units horizontal (66.7% slope).~~
- I. ~~A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20% slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.~~

~~Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other chapter of this Code, or other laws or ordinances of the City of Warrenton.~~ **The Building Official or their designee reserves the right to redefine an exempt grading determination and require a grading permit if hazards or potential impacts to neighbors are identified in the future.**

16.152.050 Hazards.

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

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.~~ 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 or their designee**. 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 **and identified erosion control measures**.
 - 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 or their designee.**
- 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:~~ **Engineered Grading. The following shall be designated as "engineered grading" and require an approved grading plan prepared by a civil engineer:**
1. ~~Identification and description of work to be covered by the permit for which the application is made, including estimated quantities of work involved.~~ **Grading activities with cumulative depths greater than one foot, over a five-year period.**
 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.~~ **Grading activities within an Area of Special Flood Hazard as identified on the effective Flood Insurance Rate Maps (FIRMs). Such grading activities shall also be subject to a floodplain development permit.**
 3. ~~Indication of the use or occupancy for which the proposed work is intended.~~ **Grading activities subject to a removal-fill permit from the Oregon Department of State Lands.**
 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.~~ **Grading activities related to a plat or land partition application.**
 5. ~~Applicant's signature.~~ **Grading activities for public improvements.**
 6. ~~Other data as required by the building official.~~

Grading activities which are designated as engineered grading shall conform to the currently adopted Oregon Structural Specialty Code Appendix J, as may be amended.

- C. ~~**Regular Grading Designation. Grading in excess of 5,000 cubic yards shall be permitted in accordance with activities which require a permit but do not fall into the approved grading plan prepared by a civil engineer, and shall be designated as "requirements of "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~~ **Building Official or their designee** determines that special conditions or unusual hazards exist, ~~in which case. In such cases,~~ grading shall conform to the requirements of engineered grading.

- D. ~~Engineered Grading~~ **Application** Requirements. ~~As required by the currently adopted Oregon Structural Specialty Code Appendix J, as may be amended. Each application for a grading permit shall be accompanied by a plan in~~ **of** 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.
- 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.~~

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~~ **Building Official or their designee**. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City. ~~The building official~~ **The Building Official or their designee** 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~~ **Building Official or their designee** may require professional inspection and testing by the ~~soils~~ **geotechnical** engineer. When the ~~building official~~ **Building Official or their designee** has cause to believe that geologic factors ~~hazards or geotechnical concerns~~ may be involved, the grading will be required to conform to engineered grading. **The Permittee shall be responsible for all fees associated with such professional services.**

16.152.070 Grading Inspection.

- A. General. Grading operations for which a permit is required shall be subject to inspection by the ~~building official~~. **Building Official or their designee**. Professional inspection of grading operations, **including erosion control measures**, shall be provided by the civil engineer, ~~soils~~ **geotechnical** engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the ~~building official for regular grading~~ **Building Official or their designee for regular grading**. **The Permittee shall be responsible for all fees associated with such professional services.**
- B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the ~~course of the work~~, they shall be prepared by the civil engineer.
- C. ~~Soils~~ **Geotechnical** Engineer. The ~~soils~~ **geotechnical** engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The ~~soils~~ **geotechnical** engineer **or its representative** shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved ~~soils~~ **geotechnical** engineering and engineering geology reports shall be submitted to the permittee, ~~building official~~ **Building Official or their designee**, and the civil engineer.
- D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the ~~soils~~ **geotechnical** engineer.
- E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor, and the ~~building official~~. **Building Official or their designee**. In the event of changed conditions, the permittee shall be responsible for informing the ~~building official~~ **Building Official or their designee** of such change and shall provide revised plans for approval.
- F. Building Official. The ~~building official~~ **Building Official or their designee** shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- G. Notification of Noncompliance. If, ~~in the course of~~ **while** fulfilling their respective duties under this chapter, the civil engineer, the ~~soils~~ **geotechnical** engineer, or the engineering geologist finds that the work is not being done in conformance with this

chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the ~~building official~~ **Building Official or their designee**.

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

16.152.090 Bonds.

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

16.152.110 Fills.

- A. General. Unless otherwise recommended in the approved ~~soils~~ **geotechnical** engineering report, ~~fills~~ **fill activities** shall conform to the provisions of this section. In the absence of an approved ~~soils~~ **geotechnical** engineering report, these provisions may be waived for minor fills not intended to support structures.
- B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 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~~ **geotechnical** 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~~ **geotechnical** engineer or engineering geologist or both as a suitable foundation for fill (**see; Figure 1 - Slope Calculation Matrix**).

Slope Ratio	Decimal Equivalent	Percentage Grade	Angle (degrees)
1:1	1.0	100.0%	45.00°
1:2	0.5	50.0%	26.57°
1:3	0.33	33.3%	18.43°
1:4	0.25	25.0%	14.04°
1:5	0.20	20.0%	11.31°
1:6	0.17	16.7%	9.46°

1:7	0.14	14.3%	8.13°
1:8	0.13	12.5%	7.13°
1:9	0.11	11.1%	6.34°
1:10	0.10	10.0%	5.71°

Figure 1 - Slope Calculation Matrix

- C. **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the ~~building official~~ **Building Official or their designee**, 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~~ **Building Official or their designee** 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~~
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 ensure filling of all voids with well-graded soil.**
- D. **Compaction.** All fills shall be compacted to a minimum of 90% of maximum density **or as directed by the geotechnical engineer of record for the project.**
- 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. **(see; Figure 1 - Slope Calculation Matrix).**
- F. **Fill Compaction Report.** The engineer or its representative shall provide a copy of a fill compaction report to the **Building Official or their designee.**
- 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.
 - 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~~ **Building Official or their designee** 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 following:

1. **Additional setbacks.**
 2. **Provisions for retaining walls.**
 3. **Mechanical or chemical treatment of the fill slope surface to minimize erosion.**
 4. **Provisions for the control of surface waters.**
- D. Modification of Slope Location. The ~~building official~~ **Building Official or their designee** may ~~approve~~ **require** additional setbacks. The ~~building official~~ **Building Official or their designee** may **also** require investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. **A report of such investigation shall be provided to the Building Official or their designee.**

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; **see Figure 1 - Slope Calculation Matrix**).
- 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, **at least** 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~~ **Building Official or their designee**. 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 **drainage area** exceeding 13,500 square feet (projected) without discharging into a down drain.
- C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- D. Disposal.
1. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the ~~building official~~ **Building Official** or other appropriate ~~jurisdiction as designee~~ **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, **riprap**, or other devices.

2. Building pads shall have a drainage gradient of two percent toward approved drainage facilities unless waived by the ~~building official~~. **Building Official or their designee**. 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.

- 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~~. **Building Official or their designee**.

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~~-**geotechnical** engineer **or its representative** 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~~-**Geotechnical** engineers shall submit a statement **to the Building Official or their designee** that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved ~~soils~~-**geotechnical** engineering report and applicable provisions of this chapter.

Section 2. This Ordinance will take effect 30 days after its adoption by the Warrenton City Commission.

First Reading: January 27, 2026

Second Reading: February 10, 2026

ADOPTED by the City Commission of the City of Warrenton, Oregon this **10** day of **Feb,** 2026.

APPROVED


Henry A. Balensifer, Mayor

Attest:


Hanna Bentley, City Recorder