

City of Astoria
Development Code

ARTICLE 1

BASIC PROVISIONS

1.010. TITLE.

This Code shall be known as the Development Code of the City of Astoria.

1.020. PURPOSE.

The purposes of this Code is to promote orderly city growth; to conserve and stabilize the value of property; to encourage the most appropriate use of land; to establish standards for population density; to provide adequate open space for light, air, and appropriate landscaping; to facilitate fire and police protection; to avoid traffic congestion; to provide for community facilities; and to promote and protect the public health, safety, convenience, and general welfare.

1.030. INTERPRETATION.

If the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by another provision of this Code or of any other Ordinance of the City, the provision which is more restrictive shall govern.

1.040. SEVERABILITY.

The provisions of this Code are severable. If any section, sentence, clause, or phrase of this Code is judged by a court to be invalid, the decision shall not affect the remaining portions of this Code.

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1.100. ESTABLISHMENT OF COMMISSIONS.

- A. There is hereby created a Planning Commission.
- B. There is hereby created a historic Landmarks Commission.

1.101. ESTABLISHMENT OF DESIGN REVIEW COMMITTEE.

There is hereby created a Design Review Committee whose responsibilities are limited to the Gateway Overlay Area.

(Section 1.101 added by Ordinance 98-04, 5-4-98)

1.103. PURPOSE AND DUTIES OF THE DESIGN REVIEW COMMITTEE.

- A. The purpose of the Design Review Committee is to evaluate the design of proposed projects based on established design review guidelines in Sections 14.020 through 14.030. The Committee will function in compliance with the procedures of Article 9 of the Astoria Development Code.

- 1. Review of Uses Permitted Outright.

- When reviewing the design proposal for a Use Permitted Outright, the Design Review Committee will have the authority to make a decision on the request. That decision shall be appealable to the City Council.

- 2. Review of Conditional Uses.

- When reviewing the design proposal for a Conditional Use, the Design Review Committee will serve as an advisory body and will have the authority to make a recommendation to the Planning Commission. When the Committee action is limited to making a recommendation to the Planning Commission, the recommendation is not subject to appeal. A final decision on the part of the Planning Commission is, however, appealable to the City Council.

(Section 1.103 added by Ordinance 98-04, 5-4-98)

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1.105. MEMBERSHIP.

A. The Planning Commission and Historic Landmarks Commission shall each consist of seven members to be appointed by the City's Mayor, and such additional ex officio, nonvoting members as the City Council may from time to time determine are necessary. The following apply to each the Planning Commission and the Historic Landmarks Commission.

1. Not more than two members may be nonresidents of the City.

B. The Design Review Committee shall consist of five members to be appointed by the City's Mayor, and such additional ex officio, non-voting members as the City Council may from time to time determine are necessary. The following apply to the Design Review Committee.

1. The Design Review Committee shall consist of five individuals and will include of a builder, a design professional (architect, landscape architect, building designer, or artist), a businessperson, a citizen representative, and a Historic Landmarks Commission representative.

2. Not more than one member may be a nonresident of the City.

(Section 1.105(B) added by Ordinance 98-04, 5-4-98)

C. The following shall apply to each the Planning Commission, Historic Landmarks Commission, and Design Review Committee.

1. Each member of the Commission or Committee shall hold office for four (4) years. Terms of Commission or Committee members shall be staggered so that not more than two positions will expire in any one year. Members may be reappointed. Ex officio members shall hold their office at the pleasure of the City Council. Not more than two City officials shall be ex officio, non-voting members in accordance with ORS 227.020.

2. A vacancy on the Commission or Committee, whether by death, resignation or removal by the Mayor, shall be filled for the unexpired term.

3. A member may be removed by the Mayor at the Mayor's discretion.

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4. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.
5. A member of the Commission or Committee shall not participate in any Commission or Committee proceeding or action in which any of the following has a direct or substantial financial interest: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understand concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission or Committee where the action is being taken.
6. Members of the Commission or Committee receive no compensation.

(Section 1.105(C) amended by Ordinance 98-04, 5-4-98)

1.110. OFFICERS.

The Commission or Committee, at its first meeting in January each year, shall elect a president and a vice-president, who shall hold office at the pleasure of the Commission or Committee.

(Section 1.110 amended by Ordinance 98-04, 5-4-98)

1.115. SECRETARY.

The Commission or Committee shall elect a secretary who need not be a member of the Commission or Committee. The secretary shall keep an accurate record of all Commission or Committee proceedings.

(Section 1.115 amended by Ordinance 98-04, 5-4-98)

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1.120. MEETINGS.

A. Quorum.

1. Four voting members shall constitute a quorum for the Planning Commission or Historic Landmarks Commission.
2. Three voting members shall constitute a quorum for the Design Review Committee.

B. Procedures.

The Commission or Committee may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the City Charter and this Code. The Planning Commission and Historic Landmarks Commission should meet at least once per month. The Design Review Committee should meet as needed.

C. Special Meetings.

Special voting meetings may be called at any time by the President or by three members by notice to each member of the Commission or Committee at least 24 hours before the time specified for the proposed meeting, as defined in ORS 192.640.

D. Voting.

At a minimum, a quorum must vote on any issue, and the concurrence of a majority of a quorum shall be required to affirmatively decide any matter before the Commission or Committee. A tie shall be a denial.

(Section 1.120(D) added by Ordinance 96-10, 8-19-96)

(Section 1.120 amended by Ordinance 98-04, 5-4-98)

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1.125. POWERS AND DUTIES.

A. The Planning Commission may:

1. Recommend and make suggestions to the City Council and to all other public authorities concerning:
 - a. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
 - b. Betterment of housing and sanitation conditions;
 - c. Establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development.
 - d. Protection and assurance of access to incident solar radiation; and
 - e. Protection and assurance of access to wind for potential future electrical generation or mechanical application.
2. Recommend to the City Council and other public authorities plans for regulating the future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.
3. Recommend to the City Council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.
4. Advertise the industrial advantages and opportunities of the City and availability of real estate within the City for industrial settlement.
5. Encourage industrial settlement within the City.
6. Make economic surveys of present and potential industrial needs of the City.
7. Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.
8. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to ORS 227.170, ORS 227.175, ORS 227.180, and this code.

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9. Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within six miles thereof.
10. Recommend to any person or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person or public authority. Such recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by this Code, by the laws of the State of Oregon or by City ordinance. Any person or public authority having charge of the construction, placing or designing of buildings or other structures and improvements may call upon the Planning Commission for a report thereon.
11. The Planning Commission shall also have all the powers which are now, or may hereafter, be given to it under the general laws of the State of Oregon.

B. The Historic Landmarks Commission may:

1. Enforce Article 6, Historic Properties;
2. Study, determine and, where appropriate, designate those landmark areas of the City of Astoria, Oregon, which are worthy of consideration of receiving the designation of historic landmark or district;
3. Promulgate and recommend the adoption of rules and regulations for adopting and maintaining historic landmarks, and historic districts;
4. Serve as an advisory board concerning historic buildings and sites to the City Council, Planning Commission, and other public or private agencies on matters relating to preservation of such buildings and sites;
5. Prepare information and materials for the purpose of assisting persons and property owners in conforming to the intent and purpose of Article 6, Historic Properties;
6. Promote the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration, and protection of historic landmarks.
7. The Historic Landmarks Commission shall also have all the powers which are now, or may hereafter, be given to it under the general laws of the State of Oregon.

1.135. EMPLOYEES AND EXPENSES.

The Commissions or Committee may employ consultants for advice on municipal problems, a secretary and such clerks as may be necessary, and incur other necessary expenses, including necessary expenses of its members in the performance of their duties as members of the Commissions or Committee, out of funds placed at the disposal of the Commissions or Committee, as authorized by the City Council.

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(Section 1.135 amended by Ordinance 98-04, 5-4-98)

1.140. EXPENDITURES.

The Commissions or Committee shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as provided in this Article, and then only after the City Council first authorizes such expenditures by ordinance or resolution which shall provide the administrative method by which said funds shall be drawn and expended.

(Section 1.140 amended by Ordinance 98-04, 5-4-98)

1.145. RECOMMENDATIONS TO CITY COUNCIL.

All recommendations made to the City Council by the Commissions or Committee shall be in writing.

(Section 1.145 amended by Ordinance 98-04, 5-4-98)

1.200. COMPREHENSIVE PLAN REVIEW AND POLICY.

The Astoria Comprehensive Plan contained in Section 10:CP.005 to 10:CP.470 of the Astoria City Code expresses the basis for the growth and direction of the City of Astoria, establishes policy and compliance in areas of Statewide concern, and will be reviewed periodically for updating and to respond to the changing needs and desires of the City. The Astoria Comprehensive Plan will be implemented by regulations contained in the Astoria Development Code.

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1.210. COMPREHENSIVE PLAN BACKGROUND REPORTS.

The City of Astoria Comprehensive Plan Background Reports are hereby adopted as the factual basis of the Comprehensive Plan as required by ORS Chapter 197. These Reports are hereby adopted by this reference, the original documents of which are on file in the office of the Community Development Director of the City of Astoria. The Background Reports include the following inventories and information:

- A. Shorelands and Estuary Section (1978)
(Oregon Statewide Planning Goal 17)
- B. Economic Element (1978)
(Oregon Statewide Planning Goal 9)
- C. Housing Element (1978, 1989)
(Oregon Statewide Planning Goal 10)
- D. Historic Preservation (1978, 1991)
(Oregon Statewide Planning Goal 5)
- E. Parks, Recreation and Open Space Element (1978, 1991)
(Oregon Statewide Planning Goal 5)
- F. Public Facilities Element (1978, 1991)
(Oregon Statewide Planning Goal 11)
- G. Transportation (1978)
(Oregon Statewide Planning Goal 12)
- H. Air, Water and Land Quality (1978)
(Oregon Statewide Planning Goal 6)

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- I. Geological and Flood Hazards (1978)
(Oregon Statewide Planning Goal 7)
- J. Energy Conservation (1978)
(Oregon Statewide Planning Goal 13)
- K. Forest Resources (1978, 1991)
(Oregon Statewide Planning Goal 5)
- L. Natural Resource Considerations (1981, 1991)
(Oregon Statewide Planning Goal 5)

1.220. ASTORIA WATERFRONT PLANNING STUDY.

There is hereby adopted by this reference, the Astoria Waterfront Planning Study, dated June, 1990, the original document of which is on file in the office of the Community Development Director of the City of Astoria.

1.230. ASTORIA WATERFRONT REVITALIZATION PLAN.

There is hereby adopted by this reference, the Astoria Waterfront Revitalization Plan, adopted by the City Council on February 20, 1986, the original document of which is on file in the office of the Community Development Director of the City of Astoria.

1.235 ASTORIA TRANSPORTATION SYSTEM PLAN.

There is hereby adopted by this reference, the Astoria Transportation System Plan, adopted by the City Council on November 15, 1999, the original document of which is on file in the office of the Community Development Director of the City of Astoria.

(Section 1.235 added by Ordinance 99-22, 11-15-99)

1.240 ASTORIA TRAILS MASTER PLAN.

There is hereby adopted by this reference, the Astoria Trails Master Plan, adopted by the City Council on March 20, 2006, the original document of which is on file in the office of the Parks and Community Services Director of the City of Astoria.

(Section 1.240 added by Ordinance 06-04, 6-19-06)

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1.300. ESTABLISHMENT OF ZONES.

For the purpose of this Code the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designations</u>
Aquatic One Development	A-1
Aquatic Two Development	A-2
Aquatic Two A Development	A-2A
Aquatic Conservation	A-3
Aquatic Natural	A-4
Attached Housing/Health Care	AH-HC
Attached Housing/Mill Pond	AH-MP
Neighborhood Commercial	C-1
Tourist Commercial	C-2
General Commercial	C-3
Central Commercial	C-4
Education/Research/Health Care Campus	CA
Columbia River Estuary Shoreland Overlay	CRESO
Family Activities	FA
Flood Hazard Overlay	FHO
General Industrial	GI
Gateway Overlay	GO
Health Care	HC
Hospitality/Recreation	HR
Institutional	IN
Land Reserve	LR
Local Service	LS
Maritime Heritage	MH
Planned Development	PD
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Marine Industrial Shorelands	S-1
General Development Shorelands	S-2
Tourist Oriented Shorelands	S-2A
Natural Shorelands	S-5
Sensitive Bird Habitat Overlay	SBHO

(Section 1.300 amended by Ordinance 94-11, 9-19-94; amended by Ordinance 98-04, 5-4-98)

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1.310. ZONING MAP.

The boundaries of the zones established by this Code are indicated on a map entitled "Land Use and Zoning Map of the City of Astoria, Adopted 1992", which is hereby adopted by reference. Zone boundaries may be changed by zoning map amendments which may be adopted by reference. The zoning map or zoning map amendments shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the originally adopted "Land Use and Zoning Map of the City of Astoria" shall be maintained without change in the office of the Community Development Director.

1.320. ZONE BOUNDARIES.

Unless otherwise indicated on the zoning map, zone boundaries are section lines, subdivision lines, lot lines, or the center lines of streets or railroad right-of-ways or such lines extended.

1.330. ANNEXATIONS.

All territory annexed to the City of Astoria shall, at the time of annexation, be classified as indicated on the land use and zoning map, or will be changed concurrently to another zoning designation. Annexations will only be carried out for lands within the Urban Growth Boundary.

1.340. COMPLIANCE.

A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Code permits.

1.350. MAINTENANCE OF MINIMUM REQUIREMENTS.

No lot, area, yard, or off-street parking area existing on or after the effective date of this Code shall be reduced below the minimum requirements of this Code, unless authorized by a legally granted variance.

1.360. AUTHORIZATION OF SIMILAR USES.

The Planning Commission may rule that a use not specifically permitted in a zone shall be permitted in a zone if it is similar to the permitted uses in the zone, if its effect on adjacent properties is substantially the same as the permitted uses, and if it is not specifically designated as a permitted use in another zone.

1.400. DEFINITIONS.

As used in this Code or in the interpretation of this Code, the following terms shall have the meanings indicated:

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ABUTMENT: A substructure composed of stone, concrete, brick or timber supporting the end of a single span bridge or the ends of a multi-span superstructure and, in general, retaining or supporting the approach embankment placed in contact therewith.

ACCESSORY RENTAL UNIT: *(Deleted by Ordinance 04-10, 11/1/04)*

ACCESSORY DWELLING UNIT: An accessory dwelling unit is one additional subordinate or auxiliary living unit in an existing large, older house. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling.

(Added by Ordinance 04-10, 11/1/04)

ACCESSORY STRUCTURE OR USE: A structure or use incidental and subordinate to the main use and located on the same lot as the main use.

ACCRETION: The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

ADJACENT: Contiguous to, including those properties which would share an edge or boundary if there were no intervening streets, alleys or other rights-of-way.

ALLEY: A street which affords only a secondary means of vehicular access to the property.

ALTERATION: A change, addition, or modification of a structure, appurtenance, object, sign, or site, which affects the exterior appearance of the structure, appurtenance, object, sign or site, excluding landscaping, routine maintenance, and exterior painting of buildings. Alteration to a sign, excluding content, shall include but not be limited to the size, shape, method of illumination, position, location, materials, construction or supporting structure of the sign.

AQUACULTURE: The raising, feeding, planting and harvesting of fish, shellfish, aquatic plants, or other aquatic organisms, including associated facilities necessary to engage in the use.

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AQUATIC AREA: In the Columbia River Estuary, the tidal waters and wetlands, and the land underlying these waters. The upper limit of aquatic areas is the upper limit of aquatic vegetation or, where such a line cannot be accurately determined, Mean Higher High Water.

ARTS AND CRAFTS STUDIO: Facility used by artists and crafts persons and up to two assistants for the production of arts and crafts, and which are not open to the public for retail sales.

ATTACHED ACCESSORY BUILDING: Structures that share one or more common vertical walls.

(Added by Ordinance 04-10; 11/1/04)

AUTOMOTIVE SALES OR SERVICE ESTABLISHMENTS: Businesses engaged in the storage, sales, or servicing of automobiles, trucks, recreation vehicles, or other vehicles. Gasoline service stations are not included in this category.

AUTOMOTIVE SERVICE STATION: Any premises used primarily for retail sales of oil, auto accessories, and as a secondary service, minor servicing, excluding body and fender repair. Gasoline service stations are not included in this category.

AUTOMOTIVE WRECKING YARD: Any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered or stored in the open and are not to be restored to operation.

AVULSION: A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

AWNING: A temporary or movable shelter which may or may not contain signage, supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework. Backlit awnings are not included in this category.

BACKLIT AWNING: An awning that is specifically designed to illuminate the surface of an awning after dark, and made of a material that enhances or facilitates projection of light.

BANKLINE ALTERATION: Realignment of a stream bank or the entire stream, either within or outside of its normal high water boundaries.

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BANNER: A piece of non-rigid material attached by one or more edges to a pole, staff, building or other device intended to draw attention to a building or site for commercial or non-commercial purposes.

BASEMENT: The lowest story of a structure, below the main floor and wholly or partly below the surface of the ground.

BEACH: Gently sloping areas of loose material(e.g. sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or land form, or to the line of vegetation.

BEACH NOURISHMENT: Placement of sand material on actively eroding beach sites identified in the Dredged Material Management Plan to maintain the historic beach profile. Beach nourishment does not include creation of new land area or beaches and must provide for the protection of estuarine resources (including habitat, nutrient, fish, wildlife, and aesthetic resources). Dredged material may be used for beach nourishment.

BED AND BREAKFAST: Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which provides a morning meal.

BOARDING OR ROOMING HOUSE: A building where lodging with or without meals is provided for compensation for not less than three nor more than fifteen persons in addition to members of the family occupying the buildings.

BOAT HOUSE: A floating or pile-supported structure used for the protection and storage of a boat or boats.

BOAT RAMP: An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

BRIDGE CROSSING: The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

BRIDGE CROSSING SUPPORT STRUCTURES: Piers, piling, abutments, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

BUILDING FRONTAGE: The lineal frontage of a building along a public street, waterway, or parking lot, excluding alleys. In cases of building frontage on a parking lot, the frontage must contain a public entry to a building. Where a business or other enterprise occupies a portion of a building, lineal frontage is based on the footage occupied by that business or activity. (See Section 8.120(D)).

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BUILDING LINE: A line established by an ordinance to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement. For lots contained in an official subdivision plat recorded before December 7, 1961, the building line may be taken as shown therein.

BUILDING OFFICIAL: As used in the Uniform Code for the Abatement of Dangerous Buildings, is the Public Works Director of the City of Astoria.

BULK PLANT: An establishment where commodities, including both liquids and solids, are received by tank vessel, pipelines, tank cars, tank vehicle or other container, and are stored or blended in bulk for distribution by tank vessel, pipeline, tank car, tank vehicle or container.

BULKHEAD: A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

BUSINESS INCUBATOR: A business incubator is a place where newly created firms and/or individuals interested in starting their own businesses are concentrated in a limited space and are provided with an array of business support resources and services. Its aim is to improve the chance of growth and rate of survival of these firms and individuals by providing on-site management support individually focused on their marketing, general management, finance and accounting problems. Facilities provided by incubators generally are subsidized with increasing rental rates over time. These facilities generally have common areas for office space, technology support services and conference rooms. Generally new firms must apply to participate in the incubator program, and when accepted, are supported in developing their business plans, obtaining financing/working capital (loans/investments) and generating sales. The main goal is local economic development and job creation.

(Added by Ordinance 02-03, 2-4-02)

BUSINESS SERVICE ESTABLISHMENTS: Businesses primarily engaged in rendering services - other than professional, educational, repair, or contract construction services - to other business establishments. These services include, but are not limited to: employment services, advertising services, consumer credit and reporting services, collection services, mailing services, and building maintenance services.

CANOPY: A removable roof-like structure attached to a building, including, but not limited to metal awnings and mansard roofs.

CITY: The City of Astoria, Oregon.

CLINIC: A building or portion of a building containing offices and facilities for out-patients only, providing one or more of the following services: medical, dental, or psychiatric.

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CLUSTER DEVELOPMENT: A development technique wherein house sites or structures are grouped closer together with the remainder of the tract left in its natural state or as open space. Refer to Section 11.160. (*Amended by Ordinance 95-05*)

COASTAL SHORELANDS: Those areas immediately adjacent to the ocean, estuary, and its associated wetlands. Coastal Shorelands are limited in landward extent by the coastal shorelands boundary, described in Astoria Comprehensive Plan area plans.

COMMUNICATION FACILITIES: Power and communication lines and towers, antennas and microwave receivers.

COMMUNICATION SERVICE ESTABLISHMENTS: Businesses primarily engaged in communications activities, including: newspaper and printing services, television and radio services, and telephone and telegraphy services.

COMPATIBLE NON-HISTORIC NON-CONTRIBUTING STRUCTURE: Structures in this classification were built after the end of the secondary development period, but are compatible architecturally, and in scale, use of materials and detailing with the context and historic character of Primary and Secondary buildings within a historic district.

COMPREHENSIVE PLAN: The comprehensive development plan for the City comprising plans, maps or reports, or any combination thereof, relating to the future economic and physical growth and development or redevelopment of the City.

CONDOMINIUM: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common area, and facilities are owned by all the owners on a proportional, undivided basis. (*Added by Ordinance 95-05*)

CONGREGATE CARE: A single or multiple structure, assisted living facility which provides semi-independent living for the elderly or handicapped persons, consisting of small apartments with common eating, recreational or therapy facility. Such facility may or may not be licensed by the State of Oregon. Such facilities are distinct from Residential Facilities in that they are intended to serve more than 15 persons.

COURT: An open, uncovered and unoccupied space contained within or completely surrounded by buildings.

DAY CARE CENTER: A day care facility which provides day care in any setting for any number of persons, excluding family day care centers and residential homes.

DESIGN REVIEW: A process of review whereby the Historic Landmarks Commission evaluates new construction, or the alteration of buildings, structures, appurtenances, objects, signs, sites and districts for appropriateness.

DIKE: With regard to flood protection, a structure designed and built to prevent inundation of a parcel of land by water. With regard to dredged material disposal, a structure consisting of

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sediments, rock, or other material designed to contain the dredged material and allow for settling of solids in a specific area while it is being deposited and after deposition has occurred.

DOCK: A pier or secured float or floats for boat tie-up or other water use.

DREDGED MATERIAL: Sediment, gravel and other solids removed from an aquatic area.

DREDGED MATERIAL DISPOSAL: The deposition of dredged materials in aquatic or land areas. Methods include land disposal (deposition in specific land areas or on the tops and landward sides of flood protection dikes) and in-water disposal (including beach nourishment, flowlane disposal, estuarine open water disposal, and ocean disposal).

ESTUARINE OPEN-WATER DREDGED MATERIAL DISPOSAL: All types of in-water dredged material disposal within the estuary which do not fall into the classifications of flowlane disposal, beach nourishment, sump disposal, and disposal to provide fill material for an approved aquatic area fill project.

FLOWLANE DREDGED MATERIAL DISPOSAL: Deposition of dredged material in or adjacent to a natural or maintained navigation channel in an area where the prevailing sediment transport will carry the material down-stream.

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DREDGING: The removal of sediment or other material from an aquatic area for the purpose of deepening the area, obtaining fill material, or mining and mineral extraction.

DREDGING, MAINTENANCE: Dredging of a channel, basin, or other water-dependent facility, or for tidegate maintenance, which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary overdredging.

DREDGING, NEW: Dredging a channel, basin, or other water-dependent facility that has not been dredged before; deepening an existing dredged channel, basin, or other water-dependent facility beyond its previously authorized or approved depth; dredging a channel, basin, or other water-dependent facility that has not been in use or operation in the past five years.

DRIFT RIGHT: A specific area or section of river that has been cleared of snags and sunken debris and is shared and actively maintained by a group of fishermen as their fishing grounds.

DUCK SHACK: A structure having no permanent water or sewage treatment connection which is used to store recreational equipment meant for hunting waterfowl and not exceeding 500 square feet on a float or pier not exceeding 750 square feet. Occupancy by a single individual of a duck shack shall be strictly limited to 15 days of any consecutive 30-day period.

DWELLING: One or more rooms designed for permanent occupancy by one family.

SINGLE-FAMILY: A free-standing building containing one dwelling unit.

TWO-FAMILY: A free-standing building containing two dwelling units. May include two-unit rowhouses or duplexes, either renter-occupied or owner-occupied. (*Amended by Ordinance 95-05*)

MULTI-FAMILY: A building containing three or more dwelling units. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied. (*Amended by Ordinance 95-05*)

DWELLING, ATTACHED HOUSING: A dwelling which is designed or used exclusively for the occupancy of one family which is attached to one or more separately owned dwellings by common vertical walls. This definition includes but is not limited to zero lot line dwellings, town houses, condominiums, and row houses. (*Added by Ordinance 98-04, 5-4-98*)

EDUCATIONAL SERVICE ESTABLISHMENTS: Businesses primarily engaged in education, including: vocational and trade schools, business and stenographic schools, art and music schools, dancing schools, and correspondence schools.

EFFLUENT: With regard to water quality, treated or untreated liquid entering the estuary from a point source. With regard to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.

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ELECTRONIC MESSAGE CENTER: A sign whose message or display consists of patterns of lights changing at intermittent intervals, such as time and temperature signs.

EMERGENCY: With respect to the Columbia River Estuary, emergency conditions are limited to:

- a. Severe shoreline, bankline or dike erosion during a storm event or a high tide that threatens property or public safety; or
- b. Oil or hazardous waste spills subject to US Coast Guard Captain of the Port (COTP) authority; or
- c. A 100 year (or less frequent) flood event; or
- d. Flooding caused by a tsunami, or extreme sedimentation, such as that caused by the eruption of Mt. St. Helens.

ESTUARINE ENHANCEMENT: An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: estuarine water; inter-tidal areas; and submerged lands. For regulatory purposes, the Columbia River Estuary extends to the western edge of Puget Island on the Oregon side, to the Wahkiakum-Cowlitz County line on the Washington side, and to the head of tide for all tributaries.

FAMILY: An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit and no more than four additional persons, who need not be so related, who live together as a single household unit.

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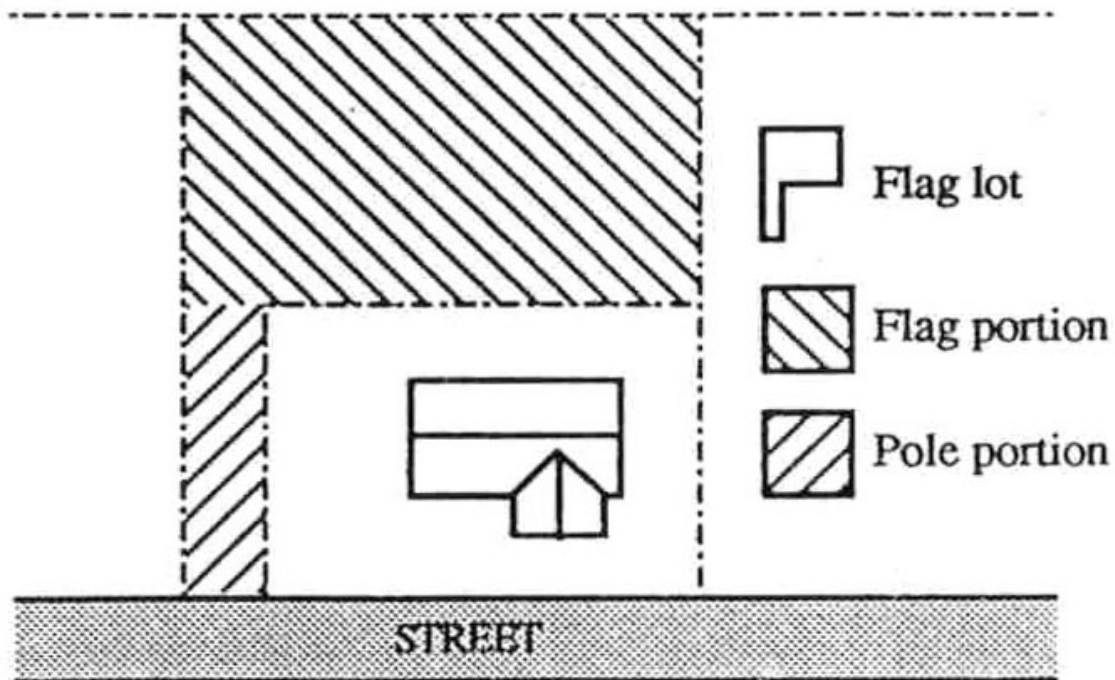
FAMILY DAY CARE CENTER: A day care center which provides day care in the provider's home in the family living quarters to no more than 12 persons, regardless of age, or full-time or part-time status, including family members of the provider. This includes family day care providers as specified in ORS Chapter 418.

FENCE: An accessory structure, including landscape planting, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.

FENCE, SIGHT-OBSCURING: A fence or evergreen planting arranged to obstruct vision.

FILL: the placement by man of sand, sediment, or other material, to create new land or to raise the elevation of land.

FLAG LOT: A lot located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the street for an access drive. There are two distinct parts to a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street.



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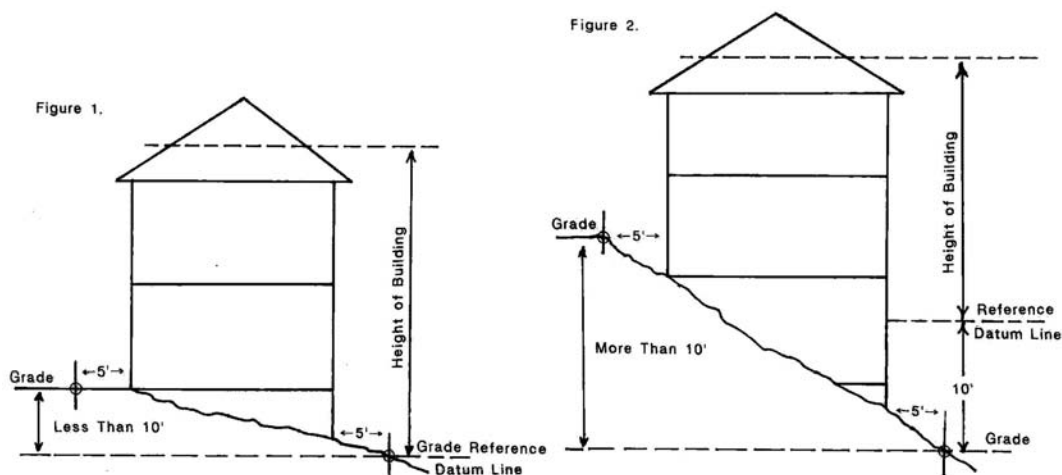
FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a duck shack or other similar recreational structure designed for temporary use. It is not equivalent to a boat house, designed for storage of boats.

FLOOR AREA: The sum of gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line of walls separating two buildings, but not including:

- a. Attic space providing headroom of less than seven feet.
- b. Basement, if the floor above is less than six feet above grade.
- c. Uncovered steps or fire escapes.
- d. Private garages, carports or porches.
- e. Accessory off-street parking or loading spaces.

GASOLINE SERVICE STATION: A place or station selling motor fuel and oil for motor vehicles; selling, servicing and installing tires, batteries and accessories, and other related products.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.



GROSS AREA: The total usable area, including accessory space dedicated to such things as streets, easements, and uses out of character with the principal use, but within a unit of area being measured.

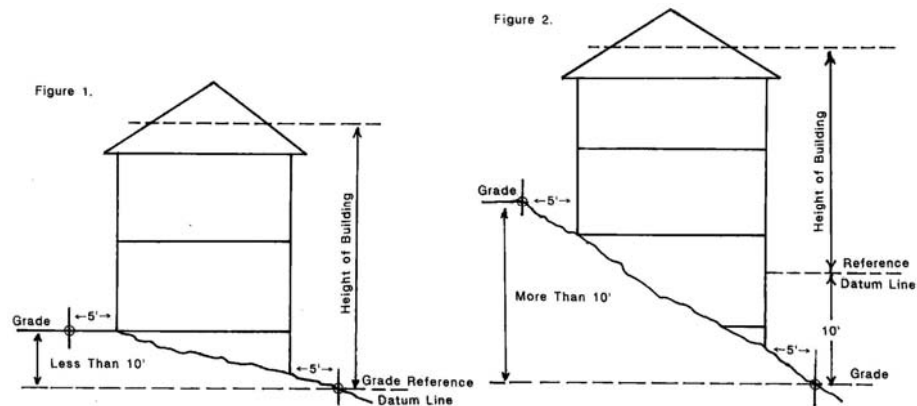
City of Astoria
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GROUP HOUSING: Dwelling in which no more than 15 individuals reside who do not require treatment, excluding Residential Facility and Residential Home.

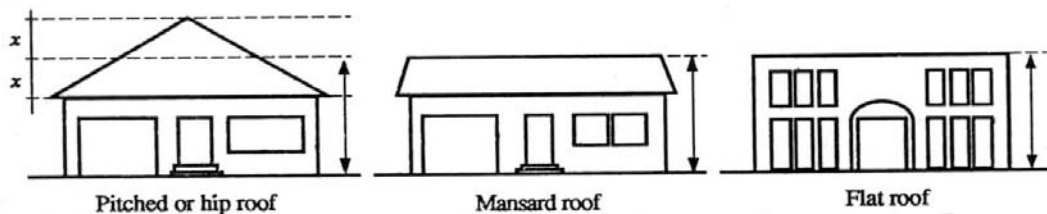
HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the declination of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height (see Figure 1):

- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (Note: Also see definition of "Grade".)
- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (Note: Also see definition of "Grade".)

MEASURING HEIGHT IN FEET



Measuring Height – Roof Types



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HISTORIC DISTRICT: A relatively compact, definable geographic area possessing an obvious concentration, linkage or continuity of buildings and sites united by past events, architectural styles, or other physical features illustrative of the community's historic development, consistent with and conforming to the standards of the National Register of Historic Places.

HISTORIC LANDMARK: An individual building, site, or object worthy of official recognition due to its age, its physical features, architectural merit, or association with persons which helped to shape the history of Astoria; buildings should be at least 50 years old.

HISTORIC MARKER: A sign erected or maintained by public authority or by a recognized historical society or organization identifying sites, buildings, districts or structures of recognized historical or architectural value.

HISTORIC NON-CONTRIBUTING STRUCTURE: Structures in this classification were built during either the Primary or Secondary periods, but have been so altered that their historic and/or architectural character has been lost to view. Alterations of buildings in this classification are not deemed irreversible, and if restored, these buildings may qualify for reclassification as Primary or Secondary.

HISTORIC PRESERVATION: The process of sustaining the form and extent of a structure or site essentially as it now exists. It aims at halting further deterioration and providing structural stability but does not contemplate significant rebuilding.

HISTORIC PRESERVATION OFFICER: The City Staff person appointed by the City Manager to provide Staff support to the Historic Landmarks Commission.

HISTORIC PRIMARY SIGNIFICANT CONTRIBUTING STRUCTURE: Structures in this classification represent the primary period of construction and economic development within a neighborhood or other defined geographic area and reflect the building styles at that time.

HISTORIC REHABILITATION: The process of returning property to a state of utility through repair or alteration, which makes possible an efficient contemporary use. Those portions of the property which are important in illustrating historic and cultural values are preserved or restored.

HISTORIC RESTORATION: The process of accurately recovering the form and details of a property as it appeared at a particular period of time by means of removal of later work and the replacement of missing original work.

HISTORIC SECONDARY SIGNIFICANT CONTRIBUTING STRUCTURE: Structures in this classification represent the second significant period of construction and economic development within a neighborhood or other defined geographic area and reflect the building styles of that time.

HOME OCCUPATION: An occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or in an adjacent structure.

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HOME STAY LODGING: A tourist accommodation with no more than two (2) bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.

HOSPITAL: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

HOTEL: A building in which lodging is provided for guests for compensation.

INCIDENTAL USE: A use that is in conjunction with, and smaller than the main part of the operation.

INDOOR FAMILY ENTERTAINMENT: A facility which provides entertainment for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, and similar facilities.

IN-KIND: With respect to mitigation, a term used to describe an action that is designed to duplicate, to the degree practicable, habitat characteristics that are lost or impaired by a development action.

INN: A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which provides a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions.

INTERTIDAL: Between extreme low tide and the landward limit of aquatic vegetation.

IN-WATER DREDGED MATERIAL DISPOSAL: Deposition of dredged materials in an aquatic area. Methods include beach nourishment, flowlane disposal, estuarine open-water disposal, in-water sump disposal, agitation dredging and ocean disposal.

JUNK YARD: Any property used for breaking up, dismantling, sorting storing, distributing, buying, or selling scrap, waste material, or other junk.

KENNEL: A lot or building in which four but not more than 50 dogs or cats at least four months of age are kept commercially for board, propagation, training or sale.

LAND DISPOSAL: Deposition of dredged material on uplands or shorelands, including on the to and landward sides of flood control dikes.

LAND TRANSPORTATION FACILITIES: Highways, railroads, bridges and associated structures and signs which provide for land transportation of motorized and/or non-motorized vehicles (excluding logging roads).

LANDSCAPING: Preservation, planting and maintenance of trees, shrubs, groundcovers, and lawns, and associated walkways, benches, decks, fences, fountains, sculptures, courts or plazas in the proportions specified by the landscaping Code.

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LIGHT MANUFACTURING: An enterprise involved in the manufacturing of goods or products which require minimal primary processing and which have minimal off-site impacts in terms of noise, glare, odor, air and water pollution.

LOG DUMP/SORT AREA (in-water): The use of an area to transfer logs to or from the land to water, normally associated with log storage/sort yards, log booming or processing/shipping facilities where rafts are built or dismantled.

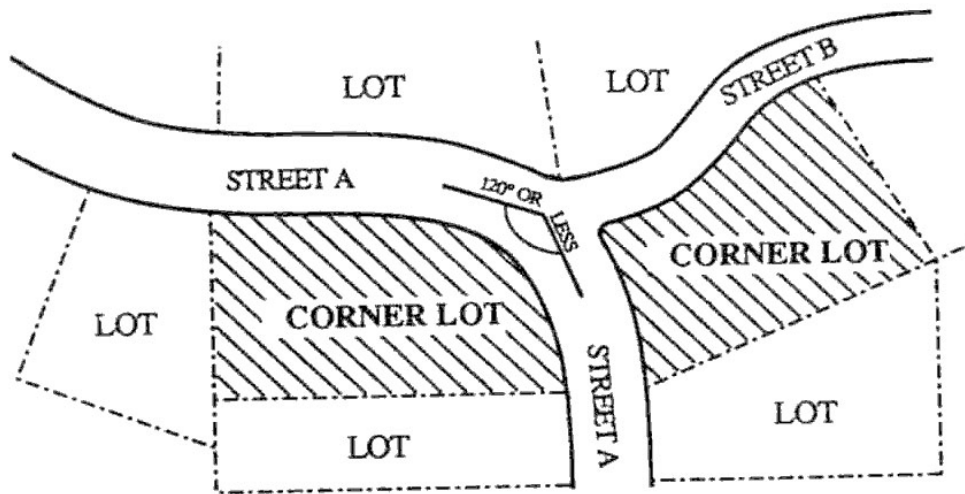
LOG STORAGE (in-water): The use of water surface area to store commercial logs in rafts until ready for market.

LOG STORAGE/SORTING AREA (dry land): An area where logs are gathered from surrounding harvest areas, weighed, sorted for species, size and quality, and stored until ready for transfer to water storage areas or to market.

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LOT: A parcel or tract of land as shown on a legally recorded plat of a subdivision, or a parcel or tract of land under one ownership.

CORNER: A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot.



INTERIOR: A lot other than a corner lot.

THROUGH: An interior lot having frontage on two streets.

LOT AREA: The total area of a lot measured in a horizontal plane within the lot boundary lines.

LOT COVERAGE: The portion of a lot expressed as a percentage of the total lot area that is occupied by the principal and accessory buildings, including all decks, and other projections except eaves.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

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Development Code

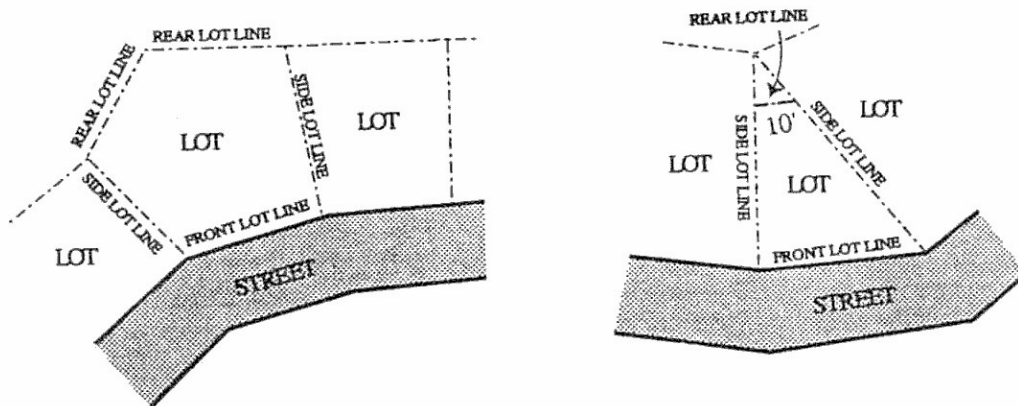
LOT LINE: The property line bounding a lot.

FRONT: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. On a flag lot, the front line is considered to be the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag.

REAR: The property line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

SIDE: Any property line not a front or rear lot line.

Lot Lines on Irregular Lots



LOT WIDTH: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MAINTENANCE AND REPAIR: Routine upkeep of an existing structure or remedial restoration of a damaged structure. Maintenance and repair may involve changes in the structure's location, size, configuration, orientation, or alignment if those changes are limited to the minimum amount necessary to retain or restore its operation or function or to meet current building or engineering standards.

MANUFACTURED DWELLING: A manufactured dwelling is a building or structure not subject to the Uniform Building Code Structural Specialty Code adopted pursuant to ORS 455.100 to ORS 455.450, and is one of the following:

MANUFACTURED HOME: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human

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occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards regulations in effect after June 16, 1976, and not conforming to the Uniform Building Code.

MOBILE HOUSE: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 16, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

PARK UNITS: A park unit is a small, single-wide, manufactured dwelling designed for permanent occupancy and does not include recreation vehicles.

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

MANUFACTURED DWELLING PARK: Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City.

MARINA: A facility which provides moorage, launching, storage, supplies and a variety of services for recreational, commercial, and fishing vessels. They are differentiated from individual docks and moorages by their larger scale, the provision of significant landside services or the use of a solid breakwater (rock, bulkhead, etc.).

MARQUEE: A permanent roof-like structure projecting horizontally from and attached to a building.

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MARSH: Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purpose of this definition, these areas must have one or more of the following attributes:

- a. At least periodically, the land supports predominantly hydrophytes; and/or
- b. The substrate is predominantly undrained hydric soil.

MICROWAVE RECEIVING DISH: Any conical or dish shaped device or structure used for receiving television or other telecommunication signals transmitted from satellites or earth based transmitters. Microwave receiving dishes may also be known as "Television Receive Only" (TVRO) dishes, "Satellite Direct Service" (SDS) dishes, "Multi-Distance Service" (MDS) dishes and "Earth Stations".

MINI STORAGE: A building or group of buildings in a controlled access compound that contains various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

MINING AND MINERAL EXTRACTION: The removal for economic use of minerals, petroleum resources, sand gravel or other naturally occurring materials from shorelands or submerged lands.

MITIGATION: The reduction of adverse affects of a proposed development project in wetlands or aquatic areas by considering, in the following order:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- c. Rectifying the impact by repairing, rehabilitation, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operation; and
- e. Compensating for the impact by creation, restoration, or enhancement of wetlands to maintain their functional processes, such as natural biological productivity, habitats, and species diversity, unique features and water quality. Any mitigation action or combination of actions involves monitoring with remedial follow up if necessary.

MODULAR HOME: A dwelling unit manufactured off-site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the Uniform Building Code.

MOORAGE: Piling or a dock or both used to secure a boat or barge.

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MOTEL: Same as "Hotel".

NAME PLATE: A sign identifying the name, occupation or both of an occupant of the property.

NAVIGATION AIDE: Beacon, buoy, range marker and other objects providing directional assistance.

NAVIGATION IMPROVEMENTS, MINOR: Alterations necessary to provide water access to existing or permitted uses including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

NAVIGATIONAL STRUCTURE: Jetty, groin, pile dike, breakwater, and other in-water structures designed to change or moderate hydraulic characteristics.

NON-COMPATIBLE NON-CONTRIBUTING STRUCTURE: Buildings in this classification were built after the end of the secondary development period and are not compatible architecturally with the context and historic character of the district.

NONCONFORMING USE: A nonconforming use is a use that legally conformed with applicable Development Code regulations when it first occurred but, due to amendments to those regulations, no longer complies with regulations which apply to it.

NON-TOURIST ORIENTED: A use or business which devotes at least 50% or more of its gross floor area to uses or activities which are not open or physically accessible to the public, or are not reasonably expected to be of interest to visitors.

NURSING HOME: A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both for a period exceeding 24 hours or two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and care for the sick.

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OCEAN FLOODING: The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

OFF-SITE: With respect to mitigation, an area separated from the impact area that offers a potential set of environmental conditions that are partially or entirely different from the original conditions occurring at the impact area.

ON-SITE: With respect to mitigation, an area near the impact area that offers a reasonable opportunity to emulate the same environmental conditions lost to a development action (e.g. salinity regime, tidal elevation or flood regime, temperature regime, proximity to propagules, and substrate type).

OUT-OF-KIND: With respect to mitigation, an action that is designed to replace a set of habitat characteristics that have been impaired or lost due to a development action with a different set of habitat characteristics that are considered to be equally desirable by the regulatory resource agencies.

OPEN SPACE OR OPEN AREA: Land area that is not occupied by buildings, structures, parking areas, streets, or alleys, excluding approved driveways. Open space or open area may be devoted to landscaping or preservation of natural features.

OWNER: Those individuals, partnerships, corporations or public agencies holding fee simple title to property, or a purchaser under a recorded instrument of sale. Owner does not include those holding easements, leaseholds, or purchasers of less than fee interest.

PARKING SPACE: An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connects with a street or an alley which affords ingress and egress for automobiles.

PENNANT: Any flag tapering to a point or swallowtail and used for identification or signaling.

PERSON: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

PERSONAL SERVICE ESTABLISHMENT: Business primarily engaged in providing services involving the care of a person or pet, including laundering and dry cleaning services, beauty and barber services, grooming, garment alterations, and funeral homes.

PILING/DOLPHIN INSTALLATION: The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, vessels or log rafts, or for other purposes. A dolphin is a group of piling held together by steel cable and used for mooring vessels, log rafts or floating structures.

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PORTABLE ACCESSORY STRUCTURE OR OBJECT: A structure or object which is not permanently attached to the ground, but which requires location on the ground; and which is more than 12” in height; and that is not used or intended to be used for dwelling or storage or coverage (for humans or equipment) purposes. Examples include but are not limited to: picnic tables, basketball hoops, dog houses, skate board ramps, and similar structures or objects. *(Added by Ordinance 01-05, 5-7-01)*

PORTABLE SIGN: Any sign designed to be placed on the ground, and attached to a frame which is self supporting, and which is not affixed to a building, structure, pole, or other item of permanent support. *(Added by Ordinance 00-11, 12-4-00)*

PRIMARY: See "Historic Primary Significant Contributing Structure".

PROFESSIONAL SERVICE ESTABLISHMENTS: Businesses primarily engaged in providing services such as the following: medical and other health services; legal services; engineering and architectural services; accounting, auditing, and bookkeeping services; real estate services; and financial services.

PUBLIC USE: A structure or use intended or used for a public purpose by a city, school district, county, state, or by any other public agency or by a public utility.

RECREATION: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction. Coastal Recreation occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.

LOW-INTENSITY: Does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

HIGH-INTENSITY: Uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

RECREATION VEHICLE PARK: A facility which is designed for occupancy by RV, camping trailers, tents, or other personal transient lodging facility and are not designed for permanent occupancy exceeding 90 days.

REPAIR SERVICE ESTABLISHMENT, MAJOR: Business primarily engaged in repairing items and which undertakes no more than a minimal amount of manufacturing. A major repair service establishment has more than 3,000 square feet of gross floor area.

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REPAIR SERVICE ESTABLISHMENT, MINOR: Business primarily engaged in repairing items and which undertakes no more than a minimal amount of manufacturing. A minor repair service establishment has 3,000 square feet or less gross floor area.

RESIDENTIAL FACILITY: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to ORS 443.460 which provides residential care alone or in conjunction with training or treatment or a combination thereof for six (6) to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to ORS 443.825 which provides residential care alone or in conjunction with training or treatment or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RESOURCE ENHANCEMENT: The use of artificial or natural means to improve the quantity or quality of a specific resource.

RESTORATION: (Estuarine Related) Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began. Active Restoration involves the use of specific remedial actions, such as removing fills, installing water treatment facilities, rebuilding deteriorated urban waterfront area or returning diked areas to tidal influence. Passive Restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RESTORATION AS MITIGATION: For the purposes of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

RETAIL SALES ESTABLISHMENTS: Businesses, including a restaurant or bar, which are primarily engaged in selling merchandise to customers for personal, household or farm use. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes.

RETIREMENT CENTER: A housing facility designed specifically for residents 55 years of age or older.

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RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

RIPRAP: A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

ROUTINE MAINTENANCE: Includes cleaning, landscaping, painting and minor repairs, not including the removal or replacement of architectural elements or details which would significantly alter the historical integrity of the building.

ROWHOUSE: One of a continuous row of dwellings having a uniform or nearly uniform architectural style, and having at least one common wall with its neighbor. (*Added by Ordinance 95-05*)

SANDWICH BOARD: (*Deleted by Ordinance 00-11, 12-4-00*)

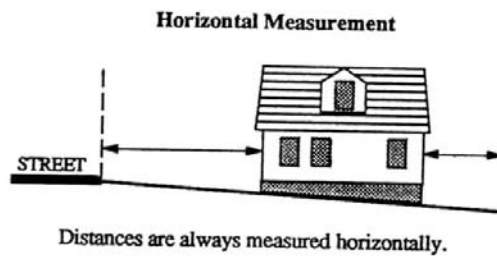
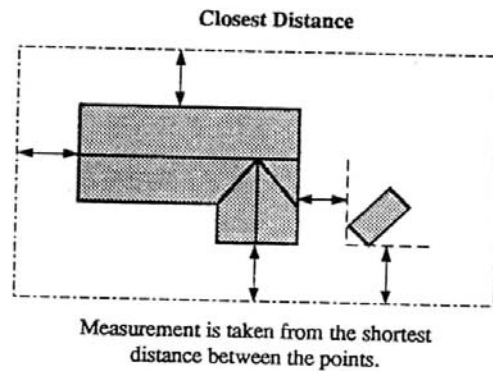
SECONDARY: See "Historic Secondary Significant Contributing Structure".

SEMI-PUBLIC USE: A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization, excluding lodges or clubs which have eating or drinking facilities.

SHOPPING CENTER: A group of stores sharing common off-street parking facilities and leasing or sharing a common property ownership.

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SETBACK: The minimum distance required between a structure and a lot line.



SHORELAND AREAS: The lands and nontidal wetlands along the estuary shore. Shoreland designations extend waterward to the upper limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water.

SHORELAND RESOURCES, SIGNIFICANT: Significant shoreland resources are described in subarea plans, and are included in Oregon jurisdiction Coastal Shorelands Boundaries. Significant shoreland resources include significant nontidal wetlands, significant shoreland fish and wildlife habitat, significant riparian vegetation, exceptional aesthetic resources and coastal headlands.

SHORELINE: The boundary line between a body of water and the land, measured on tidal waters at the landward limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water; and on non-tidal waterways at the ordinary high water mark.

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SHORELINE STABILIZATION: The protection from erosion and sloughing of the banks of tidal and nontidal streams, rivers, lakes or estuaries by vegetative or structural means.

VEGETATIVE SHORELINE STABILIZATION: Use of plants that anchor the soil to prevent shoreline erosion and sloughing.

STRUCTURAL SHORELINE STABILIZATION: Use of riprap, bulkheads, seawalls or other non-vegetative material to prevent shoreline erosion.

SIGN: Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, structure, or land and which conveys a message.

ABANDONED SIGN: A sign pertaining to a business or occupant whose products or services or noncommercial messages have ceased to be offered to the public or ceased to be in effect on said premises for a period of more than 90 days.

CORNER SIGN: A sign projecting from the corner of a building.

DETERIORATED SIGN: A sign which the Building Official determines is deteriorated or dilapidated, or which may constitute a threat to public safety.

DIRECTIONAL SIGN: A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

FLASHING SIGN: A sign incorporating artificially reflected light which does not maintain a stationary or constant intensity or color at all times when in use.

FREESTANDING OR GROUND SIGN: A sign which is supported by one or more upright poles, or other support structure, and which is not attached to a building, but not including sandwich boards.

HISTORICAL SIGN: A sign designated to be historical in nature by the Historic Landmarks Commission.

MARQUEE SIGN: A sign which is painted on, attached to or supported by a marquee.

NONCONFORMING SIGN: A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

PEDESTRIAN SIGN: A sign which is placed under an awning or marquee.

PORTABLE SIGN: Any sign designed to be placed on the ground, and attached to a frame which is self supporting, and which is not affixed to a building, structure, pole, or other item of permanent support. *(Added by Ordinance 00-11, 12-4-00)*

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PROJECTING SIGN: A sign, other than wall signs, which is attached to or project from a structure or building face, usually perpendicular to the building face, although it may project from the corner of a building.

ROOF SIGN: Any sign erected upon, against, or directly above a roof, on top of or above the parapet of a building.

TEMPORARY SIGN: A sign which is not permanently affixed. All devices such as banners, pennants, flags (not including flags of national, state or city governments), searchlights, curb signs, balloons or other air or gas-filled balloons.

WALL SIGN: A sign attached to or erected against the wall of a building with the face in a parallel plane to the building wall.

WINDOW SIGN: Any sign located inside, affixed to or within three (3) feet of the window panes of a building, whether removable or permanent that remains in place for more than a period of 14 days.

SIGN STRUCTURE: A structure specifically intended for supporting or containing a sign.

SITE FRONTAGE: The lineal frontage of a site on a public street, excluding alleyways.

STORY: That portion of a building included between a floor and the ceiling above it which is six feet or more above grade. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar will be considered a story.

STREET: The entire width between the right-of-way lines of a public way and includes the terms "road", "highway", "avenue", "alley", and other similar designations.

STRUCTURAL ALTERATION: Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders or any structural change in the roof or in the exterior walls.

STRUCTURAL ALTERATION, SIGN: Modification of the size, shape or height of a sign structure. This also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

STUDIOS, ARTS AND CRAFTS: Facilities used by artists and crafts persons and up to two assistants for the production of arts and crafts, and which are not open to the public for sales.

SUBTIDAL: Below the level of extreme low tide.

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SUMP DREDGED MATERIAL DISPOSAL, IN-WATER: Deposition of dredged materials in a temporary in-water holding area and subsequently rehandling the material to place it on a land disposal site.

SUPERMARKET: Any retail store over 5,000 square feet whose normal items consist of produce and groceries, but may sell other items.

TEMPORARY ESTUARINE ALTERATION: Dredging, filling, or other estuarine alteration occurring over a specified short period of time which is needed to facilitate an allowed use. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include:

- a. Alterations necessary for Federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance);
- b. Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and
- c. Minor structures (such as blinds) necessary for research and educational observation.

TEMPORARY USE: A use or activity involving minimal capital investment that does not result in the permanent alteration of the site or construction of new buildings, and is removed from the site within one year, unless otherwise extended.

TIDEGATE: A device placed in a dike or dam that allows the passage of water through a culvert in a single direction.

TIDAL MARSH: Tidal wetlands vegetated with emergent vascular plants lying between extreme low tide and landward limit of aquatic vegetation.

TOURIST ORIENTED SALES OR SERVICE: A use or business which devotes 50% or more of its gross floor area to uses or activities which are open or physically accessible to the public, and are reasonably expected to be of interest to visitors.

TRANSPORTATION FACILITY: Highway, street, road, railroad, bridge and associated structures which provide for land transportation of motorized and/or non-motorized vehicles (excluding logging roads).

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

UTILITIES: Towers, facilities and lines for communication and power transmission; waste water treatment plants; storm water and treated waste water outfalls, including industrial; and major water, sewer and gas lines.

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VISION CLEARANCE AREA: A triangular area of a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are not lines measured from their corner intersection for a distance specified in Section 3.045 of this code. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

WALL GRAPHICS: Any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence which does not identify a business or product, or carry a commercial or non-commercial message, excluding historical signs.

WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

WATER-DEPENDENT COMMERCIAL ACTIVITY, LOW INTENSITY: Commercial activities are actions taken in conjunction with a use or to make a use possible. Commercial activities generally do not in and of themselves result in a specific use, but rather in conjunction with a variety of uses for business and trade purposes. Water-dependent commercial activities are those which can be accomplished only on, in, or adjacent to water areas and are activities requiring water access for transportation, recreation, energy production, or as a source of process water. Low-intensity, water-dependent commercial activities are those occurring as part of a business and not simply for private use, which do not require or result in major alteration of the estuary. The level of impact on estuarine aquatic resources and recreational benefits is low as it relates to the consistency of the activity with the resource capabilities of the area and the purpose of the management unit.

WATER-ORIENTED: A use whose attraction to the public is enhanced by a view of or access to coastal waters.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

WETLAND CREATION: Inundation, by excavation or other means, of upland areas to allow local hydrologic conditions to convert soils and vegetation to a hydric character.

WETLAND ENHANCEMENT: An action which results in a long term improvement of existing wetland functional characteristics and processes that is not the result of a creation or restoration action.

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WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WETLANDS, SIGNIFICANT NONTIDAL: Nontidal wetland described as significant in Oregon subarea plan Coastal Shorelands boundary descriptions or described as significant in Oregon jurisdiction Oregon Statewide Planning Goal 5 elements.

WHOLESALE TRADE ESTABLISHMENTS: Business which generally have substantial quantities of merchandise on the premises and which are primarily engaged in selling merchandise to other wholesalers, retailers, manufacturers, other businesses, governments, or institutions.

WIND SIGN OR DEVICE: Any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressures by wind.

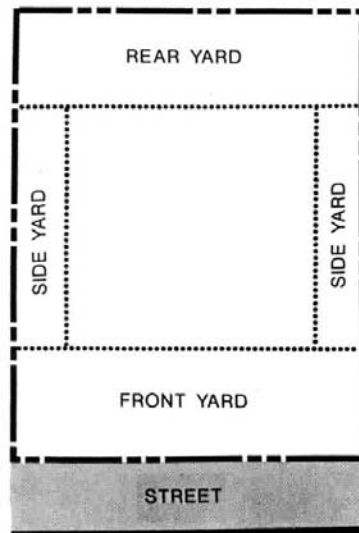
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YARD: An open, unoccupied space of a lot which is unobstructed by any structure or portion of a structure extending more than 12 inches above ground level of the lot upward.

FRONT: A required open space extending the full width of a lot between any structure and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code.

REAR: A required open space extending the full width of a lot between any structure and the rear lot line unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code.

SIDE: A required open space extending from the front yard to the rear yard between any structure and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Code.



ARTICLE 2

USE ZONES

R-1: LOW DENSITY RESIDENTIAL ZONE

2.015. **PURPOSE.**

The purpose of the R-1 Zone is to provide an area of low density single-family dwellings, at an average density of eight (8) units per net acre, their accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.020. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses permitted in an R-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Single-family dwelling.
2. *(Section 2.020.2 deleted by Ordinance 04-10, 11-1-04)*
3. Family day care center.
4. Home occupation, which satisfies requirements in Section 3.095.
5. *(Section 2.020.5 deleted by Ordinance 04-10, 11-1-04)*
6. Manufactured home. See Section 3.140.
7. Residential home.

2.025. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in an R-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.030 through 2.050, additional Development Code provisions, Comprehensive Plan, and other City laws:

1. Bed and breakfast, or inn.
2. Congregate care facility.
3. Day care center.
4. Nursing home.
5. Public or semi-public use.
6. Temporary use meeting the requirements of Section 3.240.
7. Accessory Dwelling Unit.
(Section 2.025.7 added by Ordinance 04-10, 11-1-04)
8. Home Stay Lodging.
(Section 2.025.8 added by Ordinance 04-10, 11-1-04)

2.030. LOT SIZE.

Uses in an R-1 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-1 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 5,000 square feet.
2. The minimum lot width for all uses will be 45 feet.
3. The minimum lot depth for all uses will be 90 feet.

2.035. YARDS.

The minimum yard requirements in an R-1 Zone will be as follows:

1. The minimum front yard will be 20 feet.
2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 20 feet, except on corner lots the rear yard will be five (5) feet.

2.040. LOT COVERAGE.

Buildings will not cover more than 30 percent of the lot area.

2.045. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade.

2.050. OTHER APPLICABLE USE STANDARDS.

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.

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7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the R-2 Zone.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Only one Conditional Use listed in Section 2.025 shall be allowed in conjunction with other uses allowed as Outright under Section 2.020 or Conditional Uses under Section 2.025.

(Section 2.050.9 added by Ordinance 04-10, 11-1-04)

R-2: MEDIUM DENSITY RESIDENTIAL ZONE

2.060. PURPOSE.

The purpose of the R-2 Zone is to provide an area for medium density residential development, at a maximum density of 16 units per net acre including single-family dwellings and duplexes as outright uses and multi-family dwellings as a conditional use. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.065. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the R-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.
2. Two-family dwelling.
3. Accessory dwelling unit.
(Section 2.065.3 amended by Ordinance 04-10, 11-1-04)
4. Family day care center.
5. Home occupation, which satisfies requirements in Section 3.095.
6. Home stay lodging.
7. Manufactured dwelling in approved park.
8. Manufactured home. See Section 3.140.
9. Residential home.

2.070. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the R-2 Zone if the Planning Commission, after a public hearing, determines the location and development plans comply with applicable standards referred in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Multi-family dwelling.
7. Nursing home.
8. Public or semi-public use.
9. Residential facility.
10. Restaurant as an accessory use to an Inn. See Section 3.230.
11. Temporary use meeting the requirements of Section 3.230.
12. Cluster development meeting the requirements of Section 11.160.

(Section 2.070.12 added by Ordinance 95-05)

2.075. LOT SIZE.

Uses in an R-2 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-2 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 5,000 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in Section 11.120.
2. The minimum lot size for a two-family dwelling will be 7,500 square feet.

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3. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus 2,500 square feet for each dwelling unit in excess of one.
4. The minimum lot width will be 45 feet.
5. The minimum lot depth will be 90 feet.

2.080. YARDS.

Uses in the R-2 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-2 Zone will comply with the following requirements:

- A. The minimum yard requirements in an R-2 Zone will be as follows:
 1. The minimum front yard will be 20 feet.
 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.
- B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.080 amended by Ordinance 95-05)

2.085. LOT COVERAGE.

Buildings will not cover more than 40 percent of the lot area.

2.090. HEIGHT OF STRUCTURES.

No structure will exceed a height of 28 feet above grade.

2.095. OTHER APPLICABLE USE STANDARDS.

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.

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3. Signs will comply with requirements in Article 8.
4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

R-3: HIGH DENSITY RESIDENTIAL ZONE

2.150. PURPOSE.

The purpose of the R-3 Zone is to provide an area for high density residential development not exceeding an average density of 26 units per net acre, accessory uses, and certain public uses. The policies of the Comprehensive Plan, applicable overlay zone standards, and the standards listed below, will be adhered to.

2.155. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses permitted in the R-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Single-family dwelling.
2. Two-family dwelling.
3. Multi-family dwelling.
4. Accessory dwelling unit.
(Section 2.155.4 amended by Ordinance 04-10, 11-1-04)
5. Family day care center.
6. Home occupation, which satisfies requirements in Section 3.095.
7. Home stay lodging.
8. Manufactured dwelling in an approved park.
9. Manufactured home. See Section 3.140.
10. Residential facility.
11. Residential home.

2.160. CONDITIONAL USE PERMITTED.

The following uses and their accessory uses are permitted in the R-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.165 through 2.185, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

1. Bed and breakfast, or inn.
2. Boarding or rooming house, or other group housing, not mentioned above.
3. Congregate care facility.
4. Day care center.
5. Manufactured dwelling park.
6. Nursing home.
7. Public or semi-public use.
9. Restaurant as an accessory use to an Inn. See Section 3.230.
10. Temporary use meeting the requirements of Section 3.240.
11. Cluster development meeting the requirements of Section 11.160.

(Section 2.160.11 added by Ordinance 95-05)

2.165. LOT SIZE.

Uses in an R-3 Zone which are part of a cluster development will comply with lot size requirements in Section 11.160. Other uses in an R-3 Zone will not violate the following requirements affecting lot size which are applicable to the particular use:

1. The minimum lot size for a single-family dwelling will be 5,000 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in 11.120.
2. The minimum lot size for a two-family dwelling will be 6,500 square feet.
3. The minimum lot size for a multi-family dwelling will be 5,000 square feet for the first unit plus 1,500 square feet for each unit in excess of one.

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4. The minimum lot width will be 45 feet.
5. The minimum lot depth will be 90 feet.

2.170. YARDS.

Uses in the R-3 Zone which are part of a cluster development will comply with the yard requirements in Section 11.160. Other uses in the R-3 Zone will comply with the following requirements:

- A. The minimum yard requirements in an R-3 Zone will be as follows:
 1. The minimum front yard will be 20 feet.
 2. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
 3. The minimum rear yard will be 15 feet, except on corner lots the rear yard will be five (5) feet.
- B. For minimum yard requirements in a manufactured dwelling park, refer to 11.120.

(Section 2.170 amended by Ordinance 95-05)

2.175. LOT COVERAGE.

Buildings will not cover more than 50 percent of the lot area.

2.180. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

2.185. OTHER APPLICABLE USE STANDARDS.

1. All uses will comply with applicable access, parking, and loading standards in Article 7.
2. Conditional uses will meet the requirements in Article 11.
3. Signs will comply with requirements in Article 8.

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R-3 Zone

4. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
5. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
6. All uses except those associated with single-family and two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of congregate care facilities, which are designed for assisted living for the elderly or handicapped, shall conform to the density of multi-family developments in the zone in which such development is located.
8. Outdoor lighting in residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
9. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
10. Group Housing.
 - a. Density.

Group housing resident density is limited to two (2) residents per 1,000 square feet of total gross floor area. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site under a valid Home Occupation Permit (see Section 3.095) are not considered residents. Maximum number of residents per site is limited to 15. Usable outdoor area shall be provided at a ratio of 50 square feet per resident.
 - b. Parking.

Where the Community Development Director determines that a group housing facility may require parking in excess of that provided for staff persons, a parking area of sufficient size to provide for anticipated needs shall be provided.

C-1: NEIGHBORHOOD COMMERCIAL ZONE

2.300. PURPOSE.

This zone is intended to be a restricted commercial district which is designed to meet limited commercial needs. Uses allowed are primarily those which provide convenience goods or frequently used services. Large business operations, strip development, and close proximity to other commercial areas is not desired. The zone should have access to an arterial or a collector street.

2.305. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in the C-1 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.
2. Day care center.
3. Family day care center in existing dwelling.
4. Home occupation in existing dwelling.
5. Personal service establishment.
6. Professional service establishment.
7. Repair service establishment not exceeding 3,000 square feet gross floor area.
8. Retail sales establishment not exceeding 3,000 square feet gross floor area.

2.310. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-1 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.315 through 2.335, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Automotive service establishment.
2. Eating establishment without drive-through facilities, not exceeding 40 seats.
3. Public or semi-public use.
4. Temporary use meeting the requirements of Section 3.240.

2.315 YARDS.

The minimum yard depth for portions of the property abutting a Residential Zone or public right-of-way will be 15 feet.

2.320. LOT COVERAGE.

Buildings will not cover more than 60 percent of the lot area.

2.325. LANDSCAPED OPEN AREA.

A minimum of 20 percent of the total lot area will be maintained as a landscaped open area.

2.330. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

2.335. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-1 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
2. Outdoor storage areas will be enclosed by appropriate hedges, fencing or walls, and will not exceed 100 square feet.
3. Where feasible, joint access points and parking facilities for more than one use should be provided.
4. All uses will comply with applicable access, parking, and loading standards in Article 7.
5. Conditional Uses will meet the requirements in Article 11.
6. Signs will comply with requirements in Article 8.
7. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
8. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.

C-2: TOURIST COMMERCIAL ZONE

2.345. PURPOSE.

The intent of this zone is primarily to provide suitable locations for tourist commercial facilities and certain tourist related establishments. In part, this means that areas in the zone should be in close proximity to an arterial street or highway. It also means that the uses allowed should be more limited than those permitted in a C-3 or C-4 Zone. Regulations for the zone are designed to enhance the attractiveness and convenience of the facilities for tourist use and achieve compatibility with adjacent residential areas and overall community design objectives.

2.350. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in a C-2 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Eating or drinking establishment.
2. Home occupation in existing dwelling.
3. Motel, hotel, bed and breakfast, inn or other tourist lodging facility and associated uses.
4. Tourist-oriented retail sales or service establishment.
5. Conference Center.

(Section 2.350(5) added by Ordinance 94-06, 6-6-94)

2.355. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-2 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.360 to 2.375, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.
2. Family day care center in existing dwelling.

3. Indoor family entertainment or recreation establishment.
4. Non-tourist-oriented retail sales or service establishment, professional, financial, business and medical office where they are part of a mixed-use development that also includes some of the uses that are permitted outright. The conditional use shall not be located on the ground floor of the building, and shall not occupy more than 50% of the total project's gross floor area.
5. Public or semi-public use.
6. Temporary use meeting the requirements in Section 3.240.

2.360. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.365. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.370. HEIGHT OF STRUCTURES.

No structures will exceed a height of 45 feet above grade.

2.375. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-2 Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing or walls.
3. Outdoor storage areas will be enclosed by appropriate site obscuring hedges, fencing or walls and will not be over 100 square feet in size.

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C-2 Zone

4. Where feasible, joint access points and parking facilities for more than one use should be provided.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional Uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. Design Review Standards. All commercial and recreational facilities shall be reviewed by the Community Development Director based on the following criteria. The Community Development Director may request technical assistance from an independent architect or other design expert in evaluating proposed developments in relation to these standards.
 - a. Facility design shall take maximum advantage of river views.
 - b. The height, mass, and scale of buildings shall be compatible with the site and adjoining buildings. Use of materials should promote harmony with surrounding structures and the character of the waterfront. The relationship between a building site and the historic buildings within the surrounding area shall be considered an integral part of planning for new construction.
 - c. The use of stylistic features characteristic of the historic Astoria area and the Pacific Northwest are preferred. This includes the use of natural wood siding such as clapboard, shingles or board and batten siding, pitched roofs, large overhangs, double hung windows, and similar features. Buildings shall be in earthtones, with bright or brilliant colors used only for accent. Buildings shall not create a false historical appearance of a previous period or era.
 - d. If the proposed project is large or situated so as to become an entrance or major focus of the City, the design will acknowledge the impact it would have on the entire community.

City of Astoria
Development Code

C-2 Zone

- e. Monotony of design shall be avoided. Variety of detail, form and siting should be used to provide visual interest. Large expanses of blank walls shall only be located in areas which are not visible to the public.
- f. Buildings should minimize the impact on views and vistas from surrounding or adjacent properties through orientation or location on the site.
- g. On-site parking shall be designed to be as unobtrusive as possible, through site location and landscaping.

C-3: GENERAL COMMERCIAL ZONE

2.385. PURPOSE.

This zone is primarily for a wide range of commercial businesses, including most of those allowed in other commercial zones. Compared to the C-4 Zone, the C-3 Zone is more appropriate for uses requiring a high degree of accessibility to vehicular traffic, low intensity uses on large tracts of land, most repair services, and small warehousing and wholesaling operations. Unlike the C-4 Zone, there are maximum lot coverage, landscaping, and off-street parking requirements for all uses.

2.390. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in a C-3 Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Construction service establishment.
6. Eating and drinking establishment.
7. Educational service establishment.
8. Family day care center in single-family, two-family, or multi-family dwelling.
9. Home occupation in existing dwelling.
10. Motel, hotel, bed and breakfast, inn, or other tourist lodging facility and associated uses.
11. Multi-family dwelling.

12. Personal service establishment.
13. Professional service establishment.
14. Public or semi-public use.
15. Repair service establishment, not including automotive, heavy equipment, or other major repair services.
16. Residential facility.
17. Retail sales establishment.
18. Single-family and two-family dwelling, located above or below the first floor of new or existing structures, with commercial facilities on the first floor of the structure.
(Section 2.390(18) amended by Ordinance 00-08, 9-6-00)
19. Transportation service establishment.
20. Conference Center.
(Section 2.390(20) added by Ordinance 94-06, 6-6-94)
21. Indoor family entertainment or recreation establishment.
(Section 2.390(21) added by Ordinance 98-01, 1-5-98)

2.395. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-3 Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.400 through 2.415, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Animal hospital or kennel.
2. Automotive sales or service establishment.
3. Day care center.
4. Gasoline service station.

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C-3 Zone

5. Hospital.
6. *(Section 2.395(6) deleted by Ordinance 98-01, 1-5-98)*
7. Light Manufacturing.
8. Recycling establishment.
9. Repair service establishment not allowed as an Outright Use.
10. Temporary use meeting the requirements of Sections 3.240.
11. Wholesale trade or warehouse establishment.

2.400. LOT COVERAGE.

Buildings will not cover more than 90 percent of the lot area.

2.405. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.410. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

2.415. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When a commercial use in a C-3 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
3. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
4. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
5. All uses will comply with access, parking, and loading standards in Article 7.

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C-3 Zone

6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

C-4: CENTRAL COMMERCIAL ZONE

2.425. PURPOSE.

This zone is intended to be the commercial center of the Astoria urban area. It is designed to serve as the focal point for retail trade, services, professional, financial, and governmental activities. The uses permitted are intended to be compatible with the locale's pedestrian orientation and, as a result, off-street parking is not required. The district is not suitable for low intensity uses requiring large tracts of land, warehouses, wholesale establishments, and other uses which would detract from the purpose or character of the area.

2.430. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in a C-4 Zone as an outright use if the Community Development Director determines that the use will not violate standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Commercial laundry or dry cleaning establishment.
3. Commercial or public off-street parking lot.
4. Communication service establishment.
5. Eating and drinking establishment without drive-thru facilities.
6. Education service establishment.
7. Family day care center in existing dwelling.
8. Home occupation in existing dwelling.
9. Personal service establishment.
10. Professional service establishment.
11. Public or semi-public use.

12. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
13. Residential home, located above the first floor, with commercial facilities on the first floor of existing structure.
14. Retail sales establishment.
15. Single-family and two-family dwelling, located above or below the first floor, with commercial facilities on the first floor of existing structure.

(Section 2.435(15) amended by Ordinance 93-15, 12-20-93)

16. Studio for artists.

2.435. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a C-4 Zone as a conditional use if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.440 through 2.445, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center.
2. Indoor family entertainment or recreation establishment.
3. Light manufacturing.
4. Motel, hotel, bed and breakfast, inn or other tourist lodging facility, and associated uses.
5. Multi-family dwelling, located above the first floor, with commercial facilities on the first floor.
6. Recycling establishment.
7. Residential facility, located above the first floor, with commercial facilities on the first floor.
8. Temporary use meeting the requirements of Sections 3.240.
9. Transportation service establishment.

City of Astoria
Development Code

C-4 Zone

10. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).

11. Conference Center.

(Section 2.435(11) added by Ordinance 94-06, 6-6-94)

2.440. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

2.445. OTHER APPLICABLE USE STANDARDS.

1. Drive-in purchase or service facilities which make it possible for a person to transact business from a vehicle are not allowed for uses permitted in this zone, unless the facilities are in conjunction with a financial institution.
2. Outdoor sales and/or service areas over 100 square feet in size are not permitted in this zone, except for restaurants.
3. When a commercial use in a C-4 Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
4. Outdoor storage areas will be enclosed by suitable hedges, fencing, or walls and will not exceed 100 square feet in size.
5. Indoor storage will not be the principal use of property.
6. All uses with access, parking, or loading areas will comply with standards in Article 7.
7. Conditional Uses will meet the requirements in Article 11.
8. Signs will comply with requirements in Article 8.
9. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.

City of Astoria
Development Code

C-4 Zone

10. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
11. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.

GI: GENERAL INDUSTRIAL ZONE

2.470 **PURPOSE.**

The primary purpose of the GI (General Industrial) Zone is to provide appropriate areas suitable for such uses as warehousing, processing, packaging and fabricating of finished goods and equipment with related outdoor storage and incidental sales. The secondary purpose of the GI Zone is to provide areas for other moderate-intensity, complementary and supporting land uses that serve the area and contribute to a mixed-use environment. Buildings, streets, bike and walking paths, and open space will be configured to create a convenient and aesthetically pleasing environment. The General Industrial Zone is appropriate in those areas where the location has access to an arterial street or highway for transport of bulk materials and where the noise, lights, odors and traffic hazards associated with permitted uses will not conflict with local and collector streets or with any adjacent residential or commercial uses.

(Amended by Ordinance 02-03, 2-4-02)

2.475 **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in the General Industrial Zone, subject to the provisions of 2.485, Development Standards and Procedural Requirements.

1. Automotive repair, service, and garage.
2. Business Incubator. *(Added by Ordinance 02-03, 2-4-02)*
3. Bulk fuel and ice dealer.
4. Cold storage and/or ice processing facility.
5. Commercial testing laboratory.
6. Construction contractor's office and related outdoor storage.
7. Laundry, cleaning, and garment services.
8. Light manufacturing, including but not limited to:
 - a. Electrical and electronic machinery, equipment and supplies (except storage batteries).
 - b. Transportation equipment.
 - c. Instruments - photographic, medical and optical goods.

City of Astoria
Development Code

GI Zone

9. Mailing, reproduction, commercial art and photography, and graphic services.
10. Photo finishing laboratory.
11. Printing, publishing and allied industries.
12. Public use appropriate to and compatible with the allowable uses within the zone and the surrounding neighborhood. *(Amended by Ordinance 02-03, 2-4-02)*
13. Public utility structures and buildings.
14. Repair service establishment.
15. Research and development laboratories.
16. Transportation, communications, electric, gas, and sanitary services.
17. Truck and equipment storage and parking, and material storage yard.
18. Vocational school except vocational high school
19. Wholesale trade, warehouse, and/or distribution establishment.

(Amended by Ordinance 02-03, 2-4-02)

2.480 CONDITIONAL USES.

The following uses and their accessory uses are allowed as conditional uses when authorized in accordance with Article 11, Conditional Uses. These uses are also subject to the appropriate provisions of Section 2.485, Development Standards and Procedural Requirements.

1. Business service establishment. *(Added by Ordinance 02-03, 2-4-02)*
2. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area. *(Added by Ordinance 02-03, 2-4-02)*
3. Food and kindred products processing.
4. Multi-family dwelling, located above the first floor of new or existing structures, with a use permitted outright or a use permitted as a conditional use located on the first floor of the structure. *(Added by Ordinance 02-03, 2-4-02)*
5. Professional service establishment. *(Added by Ordinance 02-03, 2-4-02)*
6. Recycling depot.

City of Astoria
Development Code

GI Zone

7. Retail sales establishment not exceeding 3,000 square feet of gross floor area proposed as part of a mixed use (see limitations specified in Section 2.485(12). *(Added by Ordinance 02-03, 2-4-02)*
8. Rubber and miscellaneous plastic products.
9. Ship and boat building and repair.
10. Wood processing.

2.485 OTHER APPLICABLE USE STANDARDS.

1. Outdoor Storage. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
2. Parking. All uses will comply with access, parking and loading standards in Article 7. Where feasible, joint access points and parking facilities for more than one use should be provided. Within the GI Zone, on-street parking fronting on the lot proposed to be developed may be applied toward meeting the minimum parking space requirements specified in Astoria Development Code Section 7.100. In-lieu of the paving requirements for parking areas specified in Astoria Development Code Section 7.110 (B), an applicant may propose an alternative pervious surface. Such alternative must be reviewed and approved by the City Engineer.

(Amended by Ordinance 02-03, 2-4-02)
3. Signage. Signs will comply with requirements in Article 8.
4. Building Height. No structure will exceed 45 feet above grade.
5. Traffic Generation .
The City Engineer, in collaboration with the Oregon Department of Transportation (ODOT) and in accordance with applicable requirements of the Transportation Planning Rule and Oregon Administrative Rule (OAR) 660 Division 12, will review the level of traffic to be generated by a proposed use and the adequacy of adjacent streets to handle expected traffic. If it is determined that the level of traffic anticipated to be generated by a proposed use may substantially impact the flow of traffic on adjacent streets and the State Highway transportation facility, a Traffic Impact Study may be requested. If it is determined that adjacent streets are inadequate to handle expected traffic, improvements will be required to resolve the inadequacy.

(Amended by Ordinance 02-03, 2-4-02)

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Development Code

GI Zone

6. Air and water pollution. The City may require the project proponent to provide a report detailing potential air and water pollution impacts of developments and may place restrictions where deemed necessary.

(Amended by Ordinance 02-03, 2-4-02)
7. Buffering. The City may require that the site include a visual and/or noise buffer from neighboring residential areas. The buffer shall be attractively designed and maintained for a minimum of at least five (5) feet in width. Buffering may include earthen berms, landscaping, and/or other screening methods. This screening may fulfill portions of the required landscaping for the development.

(Added by Ordinance 02-03, 2-4-02)
8. Outside lighting. All outside lighting shall be directed away from residential zones, and shall be shielded in such a way that the light does not glare into the residential zones. Lighting shall not exceed 28' in height.

(Amended by Ordinance 02-03, 2-4-02)
9. Lot Coverage. Buildings shall not cover more than 90% of each lot area.

(Added by Ordinance 02-03, 2-4-02)
10. Landscaped Open Area. A minimum of 10% of each lot area shall be maintained as landscaped open area.

(Added by Ordinance 02-03, 2-4-02)
11. Site Usage. For the site lying North of Highway 30, South of the former Burlington Northern Railroad Right-of-Way, and extending east from 39th Street to the Mean Higher High Water line, excluding wetlands or other areas unavailable for development or redevelopment, a maximum of 30% of the site may be developed exclusively with the following uses as listed in Astoria Development Code Section 2.480 provided such development is demonstrated to be compatible with existing or planned adjacent uses. Before such exclusive uses can be approved, the property owner must submit a master site plan depicting the location of all proposed uses for the entire site as described in this Section.

City of Astoria
Development Code

GI Zone

- a. Professional service establishment;
- b. Business service establishment;
- c. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area.

(Added by Ordinance 02-03, 2-4-02)

12. Mixed Use. Any of the following uses as listed in Astoria Development Code Section 2.480 may be incorporated into a development plan for any other permitted or conditional use in the zone provided that the following uses as listed in Code Sections 2.480 occupy no more than 20% of the ground floor and that the uses are demonstrated to be compatible with other uses in the proposed building and with other existing or planned adjacent uses.

- a. Professional service establishment;
- b. Business service establishment;
- c. Retail sales establishment not exceeding 3,000 square feet of gross floor area;
- d. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area.

(Added by Ordinance 02-03, 2-4-02)

A-1: AQUATIC ONE DEVELOPMENT ZONE

2.500. PURPOSE AND AREAS INCLUDED.

The purpose of the Aquatic One Development Zone (A-1) is to provide for the maintenance, enhancement and expansion of areas, activities and structures needed for navigation and for water-dependent industrial, commercial and recreational uses. Water-related industrial, commercial and recreational uses are also provided for where such uses are consistent with the purpose of this Zone. The Aquatic One Development Zone includes: navigation channels, access channels, turning basins and deep water areas adjacent or in proximity to the shoreline; subtidal areas for in-water disposal of dredged material; areas of minimum biological significance needed for uses requiring alteration of the estuary; and areas for which an exception to the requirements of the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.

2.505. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the Aquatic One Development Zone, subject to the appropriate provisions of Section 2.515, Development Standards and Procedural Requirements:

1. Water-dependent commercial or industrial use.
2. Navigational structure.
- * 3. Water-dependent public recreational facility, including boat ramp, dock, moorage and marina for commercial and recreational marine craft.
4. Shoreline stabilization.
- * 5. Flowlane disposal of dredged material.
6. Pipeline, cable, and utility crossing.
- * 7. Storm water and treated wastewater outfall.
8. Communication facility.
9. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.
- * 10. New dike construction.

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A-1 Zone

11. Maintenance and repair of existing structure or facility.
12. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 11 listed above.
13. The following water-related commercial and industrial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - * c. Charter fishing office;
 - d. Sports fish cleaning, smoking, or canning establishment;
 - * e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use;
 - f. Eating and drinking establishment which provides a view of the waterfront, and which is in conjunction with a water-dependent use such as a marina or seafood processing plant;
 - * g. Cold storage and/or ice-processing facility independent of seafood processing facility.
14. Navigation aid.
15. Piling and pile supported structure as necessary for any of the permitted uses 1 through 14 listed above, or as necessary for any use permitted in the adjacent shoreland.
16. Bridge crossing.
- * Not permitted at South Tongue Point.

2.510. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Aquatic One Development Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.515, Development Standards and Procedural Requirements. It must also be shown that these uses and activities are consistent with the purpose of the Aquatic One Development Zone.

1. Mining and mineral extraction.

2. Active restoration.
3. Bridge crossing support structure.
4. Aquaculture and water-dependent portions of aquaculture facility.
5. In-water log dump, sorting operation.
6. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
7. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
8. Dredging and filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the conditional uses 1 through 7 listed above.
9. Water-related recreational use.
10. Water-related commercial or industrial use other than those listed under Section 2.505(13) of this zone.
11. Piling as necessary for any of the conditional uses 1 through 10 listed above.
12. Temporary use meeting the requirements of Section 3.240.
13. Non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water-related uses.

(Section 2.510(13) added by Ordinance 94-05, 6-6-94)

2.515. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation, or other activities in conjunction with an industrial facility shall be subject to the respective standards for these uses).
2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.

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Development Code

A-1 Zone

3. Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
4. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
5. There shall be no height limit for structures in the Aquatic One Development Zone.
6. Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration subject to the requirements of Section 5.010, Impact Assessment.
7. Uses in the Aquatic One Development Zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. Projects in the Tongue Point Mediated Panel Agreement area must comply with the applicable policies in the Comprehensive Plan, Section CP.180(G).
9. Projects at the Port of Astoria Docks Mediated Panel Agreement area must comply with the applicable policies in the Comprehensive Plan, Section CP.165(G).
10. Accessory structures in the Aquatic One Development Zone are limited in size to a maximum of 10% of the primary structure.
11. In the unincorporated UGB, uses and activities permitted under Sections 2.505 and 2.510 of this zone are subject to the public notice provisions of Section 9.020 if an impact assessment is required pursuant to Section 5.010, or if a determination of consistency with the purpose of the A-1 Zone is required pursuant to Section 5.020(5), or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgement.
12. Any lease of property for non-water dependent or non-water related uses shall contain a provision that the property owner shall terminate the lease if the property owner determines that the property is required for a water dependent or water related use.

(Section 2.515(12) added by Ordinance 94-05, 6-6-94)

A-2: AQUATIC TWO DEVELOPMENT ZONE

2.525. **PURPOSE AND AREAS INCLUDED.**

The purpose of the Aquatic Two Development Zone is to enhance the unique character of the Downtown Waterfront and Maritime Museum subareas by providing for their redevelopment as mixed-use areas; the redevelopment to occur in a manner that is compatible with the retention and expansion of existing water-dependent uses in the area. Water-dependent uses shall have the highest priority. Non-water-dependent uses are permitted where they are consistent with the provision for water-dependent uses. The mix of water-dependent and non-water-dependent uses shall provide for public access where feasible.

The Aquatic Two Development Zone includes: deep-water areas adjacent or in proximity to the shoreline; areas of minimum biological significance, vacant over-water pile supported structures suitable for redevelopment, and areas for which an exception to the requirements of the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.

2.530. **PERMITTED USES.**

The following uses and activities and their accessory uses and activities are permitted in the Aquatic Two Development Zone, subject to the appropriate provisions of Section 2.540 Development Standards and Procedural Requirements:

1. Water-dependent commercial and industrial use.
2. Small boat building and repair.
3. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
4. Public pier.
5. Navigational structure.
6. Shoreline stabilization.
7. Pipeline, cable, and utility crossing.

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Development Code

A-2 Zone

8. Storm water and treated wastewater outfall.
9. Communication facility.
10. New dike construction.
11. Maintenance and repair of existing structure or facility.
12. Public use in conjunction with the Columbia River Maritime Museum.
13. Flowlane disposal of dredged material.
14. Dredging or filling, pursuant to the applicable standards in Section 4.050 and 4.070, for any of the permitted uses 1 through 13 listed above.
15. The following water-related commercial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - c. Charter fishing office;
 - d. Sports fish cleaning, smoking or canning establishment;
 - e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use.
16. Navigation aid.
17. Piling as necessary for any of the permitted uses 1 through 16 listed above.

2.535. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Aquatic Two Development Zone as Conditional Uses when authorized in accordance with Article 11 Conditional Uses. These uses and activities are also subject to the provisions of Section 2.540 Development Standards and Procedural Requirements. These uses and activities must be consistent with the purpose of the Aquatic Two Development Zone.

1. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.

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Development Code

A-2 Zone

2. Dredged material disposal at sites not designated for dredged material disposal in the Comprehensive Plan, provided the dredged material is utilized as a source of fill material for an approved fill project.
3. Aquaculture and water-dependent portions of aquaculture facility.
4. Water-dependent or water-related recreational use not listed elsewhere in this zone.
5. Active restoration.
6. Bridge crossing and bridge crossing support structure.
7. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the City's Comprehensive Plan.
8. Fill in conjunction with any of the conditional uses 1 through 7 listed above pursuant to the applicable standards in Section 4.050.
9. Mining and mineral extraction.
10. Dredging in conjunction with any of the conditional uses 1 through 9 listed above, pursuant to the applicable standards in Section 4.050.
11. Water-related commercial or industrial use not listed under Section 2.530.
12. Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.
13. Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront.
14. Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.
15. Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront.
16. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence, and arts and crafts studio meeting the requirements of Section 2.540(10).
(Section 2.535(16) amended by Ordinance 00-03, 3-20-00)
17. Conference Center which provides significant visual access to the waterfront.

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Development Code

A-2 Zone

(Section 2.535(17) added by Ordinance 94-06, 6-6-94)

18. Piling in conjunction with any of the above conditional uses.

(Section 2.535(18) renumbered by Ordinance 94-06, 6-6-94)

19. Temporary use meeting the requirements of Section 3.240.

(Section 2.535(19) renumbered by Ordinance 94-06, 6-6-94)

2.540. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Areas Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).
2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent provision.
3. Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
4. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
5. No structure will exceed a height of 28 feet above the grade of adjacent shoreland, except for those areas between the extended 15th and 21st Street right-of-ways, and between the extended 6th Street right-of-way and the Astoria-Megler Bridge. In these two areas no structure shall exceed a height of 45 feet above the grade of adjacent shoreland.

(Section 2.540(5) amended by Ordinance 99-06, 4-5-99)

6. Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.

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A-2 Zone

7. Uses located between the extended right-of-ways of 8th Street and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the A-2 Zone shall comply with the access, parking and loading standards specified in Article 7.

8. Special siting standards. All buildings shall meet the following special siting standards:
 - a. Buildings shall be located no closer than 25 feet to a line extending from a point of intersection of a City right-of-way and the shoreline of the Columbia River Estuary, to the pierhead line. The required setback areas shall include open space, publicly accessible walkways, plazas or landscaped areas, where feasible but not parking or storage.
 - b. Buildings shall be located as close to the bankline as practical, except where necessary to provide loading and unloading, or parking in accordance with 4.050, or to provide an aesthetic feature such as an open water area adjacent to the shore. This standard shall not be applicable to water dependent uses such as fish receiving stations which have a need to locate near deep water.
 - c. Buildings should minimize the impact of views on surrounding or adjacent properties through orientation or location on the site.
 - d. Buildings should be designed to relate to or connect with the street ends or public access points which they adjoin, unless there is a public safety or security issue which overrides this consideration. This connection can consist of the provision of decks, entrance ways, windows, retail sales facilities, eating or drinking establishments or similar facilities which enhance the waterfront setting.
 - e. Water oriented uses that provide the opportunity for the public to enjoy the waterfront for leisure and recreation shall occupy at least 75% of the ground level building facade facing the waterfront as measured in linear feet horizontally across the building wall. Water-oriented uses qualifying under this definition include parks, plazas, public seating, museums and other displays, resorts open to the public, aquariums, retail stores, and eating and drinking establishments open to the public.

9. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).

City of Astoria
Development Code

A-2 Zone

10. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence, and arts and crafts studio are permitted where they are part of a mixed-use development that also includes some of the tourist-oriented uses listed in Section 2.535 (12 through 15), under the following conditions:
 - a. Single-Story Structure: The office, personal service establishment, residence, or arts and crafts studio uses shall constitute no more than 25% of the total project's gross floor area.
 - b. Multi-Story Structure, shall conform to one of the following options:
 - 1) The office, personal service establishment, residence, or arts and crafts studio uses shall constitute no more than 50% of the total project's gross floor area.
 - 2) A multi-story structure which maintains at least 75% of the ground floor or street level space for tourist-oriented uses as listed above, may devote 100% of the upper floors to non-tourist oriented uses, consisting of professional and business offices, personal service establishment limited to beauty and barber services and garment alterations, residences, and arts and crafts studios.

(Section 2.540(10) amended by Ordinance 00-03, 3-20-00)
11. Accessory structures in the Aquatic Two Development Zone are limited in size to a maximum of 10% of the primary structure.

A-2A: AQUATIC TWO-A DEVELOPMENT ZONE

2.550. PURPOSE AND AREAS INCLUDED.

The purpose of the Aquatic Two-A Development Zone is to provide for its redevelopment as a mixed-use area while permitting exclusive office use on piling supported structures. The mix of uses shall provide for public access where feasible. The Aquatic Two-A Development Zone includes: deep water areas adjacent or in proximity to the shoreline; areas of minimum biological significance; and piles and pile supported structures. Also included are areas for which an exception to the requirements of the Estuarine Resources Goal has been adopted as an amendment to the City's Comprehensive Plan.

2.555. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the Aquatic Two-A Development Zone, subject to the appropriate provisions of Section 2.565, Development Standards and Procedural Requirements:

1. Water-dependant commercial and industrial use.
2. Small boat building and repair.
3. Dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
4. Public pier.
5. Navigational structure.
6. Shoreline stabilization.
7. Pipeline, cable, and utility crossing.
8. Storm water and treated wastewater outfall.
9. Communication facility.
10. New dike construction.
11. Maintenance and repair of existing structure and facility.
12. Flowlane disposal of dredged material.

City of Astoria
Development Code

A-2A Zone

13. Dredging or filing as necessary for any of the permitted uses 1 through 12 listed above, pursuant to the applicable standards in Section 4.050 and 4.070.
14. The following water-related commercial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - c. Charter fishing office;
 - d. Sports fish cleaning, smoking or canning establishment;
 - e. Retail trade facility for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use.
15. Navigation aide.
16. Piling as necessary for any of the permitted uses 1 through 15 listed above.

2.560. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Aquatic Two-A Development Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.565, Development Standards and Procedural Requirements. It must also be shown that these uses and activities are consistent with the purpose of the Aquatic Two-A Development Zone.

1. Aquaculture and water-dependent portions of aquaculture facility.
2. Water-dependent or water-related recreational use not listed elsewhere in this zone.
3. Active restoration.
4. Bridge crossing and bridge crossing support structure.
5. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
6. Fill in conjunction with any of the conditional uses 1 through 5 listed above, pursuant to the applicable standards in Section 4.070.
7. Mining and mineral extraction.

City of Astoria
Development Code

A-2A Zone

8. Dredging in conjunction with any of the conditional uses 1 through 7 listed above, pursuant to the applicable standards in Section 4.050.
9. Water-related commercial or industrial use.
10. Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.
11. Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront.
12. Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.
13. Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront.
14. Professional, business and medical office.
15. Residential use meeting the requirements of 2.565(8).
16. Temporary use meeting the requirements of Section 3.240.
17. Conference Center which provides significant visual access to the waterfront.
(Section 2.560(17) added by Ordinance 94-06, 6-6-94)
18. Piling in conjunction with any of the conditional uses 1 through 16 listed above.
(Section 2.560(18) renumbered by Ordinance 94-06, 6-6-94)

2.565. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).

City of Astoria
Development Code

A-2A Zone

2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent provision.
3. Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
4. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity. Particular attention shall be given to the possible impacts of traffic generation and parking on the operation of existing or probable water-dependent uses.
5. No structure will exceed a height of 28 feet above the grade of adjacent shorelands.
6. Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.
7. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. Residences are permitted where they are part of a mixed-use development that also includes some of the tourist-oriented uses listed in Section 2.560 (10 through 14), under the following conditions:
 - a. Single-Story Structure: The residence shall constitute no more than 25% of the total project's gross floor area.
 - b. Multi-Story Structure, shall conform to one of the following options:
 - 1) The residence shall constitute no more than 50% of the total project's gross floor area.
 - 2) A multi-story structure which maintains at least 75% of the ground floor or street level space for tourist-oriented uses as listed above, may devote 100% of the upper floors to residences.
9. Accessory structures in the Aquatic Two-A Development Zone are limited in size to a maximum of 10% of the primary structure.

A-3: AQUATIC CONSERVATION ZONE

2.575. **PURPOSE AND AREAS INCLUDED.**

The purpose of the Aquatic Conservation Zone (A-3) is to assure the conservation of: fish and wildlife habitats; essential properties of the estuarine resource (e.g., dynamic geological processes, continued biological productivity, unique or endemic communities of organisms, maintenance of species diversity); and the long-term use and conservation of renewable estuarine resources. This designation provides for development of low to moderate intensity that does not require major alterations of the estuary, with emphasis on maintaining estuarine natural resources and benefits. The Aquatic Conservation Zone includes small areas of tidal marsh and intertidal mud-sand flats, small fringing tidal marshes, and open water portions of the estuary and areas needed for recreational use. Partially altered estuarine areas adjacent to existing development of moderate intensity are also included in this designation, unless otherwise needed for preservation or development consistent with the need to minimize damage to the estuarine ecosystem.

Low to moderate intensity development is appropriate in Aquatic Conservation area designation (e.g., active restoration measure, communication facilities, and aquaculture). When consistent with the resource capabilities of the area and the purposes of the Aquatic Conservation Zone designation, conditional uses providing for development of moderate intensity are appropriate.

2.580. **PERMITTED USES.**

The following uses and activities and their accessory uses and activities are permitted in the Aquatic Conservation Zone subject to the appropriate provisions of Section 2.590, Development Standards and Procedural Requirements:

1. Estuarine enhancement.
2. Riprap for protection of use existing as of October 7, 1977, unique natural resources, historical or archeological resources, or public facility.
3. Maintenance and repair of existing structure or facility.
4. Active restoration of fish habitat, wildlife habitat, or water quality.

City of Astoria
Development Code

A-3 Zone

5. Filling in conjunction with any of the permitted uses 1 through 4, above, pursuant to the applicable standards in Section 4.070.
6. Tidegate installation and maintenance in existing functional dike.
7. Dredging to obtain fill material for dike maintenance pursuant to the dike maintenance dredging standards.
8. Pipeline, cable, and utility crossing.
9. Water-dependent parts of an aquaculture facility which do not involve dredge or fill or other estuarine alterations other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
10. Dredging in conjunction with any of the permitted uses 1 through 9, above, pursuant to the applicable standards in Section 4.050.
11. Navigation aid.
12. Communication facility.
13. Bridge crossing support structure.
14. Boat ramp for public use where no dredge or fill is needed for navigational access.
15. Undeveloped low intensity water-dependent recreation.
16. Project for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
17. Research and educational observation.
18. Piling and pile supported structure in conjunction with any of the permitted uses 1 through 17 above.
19. Passive restoration.
20. Bridge crossing.

2.585. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be allowed in the Aquatic Conservation Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.590, Development Standards and Procedural Requirements. It must also be determined if these uses and activities meet the resource capability of the Aquatic Conservation area in which they occur, and if they are consistent with the Aquatic Conservation Zone's purpose. The procedures in Section 5.020, Resource Capability Determination, will be used to make this determination.

1. Aquaculture and water-dependent portions of aquaculture facility.
2. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
3. Temporary alteration.
4. Beach nourishment at sites designated in the Comprehensive Plan.
5. Filling in conjunction with conditional uses 1 through 4, above, pursuant to the applicable standards in Section 4.070.
6. High-intensity water-dependent recreation including boat ramp, marina, and individual dock.
7. Minor navigational improvement.
8. Mining and mineral extraction.
9. Dredging in conjunction with any of the conditional uses 1 through 8, above, pursuant to the applicable standards in Section 4.050.
10. Low-intensity water-dependent commercial or industrial use requiring occupation of water-surface area by means other than fill.
11. In-water log storage.
12. Piling in conjunction with any of the conditional uses 1 through 11, above.
13. Temporary use meeting the requirements of Section 3.240.

City of Astoria
Development Code

A-3 Zone

14. In pile supported buildings existing prior to October 1, 2002, non water-dependent or non water-related uses as follows:
- a. Arts and crafts studios.
 - b. Bed and breakfast, home stay lodging, or inn.
 - c. Home occupation.
 - d. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations.
 - e. Residential home.
 - f. Single-family dwelling.
 - g. Two-family dwelling.
 - h. Multi-family dwelling.
 - i. Off-street parking requirements for the above uses may be located in the upland zone adjacent to the use. The Planning Commission may impose additional landscape buffering to protect the adjacent residential uses.

(Section 2.585(14) added by Ordinance 02-16, 12-2-02)

2.590. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

- 1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).
- 2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Conservation Zone, Section 2.575, when a Resource Capability Determination is required.
- 3. Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.
- 4. No use shall be allowed in an Aquatic Conservation Zone (A-3) which would cause a major alteration of the estuary.
- 5. The maximum height of structures in the Aquatic Conservation Zone shall be 20 feet above the grade of adjacent shorelands.

City of Astoria
Development Code

A-3 Zone

6. Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
7. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
8. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)), or for water-related uses (Section (4.220(B))).
9. Accessory structures in the Aquatic Conservation Zone are limited in size to a maximum of 10% of the primary structure.

A-4: AQUATIC NATURAL ZONE

2.600. PURPOSE AND AREAS INCLUDED.

The purpose of the Aquatic Natural Zone (A-4) is to assure the preservation and protection of: 1) significant fish and wildlife habitats, 2) essential properties of the estuarine resource (e.g., dynamic geological processes, continued biological productivity, unique or endemic communities of organisms, species diversity), and 3) research and educational opportunities. The Aquatic Natural Zone includes major tracts of tidal marshes and intertidal mud-sand flats, which because of a combination of factors such as size, habitat value and productivity, play a vital role in the function of the estuarine ecosystem. Aquatic Natural Zones may also include ecologically important subtidal areas. Low intensity uses consistent with the preservation and protection of natural resource values are appropriate in Aquatic Natural Zones.

2.605. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the Aquatic Natural Zone subject to the appropriate provisions of Section 2.615, Development Standards and Procedural Requirements:

1. Low-intensity water-dependent recreation.
2. Passive restoration.
3. Navigational aide, such as beacon and buoy.
4. Vegetative shoreline stabilization.
5. Emergency repair to existing dike.
6. Marine research and education.
7. Piling installation as necessary for permitted uses 1 through 6, above.
8. Bridge crossing.

2.610. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be allowed in the Aquatic Natural Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.615, Development Standards and Procedural Requirements. It must also be determined if these uses and activities meet the resource capability of the Aquatic Natural area in which they occur, and if they are consistent with the purpose of the Aquatic Natural Zone. The procedures in Section 5.020, Resource Capability Determination, will be used to make this determination.

1. Maintenance and repair of existing structure or facility.
2. Fill as necessary for conditional use number 1, above, pursuant to the applicable standards in Section 4.070.
3. Active restoration.
4. Pipeline, cable and utility crossing.
5. Dredging as necessary for conditional uses 1 through 4, above, pursuant to the applicable standards in Section 4.050.
6. Aquaculture facility limited to temporary removable structures which require no dredge or fill.
7. Boat ramp for public use where no dredging or fill for navigational access is needed.
8. Bridge crossing support structure.
9. Piling as necessary for conditional uses 1 through 9, above.
10. Temporary alteration.
11. Communication facility.

2.615. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. There a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).
2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Natural Zone, Section 2.600, when a Resource Capability Determination is required.
3. Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.
4. The maximum height of structures in the Aquatic Natural Zone shall be 20 feet above the grade of adjacent shorelands.
5. Uses that are not water-dependent shall be located either on a floating structure or pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
6. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
7. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. Accessory structures in the Aquatic Natural Zone are limited in size to a maximum of ten percent of the primary structure.

S-1: MARINE INDUSTRIAL SHORELANDS

2.650. PURPOSE AND AREA INCLUDED.

The purpose of the Marine Industrial Shorelands Zone is to manage shorelands in urban and urbanizable areas especially suited for water-dependent uses and to protect these shorelands for water-dependent industrial, commercial and recreational use. The Marine Industrial Shorelands Zone includes areas with special suitability for water-dependent development. Primary attributes for Marine Industrial Shorelands areas are access to well scoured deep water and maintained navigation channels, existing developed land uses, potential for aquaculture, feasibility for marina development, and potential for recreational utilization. Uses of Marine Industrial Shorelands shall maintain the integrity of the estuary and coastal waters. Water-dependent uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.

2.655. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the Marine Industrial Shorelands Zone subject to the applicable provisions of Section 2.665, Development Standards and Procedural Requirements:

1. Water-dependent industrial use.
 2. Water-dependent commercial use.
 - * 3. Water-dependent recreational facility, including boat ramp, dock, moorage and marina for commercial and recreational marine craft.
 - * 4. Other water-dependent commercial and recreational uses.
 5. Shoreline stabilization.
 6. Navigational aide.
 7. Temporary dike for emergency flood protection limited to 60 days, subject to State and Federal regulations.
 8. Water-related commercial and industrial use.
- * Not permitted at South Tongue Point.

2.660. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Marine Industrial Shorelands Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.665, Development Standards and Procedural Requirements:

1. Retail trade facility for the sale of products such as ice, bait, tackle, charts, gasoline or other products incidental to, or used in conjunction with a water-dependent use.
2. Eating and drinking establishment which provides a view of the waterfront, and which is in conjunction with a water-dependent use such as a marina or seafood processing plant.
3. Water-related recreational use.
4. Aquaculture facility.
5. Temporary use meeting the requirements of Section 3.240.
6. Non-water-dependent and non-water-related use which is accessory to and in conjunction with permitted water-dependent and water-related use.
 7. Non-water dependent and non-water related uses may be located in existing, under-utilized buildings provided the use does not preclude future water-dependent or water related uses.

(Section 2.660(7) added by Ordinance 94-05, 6-6-94)

2.665. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards of these uses).
2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.

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S-1 Zone

3. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
4. Water-dependent recreation and water-dependent commercial uses shall be located so as not to interfere with water-dependent marine industrial uses of areas.
5. There shall be no height limitation for structures sited within the Marine Industrial Shorelands Zone.
6. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent use (Section 4.220(A)), or for water-related uses (Section 4.220(B)).
7. Uses in the South Tongue Point Area, the North Tongue Point Mediated Agreement Area, or in the Port of Astoria Mediated Agreement Area, must comply with the relevant policies in the Comprehensive Plan, Sections CP.165(G) or CP.180(H).
8. Accessory structures in the Marine Industrial Shorelands Zone are limited in size to a maximum of ten percent of the lot or parcel size.
9. In the unincorporated UGB, uses and activities permitted under Sections 2.655 and 2.660 of this zone are subject to the public notice provisions of Section 9.020 if an impact assessment is required pursuant to Section 5.010, or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgement.
10. Any lease of property for non-water dependent or non-water related uses shall contain a provision that the property owner shall terminate the lease if the property owner determines that the property is required for a water dependent or water related use.

(Section 2.665(10) added by Ordinance 94-05, 6-6-94)

S-2: GENERAL DEVELOPMENT SHORELANDS ZONE

2.675. PURPOSE AND AREAS INCLUDED.

The purpose of the S-2 Zone is to provide an area where a mixture of industrial, commercial, residential, public and recreational uses can locate. Uses which are water-dependent or water-related and other uses which would benefit from a water-front location are preferred. The S-2 Zone includes areas less suitable for marine-oriented uses than the S-1 Zone, such as shoreland areas with limited backup land.

2.680. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the General Development Shorelands Zone, subject to the provisions of 2.690, Development Standards and Procedural Requirements.

- * 1. Charter fishing office.
- 2. Cold storage and/or ice processing facility.
- * 3. Marina and high intensity water-dependent recreation.
- 4. Marine equipment sales establishment.
- * 5. Petroleum receiving, dispensing and storage for marine use.
- 6. Seafood receiving and processing.
- 7. Ship and boat building and repair.
- 8. Maintenance and repair of existing structure or facility.
- 9. Navigation aide.
- 10. Temporary dike for emergency flood protection subject to State and Federal regulations.
- 11. Shoreline stabilization.
- 12. Public park or recreation area.
- 13. Water-dependent industrial, commercial and recreational use.

- * 14. Manufactured Dwelling in an approved park.
- * Not permitted at South Tongue Point.

2.685. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be allowed as Conditional Uses when authorized in accordance with Article 11, Conditional Uses, and when they meet the provisions of 2.690, Development Standards and Procedural Requirements.

1. Active restoration/resource enhancement.
- * 2. Automobile sales and service establishment.
3. Contract construction service establishment.
4. Educational establishment.
- * 5. Gasoline service station.
6. Housing which is secondary to another permitted use, such as security guard's or proprietor's quarters.
7. Log storage/sorting yard.
- * 8. Manufactured Dwelling Park which satisfies requirements in Section 11.120.
- * 9. Single-family residence where such use occupies no more than 25% of a structures gross floor area.
- * 10. Multi-family dwelling.
11. Public or semi-public use.
12. Utility.
13. Business service establishment.
14. Communication service establishment.
15. Personal service establishment.
16. Professional service establishment.

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S-2 Zone

17. Repair service establishment.
18. Research and development laboratory.
19. Shipping and port activity.
20. Wholesale trade, warehouse, and/or distribution establishment (including trucking terminal).
21. Eating and drinking establishment.
22. Retail sales establishment.
- * 23. Hotel, motel, inn, bed and breakfast.
- * 24. Indoor amusement, entertainment and/or recreation establishment.
25. Wood processing.
26. Light manufacturing.
27. Temporary use meeting the requirements of Section 3.240.
28. Water-related industrial, commercial and recreational uses.
- * 29. Conference Center.
(Section 2.685(29) added by Ordinance 94-06, 6-6-94)
- * Not permitted at South Tongue Point.

2.690. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing or walls.

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S-2 Zone

3. All uses will comply with access, parking, and loading standards in Article 7.
4. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
5. Signs will comply with requirements in Article 8.
6. No structure will exceed a height of 28 feet above grade, except for those areas between the 15th and 21st Street right-of-ways, and between the 5th Street right-of-way and the Astoria-Megler Bridge. In these two areas no structure shall exceed a height of 45 feet above grade.
7. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
8. Uses which are non-water-dependent, non-water-related or which otherwise derive no benefit from a waterfront location and which have frontage on the water shall provide a landscaped buffer along the waterfront.
9. Whenever possible all structures shall be designed and orientated to maintain views of the river from public rights-of-way.
10. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)), or for water-related uses (Section 4.220(B)).
11. Accessory structures in the General Development Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.

S-2A: TOURIST-ORIENTED SHORELANDS ZONE

2.700. PURPOSE AND AREA INCLUDED.

This district is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area. The uses permitted are intended to be compatible with pedestrian orientation. The emphasis is on the rehabilitation and reuse of existing structures.

2.705. PERMITTED USES.

The following uses and activities and accessory uses and activities are permitted in the Tourist Oriented Shoreland Zone, subject to the provisions of 2.715. Development Standards and Procedural Requirements.

1. Tourist oriented retail sales establishment.
2. Eating, drinking and entertainment establishment without drive-through facility.
3. Specialized food store, such as bakery, delicatessen and seafood market.
4. Hotel, motel, inn, bed and breakfast, and associate uses.
5. Service facility which provides personal services in conjunction with and incidental to a hotel, motel, inn, bed and breakfast.
6. Indoor family-oriented amusement, entertainment and/or recreation establishment.
7. Theater.
8. Seafood receiving and processing.
9. Small boat building and repair.
10. Boat and/or marine equipment sales.
11. Park and museum.
12. Shoreline stabilization.

13. Navigation aide.
14. Conference Center.

(Section 2.705(14) added by Ordinance 94-06, 6-6-94)

2.710. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Tourist-Oriented Shoreland Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.715, Development Standards and Procedural Requirements.

1. Arts and crafts studio.
2. Commercial or public parking lot.
3. Multi-family dwelling.
4. Non-tourist oriented retail sales establishment.
5. Professional and business office.
6. Public or semi-public use appropriate to and compatible with the district.
7. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
8. Temporary use meeting the requirements of Section 3.240.

2.715. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls.
3. Uses located between 8th and 14th Street are not required to provide off-street parking or loading. Uses located in other portions of the S-2A Zone shall comply with access, parking, and loading standards in Article 7.
4. Signs will comply with requirements in Article 8.

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5. No structure will exceed a height of 28 feet above grade, except for those areas between the extended 15th and 21st Street rights-of-way. In this area, no structure shall exceed a height of 45 feet above grade.

(Section 2.715(5) amended by Ordinance 94-07, 7-18-94)
6. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
7. Uses in this zone which are water-dependent or water-related must meet the criteria for water-dependent uses (Section 4.220(A)) or for water-related uses (Section 4.220(B)).
8. New businesses with frontage on north-south oriented streets shall meet the following requirements:
 - a. To the extent possible, businesses which have frontage on both Marine Drive and north-south streets will locate the tourist oriented portions or functions to the north-south streets.
 - b. New or renovated storefronts will be designed to relate to existing adjacent businesses in terms of scale, color and use of materials.
 - c. Where appropriate, store front windows along north-south streets will be restored to "display window" condition.
 - d. The number of garage entry doors along the street will be kept to a minimum.
 - e. The Planning Commission may require landscaping, lighting, street furniture or other amenities as part of a renovation or new use.
9. Accessory structures in the Tourist-Oriented Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.

S-5: NATURAL SHORELANDS ZONE

2.725. PURPOSE AND AREAS INCLUDED.

This district is for shoreland areas which should be managed for resource protection, preservation, restoration and recreation, with severe restrictions on the intensity and types of uses. Natural shoreland areas may include unique or highly valuable vegetative or wildlife habitat, and critical habitat for endangered or threatened species, where a less restrictive designation would not provide adequate protection.

2.730. PERMITTED USES.

The following uses and activities and their accessory uses and activities are permitted in the Natural Shorelands Zone, subject to the appropriate provisions of Section 2.740, Development Standards and Procedural Requirements.

1. Navigation aide.
2. Vegetative shoreline stabilization.
3. Maintenance and repair of existing structure and facility.

2.735. CONDITIONAL USES.

The following uses and activities and their accessory uses and activities may be permitted in the Natural Shorelands Zone as Conditional Uses when authorized in accordance with Article 11, Conditional Uses. These uses and activities are also subject to the appropriate provisions of Section 2.740, Development Standards and Procedural Requirements:

1. Marine research and/or education facility.
2. Restoration or mitigation, where consistent with the maintenance of natural values.
3. Low-intensity recreation.

2.740. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied.
2. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
3. All structures shall be set back 50 feet from the shoreline to protect riparian vegetation, except where direct water access is required for a water-dependent use. Riparian vegetation within the setback shall be maintained except where direct water access is required. Temporary removal of riparian vegetation due to construction or landscaping may be permitted, subject to a revegetation plan approved by the City which specifies:
 - a. Temporary stabilization measures;
 - b. Methods and timing for restoration of riparian vegetation. Native plant species should be considered for revegetation; however, plant species and revegetation techniques approved by the Soil Conservation Service, the US Army Corps of Engineers, and other participating Federal and State resource agencies are appropriate.
4. The maximum height of structures in the S-5 Zone shall be 20 feet above grade.
5. Accessory structures in the Natural Shorelands Zone are limited in size to a maximum of 10% the lot or parcel size.

CRESO: COLUMBIA RIVER ESTUARY SHORELAND OVERLAY DISTRICT

2.750. PURPOSE AND AREAS INCLUDED.

This overlay district establishes additional requirements for shoreland areas adjacent to the Columbia River Estuary to assure that estuary shorelands are managed in a way that is compatible with adjacent estuarine aquatic areas. This district includes the following shoreland areas:

1. Areas within 50 feet of the estuary shoreline;
2. Adjacent area of geologic instability where the instability is related to or will impact the estuary;
3. Riparian vegetation;
4. Area of significant shoreland and wetland biological habitats where habitat quality is derived from or associated with the estuary;
5. Areas in the S-1, S-2, S-2A, S-3 or S-4 Zones.
6. Area of exceptional aesthetic or scenic quality, where the quality is primarily derived from or associated with the estuary;

2.755. PERMITTED AND CONDITIONAL USES.

1. Use and activity listed in the underlying zone, subject to the procedure specified in the underlying zone.
2. Accessory use and activity associated with development in adjacent Columbia River Estuary aquatic areas, subject to the procedure specified in the Aquatic Zone.

2.760. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

1. All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the Standards applicable to each use shall be satisfied.
2. Proposals involving a development that is only partially within this Overlay District shall be reviewed so that only the uses and activities actually within the Shorelands Boundary are subject to the requirements of this Overlay District.
3. The Shorelands Boundary describes the landward limit of this Overlay District. The Shorelands Boundary is described in the Subarea Plans, Section CP.155 through CP.180 of the Comprehensive Plan.

FHO: FLOOD HAZARD OVERLAY ZONE

2.800. PURPOSE AND OBJECTIVES.

- A. It is the purpose of this Flood Hazard Overlay Zone to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the City of Astoria Comprehensive Plan and Development Code, the specific objectives of this zone are:
1. To combine with the present zoning requirements certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City.
 2. To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
 3. To minimize the need for rescue and relief efforts associated with flooding.
 4. To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.
 5. To minimize damage to public facilities and utilities located in flood hazard areas.
 6. To ensure that potential home and business buyers are notified that property is in a flood area.
 7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2.805. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage, and to give this Code its most reasonable application.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depth range is from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always include the letter A or V.

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DEVELOPMENT: Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling located within the area of special flood hazard.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code in Section 2.825(A).

MEAN SEA LEVEL (MSL): The average height of the sea for all stages of the tide.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after January 21, 1988.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include:

- a. Land preparation, such as clearing, grading and filling;
- b. Installation of streets and/or walkways;
- c. Excavation for basement, footings, piers, or foundation or the erection of temporary forms;
- d. Installation on the property of an accessory building, such as garage or shed not occupied as dwelling unit or not part of the main structure.

STRUCTURE: A walled and roofed building including a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The terms do not, however, include either:
 - 1) Any project for improvement of a structure to comply with existing State or local health sanitary or safety code specification which are solely necessary to assure safe living conditions; or
 - 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2.810. GENERAL PROVISIONS.

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A. Lands To Which This Code Applies.

This Code shall apply to all areas of special flood hazards (Flood Hazard Overlay Zone) in combination with present zoning requirements within the jurisdiction of the City of Astoria.

B. Basis For Establishing The Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Astoria", dated August 1, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps and any revision thereto, is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the City of Astoria City Hall, Community Development Department.

C. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Code and other applicable regulations.

D. Warning and Disclaimer of Liability.

The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Code does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The Code shall not create liability on the part of the City of Astoria, or any officer or employee thereof, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.

2.815. ADMINISTRATION.

A. Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area defined as an Area of Special Flood Hazard (see definition). The permit shall be for all structures including manufactured homes, set forth in the "definitions" and for all developments including fill and other activities, also as set forth in the "Definitions". Application for a development permit shall be made to the Community Development Director on forms furnished by the City, and shall specifically include the following information:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

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2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing method for any non-residential structure meets the floodproofing criteria in Section 2.825(A.2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Duties and Responsibilities.

The duties of the Community Development Director shall include, but not be limited to:

1. Review of all development permits to determine that the permit requirements of this Code have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
3. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.

C. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 2.810(B), Basis for Establishing the Area of Special Flood Hazard, the Community Development Director shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Section 2.825(A.1), Specific Standards, Residential Construction, and Section 2.825(A.2), Specific Standards, Non-residential Construction.

D. Information To Be Obtained and Maintained By Community Development Director.

Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.815(C), the Community Development Director shall:

1. Verify and record actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. verify and record the actual elevation (in relation to Mean Sea Level); and

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- b. maintain the floodproofing certifications required in Section 2.815(A.3).

E. Alteration of Watercourses.

The Community Development Director shall:

1. Notify adjacent communities and the Oregon Water Resources Department prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse, so that the flood carrying capacity is not diminished.

F. Interpretation of FIRM Boundaries.

The Community Development Director shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in Section 2.815(H).

G. Variance Procedures.

1. A variance shall be approved or denied by the Community Development Director in accordance with Article 12.
2. When a variance is granted, the Community Development Director shall give written notice that the structure or manufactured home will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lower floor elevation.

H. Appeals.

The decision of the Community Development Director on a variance may be appealed to the Planning Commission pursuant to 9.040.

2.820. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. General Standards.

In the Flood Hazard Overlay Zone (FHO) the following provisions are required:

1. Anchoring.
 - a. All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating with the components during conditions of flooding.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another administrative source (Section 2.815C), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

2.825. SPECIFIC PROVISIONS FOR FLOOD HAZARD REDUCTION.

A. Specific Standards.

In all areas of special flood hazards (FHO) where base flood elevation data has been provided as set forth in Section 2.810(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 2.815(C), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the official as set forth in Section 2.815(D.2.b);
- d. Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 2.815(A);
- e. Applicants floodproofing non-residential buildings shall be notified that flood insurance premium will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

3. Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 2.820(A.1.b).

IN: INSTITUTIONAL ZONE

2.835. PURPOSE.

This zone is intended to facilitate uses such as parks, public works, schools, museums, open space, and similar activities on property which is presently committed to such uses.

2.840. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an IN Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.835 through 2.860, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Caretaker dwelling.
2. Community building.
3. Low-intensity recreation.
(Section 2.840(3) amended by Ordinance 96-01, 1-16-96)
4. Public parking lot or structure.
5. Public restroom.
6. Public utility shop and yard.
7. Recycling or solid waste transfer facility.
8. Reservoir.
9. School or college.
10. Single-family dwelling on lot where such use existed as of January 1, 1990.
11. Utilities.

2.842. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in an Institutional Zone (IN) if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.845 through 2.860, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. High-intensity recreation.

(Section 2.842 added by Ordinance 96-01, 1-16-96)

2.845. YARDS.

The minimum yard requirements in an IN Zone will be as follows:

1. The minimum front yard will be 20 feet.
2. The minimum side yard will be five (5) feet, except on corner lots, the side yard on the street side will be 15 feet.
3. The minimum rear yard will be 20 feet, except on corner lots, the rear yard will be five (5) feet.

2.850. LANDSCAPED OPEN AREA.

A minimum of 10 percent of the total lot area will be maintained as a landscaped open area.

2.855. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

2.860. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. When an institutional use in an IN Zone abuts a lot in a residential zone, there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

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3. Outdoor storage areas will be enclosed or screened from view by appropriate vegetation, fencing, or walls.
4. Where feasible, joint access points and parking facilities for more than one use should be established.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Signs will comply with requirements in Article 8.
7. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
8. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
9. Single-family dwellings existing as of January 1, 1990 may be moved, enlarged or reconstructed provided such work is confined to those privately owned lots associated with the dwelling.

LR: LAND RESERVE ZONE

2.870. **PURPOSE.**

The purpose of the LR Zone is to protect forest lands for forest uses, such as harvesting, preservation, recreation, and similar activities. Conversion of the LR Zone to urban uses may only be done through the expansion of the Urban Growth Boundary and amendment of the Land Use Plan and Zoning Map.

2.875. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in the LR Zone if the Community Development Director determines that the uses will not violate standards referred to in Section 2.880, additional Development Code provisions, Comprehensive Plan, and other City laws.

1. Forest management, including logging, access roads, spraying, slash burning and other activities regulated by the Oregon Forest Practices Act.
2. Public facilities, including water reservoirs and distribution lines, power lines, roads and similar uses.
3. Low-intensity recreation.

(Section 2.875(3) amended by Ordinance 96-01, 1-16-96)

2.880. **OTHER APPLICABLE USE STANDARDS.**

1. Forest management activities shall be regulated in accordance with the Oregon Forest Practices Act.
2. Activities or uses other than forest management shall be carried out in a manner which protects the natural resources of the area, including wildlife habitat, significant stands of trees, water quality and views and vistas.

PD: PLANNED DEVELOPMENT OVERLAY ZONE

2.890. PURPOSE.

This zone is intended to provide for developments incorporating a single type or a variety of housing types and related uses which are planned and developed as a unit or in sequential phases. Such developments may consist of individual lots as part of a larger holding or as common building sites. Commonly owned land, which is an essential and major element of the plan, should be related to and preserve the natural features of the land and enhance the long-term value of the property. It is the intent of this zone to foster a more innovative approach to land development than is possible under the traditional lot by lot methods, and to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan.

2.895. PERMITTED BUILDINGS AND USES.

- A. The following buildings and uses may be permitted as hereinafter provided when on sites of three acres or more. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the parent zone as provided in this Code.
1. Single-family dwelling including detached, attached, or semi-attached units, row houses, atrium or patio houses on individual lots or in cooperative or condominium ownership.
 2. Two-family dwelling.
 3. Multi-family dwelling.
 4. Manufactured home, mobile house, or modular home.
 5. Accessory building and uses.
 6. Commercial use only when support mainly by the planned development and only when economic feasibility can be shown.
 7. Building or use as an outright use, or conditional use in the parent zone on which the planned development is located.

2.900. DEVELOPMENT STANDARDS.

A. Minimum Site Size.

Planned developments shall be established only on parcels of land which are suitable for the proposed development and are determined by the Planning Commission to be in keeping with the intent of this Code. A minimum area for such a zone shall be three (3) acres.

B. Open Space.

In all residential developments, or in combination residential commercial developments, fifty percent (50%) of the total area shall be devoted to open space. Open space may be in the form of yards, buffers, setbacks, common open areas, or recreational facilities. Of this area, twenty-five percent (25%) of said open space may be utilized privately by individual owners or users of the planned development; however, seventy-five percent (75%) of this area should be common or shared open space. The Planning Commission may increase or decrease the open space requirements depending on the particular site and the needs of the development.

C. Density.

The density of a planned development shall not exceed the density of the parent zone. Except that the density of housing development shall not be less than eight (8) units per acres. When calculating density, the gross area is used (total area including street dedications). Areas of common use may be included in calculating allowable density.

D. Low and Moderate Income Housing.

For housing developments which are subsidized through a State or Federal housing assistance program, or which can be certified by the developer to be affordable housing for low and moderate income persons or families, a minimum density of 12 units per acre shall be assigned to the project by the Planning Commission so long as a finding is made that the land is physically capable of supporting this level of development.

E. Subdivision Lot Sizes.

Minimum area, width, depth, and frontage requirements for subdivision lots in a planned development may be less than the minimums set forth elsewhere in City Codes, provided that the overall density is in conformance, and that lots conform to the approved preliminary development plan.

F. Off-Street Parking.

Parking spaces shall conform to all provisions of this Code, except that the Planning Commission may authorize exceptions where warranted by unusual circumstances. Common off-street parking areas may be provided, and the Planning Commission may allow street width reductions where this is done.

G. Signs.

All non-exempt signs within a planned development are subject to review and approval of the Planning Commission. They shall consider each sign on its merits based on its visual impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners, and need for said sign.

H. Height.

The same restrictions shall prevail as permitted outright in the zone in which such development occurs.

I. Streets and Roads.

Necessary streets and roads within the planned development will be dedicated to the public and constructed to standards determined by the Planning Commission based on the recommendation of the City Engineer. The Planning Commission may authorize the construction of narrower streets without curbs, sidewalks, and on-street parking areas where it has been determined that adequate off-street parking is provided, and where it is determined that standard street construction practices would have adverse impacts on slopes, or the character of the development.

J. Dedication and Maintenance of Facilities.

The Planning Commission, or on appeal, the City Council, may as a condition of approval for the planned development, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. Recreation Facilities.

The Planning Commission may require that suitable area for parks or playgrounds be set aside, improved, or permanently reserved for the owners, residents, employees or patrons of the planned development.

2. Common Area.

Whenever common area is provided, the Planning Commission or City Council may require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such Articles of Incorporation and By-laws that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common area. Such an association, if required, may undertake other functions. It will be created in such a manner that owners of property will automatically be members and will be subject to assessment levied to maintain said common areas for the purposes intended. The period of existence of such association will be not less than 20 years, and it will continue thereafter and until a majority vote of the members will terminate it.

3. Easements.

Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

K. Underground Utilities.

All electrical and telephone, cable TV, fire alarm, street light wiring, and similar facilities shall be placed underground by the developer.

L. Approvals.

The Community Development Department will submit the preliminary development plan to the City Departments and utilities which will serve the planned development and will consider their recommendations in regard to approval of the proposal.

2.905. PROCEDURE - PRELIMINARY DEVELOPMENT PLAN.

A. Content of Preliminary Development Plan.

The applicant will submit four (4) copies of the preliminary development plan to the Planning Commission prior to formal application for rezoning. This plan and any written statements will contain at least the following information:

1. Contour map at two (2) foot contour intervals.
2. A site investigation by a registered geologist showing feasible building site and known or potential geologic hazards.

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PD Zone

3. Proposed land use and densities.
4. Location and approximate dimensions and heights of structures.
5. Plan of open spaces or common spaces.
6. Map showing existing natural features, including major stands of trees, streams, etc.
7. Proposed method of utilities service and drainage.
8. A grading plan showing all cuts and fills proposed.
9. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
10. Proposed lot layout, road and circulation plan.
11. A schedule, if it is proposed that the final development plan will be executed in stages.

B. Planning Commission Review.

The Planning Commission will consider the preliminary development plan at a public meeting, at which time they will determine whether the proposal conforms to City Codes. In addition, in considering the plan, the Planning Commission will seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard Code requirements.
2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
3. The proposed development will be in substantial harmony with the surrounding area, including vegetation and topography and any important natural areas such as marshes or wildlife habitats.
4. The plan can be completed within a reasonable period of time.
5. Any proposed commercial development is intended to serve the neighborhood.
6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

C. Notification to Applicant.

The Planning Commission will notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.

D. Application for Amendment.

Following this preliminary meeting, the applicant may proceed with his request for approval of the planned development by filing an application for an amendment to this Code with the Community Development Department.

2.910. PROCEDURE - FINAL APPROVAL.

A. Contents of Final Plan.

Within one (1) year after concept approval or modified approval of a preliminary development plan, the applicant will file a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the planned development, with the Planning Commission. The final plan will include all information included in the preliminary plan plus the following:

1. The final plat of the subdivision, if property is to be subdivided, or the final lot lines of the development as surveyed.
2. Location and dimensions of streets, roads, trails, common open space, recreation area and parks.
3. Location, dimensions, and arrangement of off-street parking including width of aisles, spaces, and other design criteria.
4. Planting and landscaping plan.
5. Architectural plans and elevations of typical structures.
6. The applicant will also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned development will be followed.

B. Planning Commission Review.

Upon receipt of the final development plan, the Planning Commission will examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan, or require such changes in the proposed development or impose such conditions of approval as are, in its judgment, necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 30 days.

C. City Council Review.

After final concept approval by the Planning Commission, the planned development application will be sent to the City Council for consideration for final approval and zone change.

2.915. MAPPING.

An approved planned development shall be identified on the zoning map with the letters "planned development" in addition to the abbreviated designation of the present zone.

2.920. ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF.

A. Building Permits.

Building permits in a planned development will be issued only on the basis of the approved plan. Any changes in the approved plan will be submitted to the Planning Commission.

B. Performance Bond.

A performance bond may be required, in an amount to be determined by the Planning Commission, to insure that a development proposal is completed as approved and within the time limits agreed to.

SBHO: SENSITIVE BIRD HABITAT OVERLAY ZONE

2.930. PURPOSE AND AREA INCLUDED.

The purpose of this overlay zone is to establish additional requirements for habitat areas identified as critical for the Great Blue Heron, Northern Bald Eagle, Osprey, or other sensitive bird species to insure that the areas are protected from the effects of conflicting uses or activities.

The areas subject to the requirements of the Sensitive Bird Habitat Overlay Zone include nest trees, vegetative buffers, perching and fledgling trees, and other key habitat components associated with Bald Eagles, Osprey, and Great Blue Herons. When sensitive bird habitats are identified and a decision is made to protect an identified habitat under Statewide Planning Goal 5, then the Sensitive Bird Habitat Overlay shall be added to the Comprehensive Plan, mapped on the Astoria Land Use and Zoning Map, and become subject to the requirements of the Sensitive Bird Habitat Overlay Zone.

The requirements of the SBHO Zone will be implemented through a site specific management plan developed to insure that potential uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.

(Section 2.930 added by Ordinance 94-11, 9-19-94)

2.935. GENERAL PROVISIONS.

- A. Once a sensitive bird habitat has been identified, Oregon Department of Fish and Wildlife shall be consulted to determine that the area is an actively used habitat for a sensitive bird species.
- B. A site specific management plan shall be developed when the City of Astoria and Oregon Department of Fish and Wildlife identify a sensitive bird habitat area as described in Section 2.930.
- C. The management plan shall clearly map the sensitive habitat area, appropriate buffers, nests, and roosts. The management plan will consider measures to address critical nesting periods.
- D. Site specific management plans may need to be periodically reviewed and updated to address potential impacts not considered during the initial plan development.

(Section 2.935 added by Ordinance 94-11, 9-19-94)

2.940. USES PERMITTED OUTRIGHT AND CONDITIONAL USES.

- A. Uses and activities listed in the underlying zone are allowed subject to the procedures and requirements specified in the underlying zone and additionally to any Development Standards and Procedural Requirements which may be identified in the site specific management plan referred to in Section 2.935.
- B. The SBHO Zone does not regulate Forest Practices on forest lands outside the Urban Growth Boundary. Requirements of the Forest Practices Act will be applied to sensitive bird habitats located on forest lands outside the Urban Growth Boundary through the requirements of the Oregon Department of Forestry.

(Section 2.940 added by Ordinance 94-11, 9-19-94)

MANAGEMENT PLAN
FOR THE YOUNGS BAY/BROWN CREEK GREAT BLUE HERON ROOKERY

2.950. DEFINITIONS.

As used in Sections 2.950 through 2.960, unless the context requires otherwise, the following words and phrases shall mean:

PRIMARY NEST ZONE: The area encompassing the nest trees of the Great Blue Heron Rookery. The primary nest zone is delineated by identifying the nest trees on the outer perimeter.

BUFFER ZONE: The buffer is an area extending 300 feet around the primary nest zone, measured from the nest trees on the perimeter of the primary nest zone.

(Section 2.950 added by Ordinance 94-11, 9-19-94)

2.955. BACKGROUND SUMMARY.

The Youngs Bay/Brown Creek Heron Rookery is located on the City's South Slope in a drainage area commonly known as Brown Creek. The Rookery is approximately half within Astoria City limits and half within the unincorporated area of Clatsop County.

A May 1993 survey of the Heron Rookery, conducted by Oregon Department of Fish and Wildlife (ODFW), found 135 active nests and six inactive nests. The active nests were located in 31 trees. Oregon Department of Transportation (ODOT) and ODFW mapped the primary nesting area, identifying the nest trees on the outside perimeter of the nest zone (see attached map).

In accordance with ODFW's guidelines for heron rookeries, all trees within a primary nest zone (area encompassed by a boundary drawn to enclose all nest trees) will be protected, and a buffer zone 300 feet around the primary nest zone will be designated to provide alternate nest trees, allow colony growth, and minimize wind damage. Wind throw at the site is high. Activities that could result in major disturbances during the nesting season, February 1 through July 31, shall be avoided within this buffer zone unless reviewed and authorized by the City of Astoria.

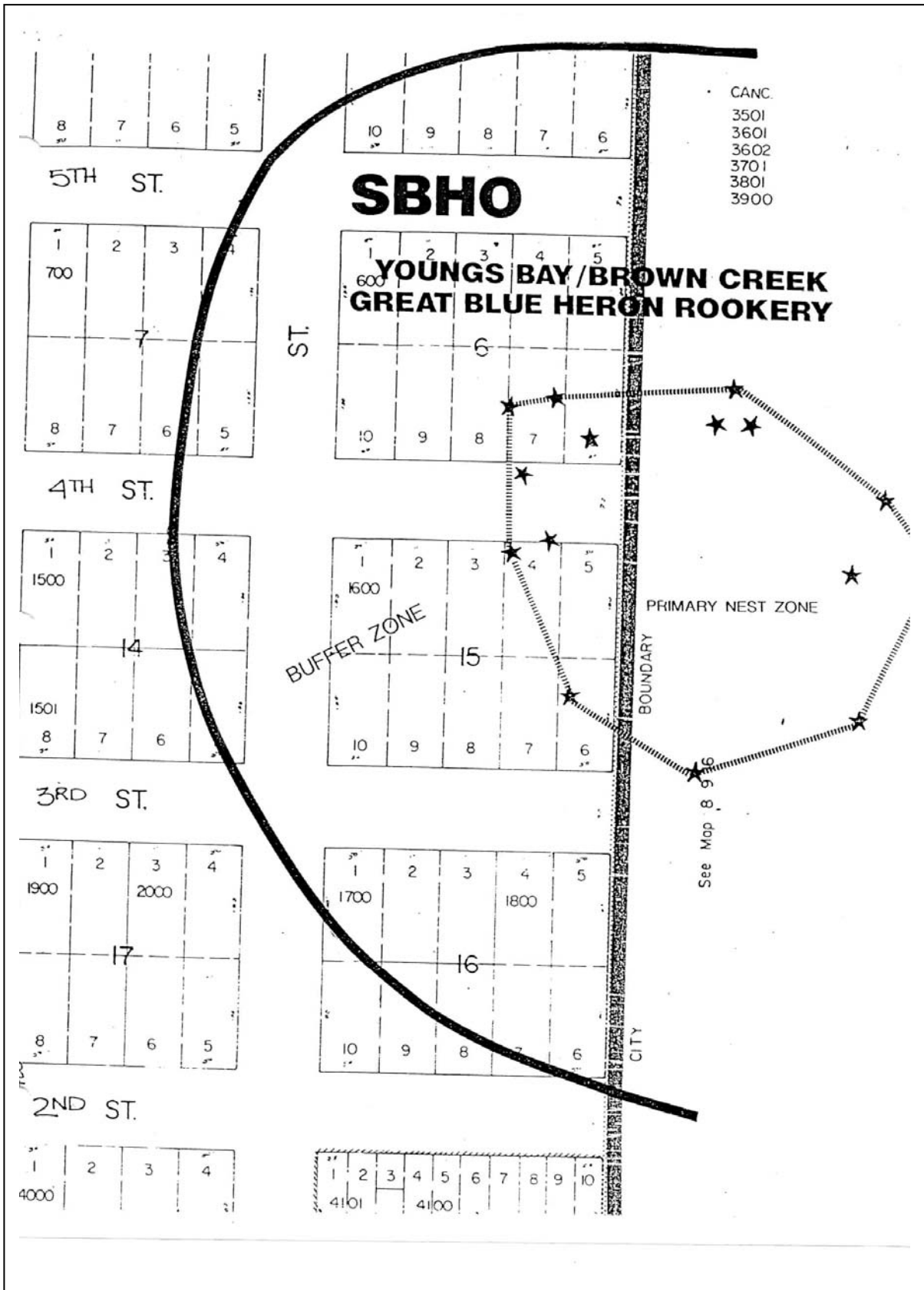
The City of Astoria has determined, through the Goal 5 process (ESEE Analysis), that the benefits to the area gained from construction of the proposed Astoria By-Pass out-weigh the anticipated adverse impacts and support construction of the proposed Astoria By-Pass.

(Section 2.955 added by Ordinance 94-11, 9-19-94)

2.960. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

- A. The standards listed below pertain to potential activities within the primary nest zone and buffer zone:
1. Heavy construction activities requiring use of loud equipment shall not occur during the nesting season from February 1 through July 31, unless these activities and the potential for disturbance is reviewed and approved by the City of Astoria.
 2. Proposals involving development within 300 feet of the primary nest zone may be authorized providing the proponent can comply with the following:
 - a. Provide evidence that the proposed use or activity can be accomplished without conflicting with or jeopardizing the sensitive bird habitat area.
 - b. There is no alternative location for the use or activity.
 3. The City may attach additional conditions to a proposed use or activity to protect the primary nest zone on a project by project basis as a condition of approval.

(Section 2.960 added by Ordinance 94-11, 9-19-94)



GATEWAY OVERLAY AREA ZONES

2.965. GATEWAY OVERLAY AREA ZONES.

For Development Code Sections relative to the Gateway Overlay Zone and specific zones within the Gateway Overlay Area, see Article 14.

(Section 2.965 added by Ordinance 98-04, 5-4-98)

ARTICLE 3

ADDITIONAL USE AND DEVELOPMENT STANDARDS

3.005. ACCESS TO STREETS.

Every lot shall abut a street, other than an alley, for at least 20 feet.

3.020. ACCESSORY DWELLING UNITS.

A. Purpose.

The purpose of this Section is to promote more efficient use of large, older homes; provide more affordable housing; allow individuals and smaller households to retain large, older houses as residences; and maintain the single-family character of the house.

B. Standards.

1. Size.

a. Primary Structure.

A house with an Accessory Dwelling Unit must have at least 1,400 square feet of floor area prior to creation of the Accessory Dwelling Unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be used in the calculation of the total square footage. Any finished area used to determine floor area of the primary unit must have been completed at least ten years prior to the application for an Accessory Dwelling Unit. This date shall be determined by proof to be submitted by the applicant, such as the final inspection report date of a building permit.

b. Accessory Dwelling Unit.

An Accessory Dwelling Unit shall not exceed 40% of the primary structure or 800 square feet in size, whichever is smaller.

2. Creation of the Unit.

- a. The Accessory Dwelling Unit may be created only through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, or areas over attached garages. Accessory Dwelling Units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.

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- b. To differentiate an Accessory Dwelling Unit from a two-family dwelling, all utilities such as water, electric, or gas, shall remain as single service utilities. The Accessory Dwelling Unit shall not have its own utility services, except if the separate services existed prior to January 1, 2004. This does not apply to utilities providing service to communication devices such as telephone, television, and other communication devices.
- c. An Accessory Dwelling Unit shall be subordinate to the existing single-family dwelling and may not be subdivided or otherwise segregated in ownership from the primary residence structure.

3. Location of Entrances.

In addition to the main entrance, one entrance to the house may be located on the side or rear of the house. An additional entrance shall not alter the appearance in such a way that the structure appears to be a two-family dwelling, unless the house contained additional front doors prior to the conversion.

4. Zones in Which Permitted.

Accessory Dwelling Units are allowed as an accessory use to any existing single-family dwelling in all zones.

5. Owner Occupancy.

- a. The property owner shall occupy either the principal unit or the Accessory Dwelling Unit as their permanent primary residence, and at no time receive rent for the owner-occupied unit.
- b. The property owner shall provide a covenant or deed restriction in a form acceptable to the City and suitable for recording with the County, providing notice to future owners of the subject lot that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or the principal dwelling unit by the property owner.

6. Lot Size.

A home with an Accessory Dwelling Unit in the R-1 Zone (Low Density Residential) shall be located on a minimum lot size of 5,000 square feet. There is no minimum lot size for other zones.

7. Off-Street Parking Requirements.

In addition to the two spaces required for the primary unit, the Accessory Dwelling Unit shall have one additional off-street parking space.

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8. Age of Home.

An Accessory Dwelling Unit may be allowed in homes originally constructed a minimum of 50 years prior to the application for the Accessory Dwelling Unit.

C. Permits.

1. Permit Required.

A permit is required for the establishment of an Accessory Dwelling Unit. The property owner shall submit an application to the Community Development Department on a form provided by the City.

2. Expiration of Permit.

An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

- a. The Accessory Dwelling Unit is substantially altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
- b. The subject lot ceases to provided the approved number of parking spaces; or
- c. The property owner ceases to reside in either the principal or the Accessory Dwelling Unit.

D. Non-conforming Accessory Dwelling Units.

1. The portion of a single-family dwelling which meets the definition of Accessory Dwelling Unit which was in existence prior to January 1, 2004, may continue in existence provided the following requirements are met:

- a. An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review.
- b. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria.
- c. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units".

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2. The Community Development Director may approve a permit submitted for a non-conforming unit that does not meet all of the above requirements, except those relative to building code requirements, as follows:
 - a. The permit review shall be in accordance with Article 9 concerning administrative decisions. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Non-conforming Accessory Dwelling Unit. The notice shall set forth the standards required and the nature of the non-conformity.
 - b. Permits for a Non-conforming Accessory Dwelling Unit may be issued after the notice period by the Community Development Director where the Director has made written findings as follows:
 - 1) That full compliance would be impractical; and
 - 2) That neither present nor anticipated future use of the unit reasonably require strict or literal interpretation and enforcement of the requirements of this code; and
 - 3) That the granting of the permit will not create a safety hazard.
3. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

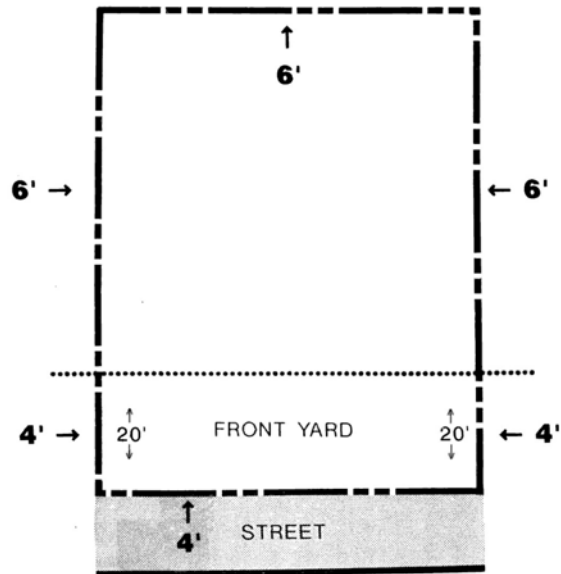
(Section 3.020 Added by Ordinance 04-10, 11/1/04)

3.035. ACCESSORY STRUCTURES.

A. Fences, Walls, and Hedges.

1. Except as provided in Section 3.045 of this code, fences, walls, or mature hedges not over 48 inches in height may occupy the required front yard of any lot, or the required side yard along the flanking street of a corner lot.
2. Fences or hedges located back of the required front or flanking street side yard shall not exceed a height of six (6) feet.

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B. Buildings.

Accessory buildings may be permitted in residential zones if they:

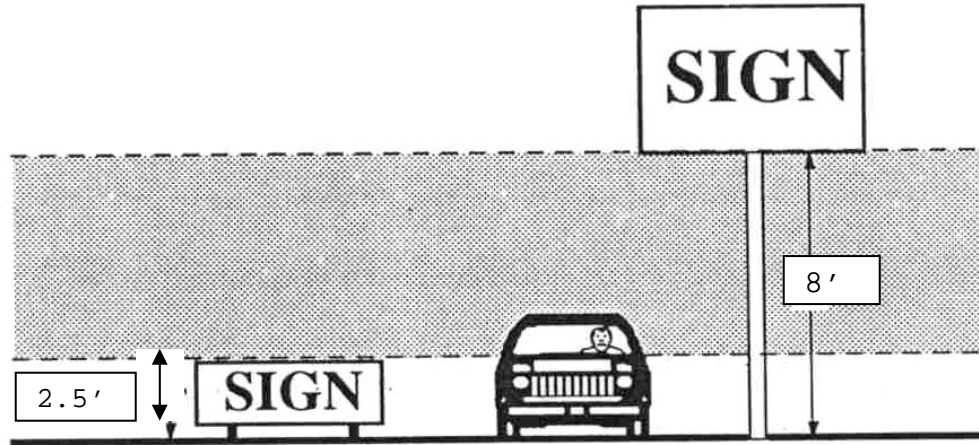
1. Do not extend into required setbacks with exception to the rear yard. Accessory structures may be located in the rear yard setback no closer than five (5) feet from the rear property line;
2. Do not exceed 14 feet in height;
3. Occupy no more than 2% of the total lot area;

3.045. CLEAR-VISION AREA.

A. Requirements.

A clear-vision area shall be maintained on the corners of all property adjacent to the intersection of two (2) streets or of a street and a railroad. A clear-vision area shall contain no planting, fence, or other temporary or permanent obstruction exceeding two and one half (2.5) feet in height, measured from the top of the curb, or where no curb exists, from the established center line grade of the street, except that trees exceeding two and one half (2.5) feet may be permitted if all branches and foliage to a height of eight (8) feet above the top of the curb are removed.

Vision Clearance Area Height

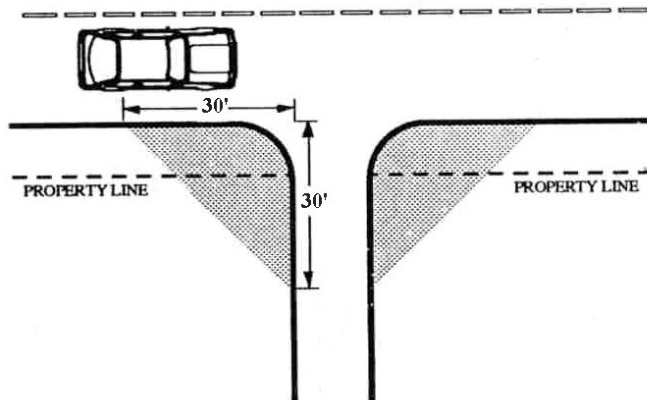


B. Measurement.

A clear-vision area shall consist of a triangular area, two (2) sides of which are street lines and the third side of which is a line across the corner of the lot connecting the ends of the other two (2) sides. The size of a clear-vision area is determined by the distance from the intersection of the two (2) street lines to the third side, measured along the street. The size shall be as follows:

1. Residential Zones. In a residential zone, the distance determining the size of a clear-vision area shall be 30 feet.

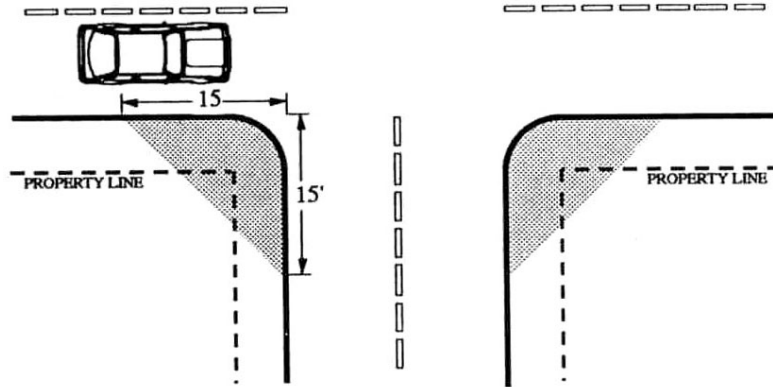
Vision Clearance Areas



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2. All Other Zones. In all other zones, the distance determining the size of a clear-vision area shall be 15 feet, except that where the angle of the intersection between streets is less than 30° , the City may require a greater distance.

Vision Clearance Areas



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3.070. EXCEPTIONS TO YARDS.

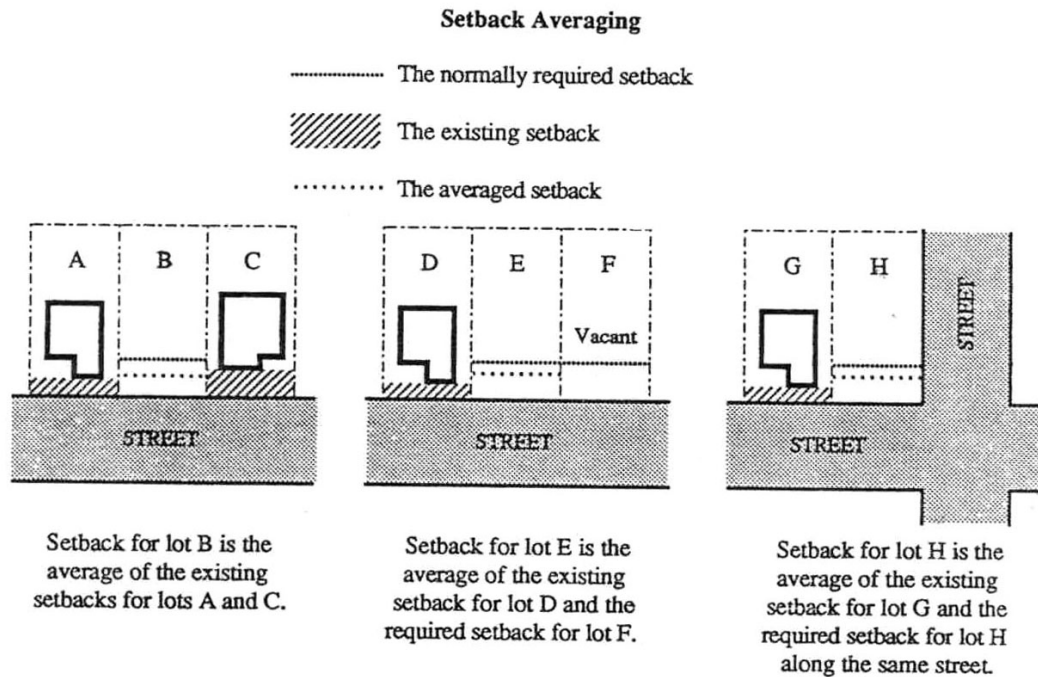
A. Projections From Buildings.

Cornices, eaves, canopies, gutters, chimneys, flues, and other similar architectural features shall not project more than 24 inches into a required yard.

B. Front Yard Exceptions.

The following exceptions to the front yard requirements are authorized for a lot in any zone:

1. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard of the lot may equal the average front yard of the abutting lots.
2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot may equal a depth halfway between the depth of the abutting lot and the required front yard depth.



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C. Structures Within Yards.

Decks, walkways or uncovered porches, 12 inches or less in height above grade, may be located within a required yard.

D. Portable accessory structure or object.

1. Except as provided in Section 3.045 of this Code, portable accessory structures or objects may be located in a rear yard or street-side yard setback provided all of the following are met:
 - a. Such structures or objects, with the exception of basketball hoops, shall be less than 10' in height. Basketball hoops shall be less than 20' in height; and
 - b. Shall be located no closer than five (5) feet from the property line; and
 - c. Shall have a footprint of less than 200 square feet.

(Section 3.070(D) added by Ordinance 01-05, 5-7-01)

3.075. EXCEPTION TO BUILDING HEIGHT LIMITATIONS.

- A. The features listed in this Section shall be exempt from the height limits established by the Code, provided the limitations indicated for each are observed.
 1. Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stack, cooling towers, water tanks, panel or devices for the collection of solar or wind energy, and the window-washing equipment, together with visual screening for any such features.
 2. Elevator, stair, and mechanical penthouses, fire towers, skylights, flag poles, aerials, and similar objects.
 3. Ornamental and symbolic features not exceeding 200 square feet in gross floor area including towers, spires, cupolas, belfries, and domes, where such features are not used for human occupancy.

(Section 3.075(A.3) amended by Ordinance 98-04, 5-4-98)

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- B. The total area covered by these features shall not exceed 30% of the roof area on which they are located.

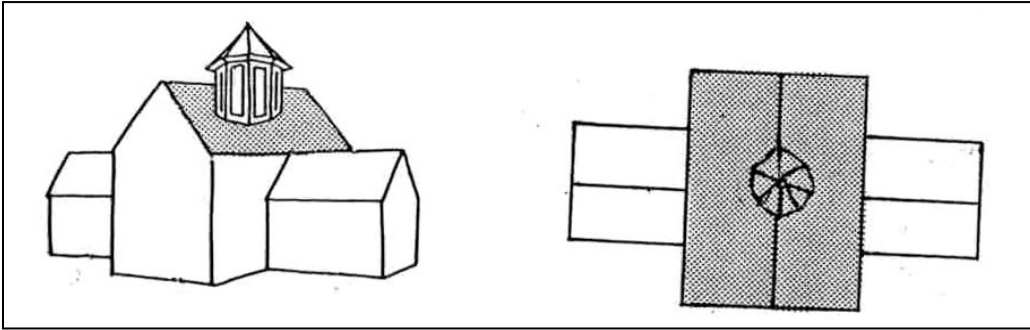


Figure 3.075(B)

(Section 3.075 amended by Ordinance 94-07, 7-18-94; Section 3.075(B) amended by Ordinance 98-04, 5-4-98)

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3.095. HOME OCCUPATIONS.

Home occupations are permitted in residential zones in order to provide for low-impact businesses which the owners or residents can operate within the dwelling, or in an adjacent structure. The regulations are intended to ensure that the occupation will not be a detriment to the surrounding neighborhood and that it will be subordinate to the main use of the property.

A. Class A.

A Class A home occupation is one where the residents use their home as a place of work, with no employees, and with only an occasional customer coming to the site. Examples include artists, crafts people, writers and consultants. Class A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work. A Class A business is only conducted within the dwelling itself, and not in accessory structures.

B. Class B.

1. A Class B home occupation is one where one of the following factors occur:
 - a. Customers come to the home; or
 - b. One non-resident is employed; or
 - c. The home occupation is conducted in an adjacent structure.

Examples include counseling, hair styling, woodworking, and contract construction.

2. The Community Development Department shall notify property owners of record in accordance with 9.010 to 9.020 at least twenty (20) days prior to the issuance of a permit for a Class B Home Occupation. The notice shall set forth the standards required, the type of business and hours of operation, and the expected number of trips to be generated at the site on a daily basis.
3. Permits for a Class B Home Occupation may be issued after the notice period by the Community Development Director where the Director has determined that the Home Occupation standards have been met.
4. A decision of the Community Development Director may be appealed to the Planning Commission in accordance with 9.040.

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- C. The following standards shall be applicable to both Class A and Class B Home Occupations:
1. Clients or customers may visit the site only between the hours of 7:00 a.m. to 6:00 p.m.
 2. Retail sales of goods on site must be entirely accessory to any services provided on the site.
 3. On-site repair or assembly of vehicles or equipment with internal combustion engines (such as autos, chain saws, boat engines) or of large equipment (such as home appliances) is prohibited.
 4. Dispatch centers or headquarters where employees come to the site and are dispatched to other locations are prohibited.
 5. More than one Class B home occupation is not allowed in one residence.
 6. Signs shall be in accordance with Article 8.
 7. All activities must be indoors. Exterior storage or display of goods is prohibited.
 8. Outdoor storage of associated solid waste is limited to an area of 100 square feet and must be screened from view with fencing or vegetation.
 9. Noise, odor, vibration, lighting glare, dust and other nuisances shall be contained on site. Hazardous substances are prohibited, except at the consumer commodity level.
 10. No more than one truck, associated with the home occupation, may be parked at the site. Parking must be off-street. The maximum size of the truck allowed on site is a one ton truck. Extended or prolonged idling of vehicles, or maintenance or repair of vehicles on adjacent streets is prohibited.
 11. Truck deliveries or pick-ups of supplies or products associated with business activities, are allowed at the home only between 7:00 a.m. and 6:00 p.m. Delivery vehicles are limited to 20,000 pounds gross vehicle weight.
 12. The dwelling and site must remain residential in appearance and character. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

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3.105. LANDSCAPING.

A. Purpose.

The purpose and intent of this section is to enhance the appearance of the City by requiring landscaping as part of commercial developments, including parking areas. These developments shall include all uses except those associated with single-family and two-family dwelling.

3.110. LANDSCAPING REQUIRED.

At the time a building permit is requested for new construction, or for remodeling with a value of at least 33% of the assessed value of the structure, or in the event of a change of use or installation of new parking areas, the property shall come into compliance with the landscape requirements and a landscaping plan shall be submitted to the Community Development Director. Such landscaping plan may also be used as a site or plot plan for the development, provided all information necessary for the site or plot plan is provided. The plan shall be of sufficient scale to show existing and proposed features, proposed materials, contours (where appropriate) and other features.

3.115. REVIEW OF LANDSCAPING PLANS.

The landscaping plan shall be reviewed by the Community Development Director to determine if it meets the quantitative requirements of the Code. Landscaping in conjunction with Uses Permitted Outright may be approved by the Community Development Director. Landscaping in conjunction with Conditional Uses shall be reviewed by the Planning Commission as part of the review under Section 11.010. In such cases, the Planning Commission may review schematic plans and the final plans may be reviewed by the Community Development Director. No Certificate of Occupancy or other final approval shall be issued by the building official or the City until the landscaping is installed as specified by the Planning Commission or Community Development Director. Minor changes in the landscape plan may be allowed by the Community Development Director, so long as they do not alter the overall character of the development.

3.120. LANDSCAPING REQUIREMENTS.

A. Specific requirements governing the placement and maintenance of landscape materials are as follows:

1. Landscape plant materials shall be installed to insure health and survivability.
2. Landscape plant materials will be properly guyed and staked so as to not interfere with vehicular or pedestrian traffic.

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3. Deciduous trees shall have a minimum caliper of one and one half (1.5) inches, and a minimum height of eight (8) feet at the time of planting, unless it is determined by the Community Development Director that a lesser caliper will provide the bulk and scale necessary to substantially cover the landscaped area.
4. Evergreen trees shall be a minimum of six (6) feet in height, fully branched, at the time of planting.
5. Shrubs shall be supplied in one (1) gallon containers minimum, or eight (8) inch burlap balls with a minimum spread of 12 inches.
6. Ground cover plantings shall be planted on a maximum of 18 inches on center and 18 inches between rows. Rows of plantings shall be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or a two and one quarter (2.25) inch size if planted on 12 inch centers.
7. Planting areas shall be designed to separate parking lots from the sidewalk and street and shall contain a mixture of trees and shrubs, except where the presence of chairwalls or public utilities makes the planting infeasible, as determined by the City Engineer, in which case concrete, stone, or other manufactured containers may be used.
8. Parking areas with 20 spaces or more shall have a minimum of one landscaping divider per ten (10) parking spaces. Each ten (10) parking spaces shall be bordered by a landscaped area. Such area shall consist of a curbed planter of at least three (3) feet by 16 feet, or at least 48 square feet. Each planter shall contain at least one (1) tree, along with hedge or shrub material.
9. For new construction, parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entranceways or loading areas, by a strip of landscaping material. All planting areas shall be protected by the use of concrete bumper blocks affixed to the paving.
10. Existing trees may be used as required landscaping. To the extent possible and practicable, required landscaping shall be within reasonable view from an improved City right-of-way.
11. All landscaping shall be maintained and kept free from trash, noxious growth, and weeds. Unkempt landscaped areas shall be considered a nuisance and shall be enforced under the applicable City code.
12. Seating areas and street furniture shall be considered part of the landscaping requirement, and shall be encouraged by the Community Development Department.

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13. Up to 50% of the landscaping requirement may be satisfied by the use of City right-of-ways for landscaping, as approved by the City Engineer. The property owner shall be responsible for the maintenance of such landscaping. (See City Code 2.350 through 2.353.)

14. Public safety should be considered in landscape designs.

(Section 3.120(A.14) added by Ordinance 98-04, 5-4-98)

3.130. MAINTENANCE OF PUBLIC ACCESS TO THE WATER.

A. Vacations.

The Planning Commission shall review under ORS 271.080 through 271.230, proposals for the vacation of public easements or rights-of-way which provide access to or along estuarine waters.

B. Sale, Exchange or Transfer of Ownership.

The Planning Commission shall review under the provisions of ORS 271.300 through ORS 271.360, proposals for the sale, exchange or transfer of public ownership which provides access to estuarine waters.

C. Existing Public Ownership.

Existing public ownerships, rights-of-way and similar public easements which provide access to or along estuarine waters shall be retained or replaced if they are sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.

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3.140. MANUFACTURED HOME ON INDIVIDUAL LOT.

- A. A manufactured home shall be permitted on individual lots in all residential zones, subject to the following standards:
1. The manufactured home shall be a multi-sectional, no less than 28 feet in width and enclose a floor area of not less than 1,000 square feet.
 2. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is not more than 12 inches above grade. The perimeter of the foundation shall be skirted with concrete block or masonry.
 3. The manufactured home shall have a roof pitch of a minimum of three (3) feet in height for each 12 feet in width.
 4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Community Development Director.
 5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards required of single-family dwelling construction under the State Building Code, as defined in ORS 455.010.
 6. The manufactured home shall have a garage or carport with minimum dimensions of 14' x 20'. The structure shall be sided and roofed to match the manufactured home. Carports shall be designed to include an enclosed storage area as an integral part of the structure.
 7. Manufactured homes shall be prohibited within, or adjacent to, or across a public right-of-way from a historic district, or adjacent to or across a public right-of-way from a historic landmark, or structure identified as Primary or Secondary.

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3.150. MICROWAVE RECEIVING DISH.

A. The following standards shall be applicable to all microwave receiving dishes larger than 18 inches in diameter.

1. Residential Zones.

All private microwave receiving dishes in residential zones shall be located in the rear yard, no closer than five (5) feet from any rear or side lot line, and shall be screened by sight obscuring fences and/or dense landscape buffers, and shall be mounted as close to existing grade level as possible. In residential zones, no microwave receiving dishes shall be mounted on the roofs of structures.

(Section 3.150(A.1) renumbered by Ordinance 95-03, 1-5-95)

2. Non-Residential Zones.

All microwave receiving dishes in other than residential zones shall be reviewed and approved by the Community Development Director to ensure they have minimal visual impact.

If the Community Development Director believes that substantial issues are involved, the Director may schedule a public hearing in accordance with the procedures specified in Article 9.

(Section 3.150(A.2) renumbered by Ordinance 95-03, 1-5-95)

3. Permits.

No microwave receiving dish shall be installed until a permit has been obtained from the Community Development Department.

(Section 2.150 amended by Ordinance 95-03, 1-5-95; Section 2.150(A.3) added by Ordinance 95-03, 1-5-95)

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3.155. MULTI-FAMILY DWELLING.

A. Before a multi-family dwelling is approved as a conditional use, findings will be made that the use will comply with the following standards:

1. Vehicular entrances and exits will be routed onto an existing or planned improved public street.

(Section 3.155(A.1) amended by Ordinance 95-05 passed 2-6-95)

2. Parking lots will be designed in such a manner that they are buffered from surrounding residences with landscaping, berms or fencing.

(Section 3.155 renumbered by Ordinance 95-05, 2-6-95; Section 3.155(B) deleted by Ordinance 95-05, 2-6-95)

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3.160. NONCONFORMING LOTS, USES & STRUCTURES.

A. Purpose.

Within the zones established under this Code, there exist lots, structures and uses of land and structures which were lawful before this Code was passed or amended, but which no longer conform to the provisions of this Code. It is the intent of this Section to establish requirements that govern the future use of such nonconformities.

3.170. NONCONFORMING LOTS.

If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the Office of the County Clerk prior to January 1, 1982, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or the aggregate of contiguous lots may be occupied by a use permitted in the zone, subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling.

3.180. NONCONFORMING USES.

A. Expansion of a Nonconforming Use.

The expansion of a nonconforming use to a portion of a structure that was provided for the nonconforming use shall be permitted. When the expansion is to a portion of a structure that was not provided for the nonconforming use, or when new construction is involved, expansion may be permitted as follows:

1. The Community Development Director may permit up to a 10% expansion of a nonconforming use where it is determined that there will be minimal impact on adjacent uses, in accordance with the procedures in Article 9. If the Community Development Director believes that substantial issues are involved, the Director may schedule a public hearing before the Planning Commission in accordance with procedures in Article 12.
2. The Planning Commission may permit an expansion of a nonconforming use in excess of 10%, in accordance with procedures in Article 12.

B. Change of Nonconforming Use.

A nonconforming use may be changed to a conforming use. However, after a nonconforming use is changed to a conforming use, it shall thereafter not be changed to a use that does not conform to the use zone in which it is located.

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C. Discontinuance of Nonconforming Use.

1. If a nonconforming use involving a structure is discontinued for a period of one (1) year, further use of the property shall conform to this Code.
2. If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this Code.

3.190. NONCONFORMING STRUCTURES.

A. Existing Nonconforming Structure.

Where a lawful structure exists that could no longer be built under the terms of this Code by reason of restrictions or area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

B. Expansion of a Nonconforming Structure.

1. The Community Development Director may permit up to a 10% expansion of a nonconforming structure where it is determined that there will be minimal impact on adjacent uses, in accordance with procedures in Article 9. If the Community Development Director believes that substantial issues are involved, the Director may schedule a public hearing before the Planning Commission in accordance with procedures in Article 12.
2. The Planning Commission may permit an expansion of a nonconforming structure in excess of 10%, in accordance with procedures in Article 12.

C. Change of Nonconforming Structure.

A nonconforming structure may be enlarged or altered in a way that does not increase its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity.

D. Destruction of Nonconforming Structure.

If a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent amounting to 80% of its fair market value as indicated by the records of the County Assessor, it shall not be reconstructed except in conformity with the provisions of this Code.

3.200. PRIOR APPROVAL OF NONCONFORMING LOTS, USES & STRUCTURES.

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Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a legal permit has been issued by the City and construction has begun, provided the structure, if nonconforming, or intended for a nonconforming use, is completed and is used within two years from the time the permit was issued.

3.210. OFF-STREET SALES AND STORAGE LOTS.

A. Requirements.

1. Permanent off-street sales and storage lots shall be paved with asphalt, concrete or other hard surface approved by the City Engineer.
2. Proper drainage will be installed and proper ingress and egress established as specified by the City Engineer.
3. When said lot is adjacent to a residential zone, a visual buffer consisting of a planting screen or fence shall be established and maintained to lessen the visual impact on the residential property.
4. Security or display lighting shall not encroach on abutting or nearby residential property.

3.230. RESTAURANT AS AN ACCESSORY USE TO AN INN.

Before a restaurant as an accessory use to an inn is approved as a conditional use, findings will be made that the use will comply with the following standards:

A. Maximum Seating.

The restaurant shall contain no more than 24 seats.

B. Hours of Operation.

The restaurant shall be open no more than five (5) nights per week, and shall not seat guests after 9:00 p.m.

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C. Storage Areas.

Storage of solid waste, oil and similar containers shall be well covered, screened and kept from view from adjacent residences.

D. Additional Structure.

The restaurant shall be an integral part of the inn. No freestanding structure or addition may be constructed in order to house the restaurant.

E. Impacts.

The restaurant shall have no adverse impacts on the surrounding neighborhood in terms of signage, impacts on views, or removal of landscaping integral to the character of the neighborhood.

3.240. TEMPORARY USE PROVISIONS.

Temporary Uses are those which involve minimal capital investment, and which comply with the following standards:

A. Time Limit.

Authorization for a temporary use shall be valid for a period of one (1) year after issuance. Prior to expiration, the applicant may request an extension. The Planning Commission, at its discretion, may extend authorization for an additional period up to one year. In extending a temporary use, the Planning Commission may impose any conditions which it deems necessary to protect the interests of the community.

B. Security.

The Planning Commission may require that the applicant furnish the City with a performance bond or other negotiable instrument up to, and not to exceed, the value of the improvements or the cost of removal of the improvements, whichever is greater. This requirement may be made in order to assure that any conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission, and the standards established in granting the use.

C. Public Notice.

A notice of a public hearing on an extension to a Temporary Use Permit shall be in accordance with 9.020 except that it shall be mailed only to persons who provided written or oral testimony at the original public hearing on the request.

EROSION CONTROL AND STORMWATER MANAGEMENT

3.300. REGULATION OF EROSION CONTROL AND STORMWATER MANAGEMENT.

A. Purpose.

The purpose of this ordinance is to:

1. Minimize impacts associated with excavation and grading,
2. Minimize the erosion of land during clearing, excavation, grading, construction and post-construction activities,
3. Prevent the transport of sediment and other soil borne pollutants into the Columbia River estuary and its tributaries, wetlands and riparian areas,
4. Prevent the transport of sediment onto adjacent property and into City rights of way and storm systems,
5. Prevent the unnecessary clearing, excavation, and stripping of land; and
6. To reduce the amount of soil exposure during construction.

B. Definitions.

The following definitions shall apply for this ordinance:

1. Clearing: Any activity that removes vegetative cover while leaving the root system intact.
2. Erosion: Movement of soil by water or wind.
3. Excavation: Removal of topsoil, gravel, sand, rock or any other type of soil material.
4. Fill: Placement of topsoil, gravel, sand, rock or any other type of soil material.
5. Fill, Structural: Fill that is intended to support structures.
6. Grading: Any combination of excavation and/or fill activities.
7. Regulated Activities: The clearing, grading, excavation, filling, or stripping of land, and post construction activities.
8. Sedimentation: Deposition of soil moved by water or wind from its site of origin.

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9. Stripping: Removal of vegetation and roots.
10. Tracking: Movement of soil from a disturbed area onto streets, sidewalks, or adjacent property by vehicle tracks or tires.
11. Undeveloped Site: A lot or parcel of land with no permanent structure such as a dwelling or commercial building or other permanent man made structure.

(Section 3.300 added by Ordinance 04-08, 10-4-04)

3.305. PERMITS.

A. Permit Required.

Persons proposing to clear, grade, excavate, strip, or fill land (regulated activities) shall obtain a permit before commencing any of the following activities unless exempted elsewhere by this ordinance:

1. Any proposed clearing, grading, filling, stripping, or excavating (regulated activity) within 100 feet of a river, bay, stream, watercourse or wetland; or
2. Any proposed regulated activity located more than one hundred feet from a river, bay, stream, watercourse or wetland that exceeds an area of 2,000 square feet; or
3. Any proposed clearing, grading, filling, stripping, or excavating (regulated activity) within 100 feet of a known geologic hazard as indicated on the City's "Areas of High Water and Past Slides" map; or
4. Any proposed clearing, grading, filling, stripping, or excavating (regulated activity) if any portion of the site has a slope of 35% or greater; or
5. The proposed cumulative volume of excavation and fill exceeds ten cubic yards in a 12 month period; or
6. Excavation or fill in excess of one (1) foot deep.

B. Permits in Conjunction with Building Permits.

A grading permit for regulated activities in conjunction with a structure requiring a building permit shall be reviewed and issued as part of the City's building permit process using the standards herein.

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C. Permits in Conjunction with a Partition or Subdivision.

A grading permit for regulated activities in conjunction with a partition or subdivision shall be reviewed and issued in conjunction with the partition or subdivision process using the standards herein. New subdivisions or housing developments should cause minimal earth disturbance and removal of trees.

D. Exceptions.

The following activities are exempted from the requirements of this ordinance:

1. Residential landscaping and gardening activities up to 1,000 square feet;
2. Forest management activities in an area zoned Land Reserve (LR) for forest management.
3. Utility construction by public or private utility agencies, involving less than 20 cubic yards of excavation or fill.
4. Emergency repair work by a utility agency. After the emergency repairs are completed, the site shall be subject to the requirements of this ordinance.

E. Permit Review and Approval.

Permits shall be obtained from the Engineering Department. All permits shall be reviewed and approved by both the Engineering Department and Community Development Department for compliance with this Ordinance and other City codes and building codes.

F. Permit Fees.

Permit fees shall be established by City Resolution.

(Section 3.305 added by Ordinance 04-08, 10-4-04)

3.310. INFORMATION REQUIRED.

The following information is required for permits:

A. Site Plan.

A site plan, drawn to an appropriate scale with sufficient dimensions, showing the property line locations, roads, areas where clearing, grading, excavating, stripping, or filling is to occur, the area where existing vegetative cover will be retained, the location of any springs, streams or wetland areas on or immediately adjacent to the property, the general direction of

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slopes with slope arrows showing direction of water flow on existing slopes and graded slopes, construction access, the location of the proposed development, and the location of soil stock piles, if any.

B. Erosion Control Methods.

The type and location of proposed erosion and sedimentation control measures, both short term and post construction.

C. Stormwater Management Methods.

The type and location of proposed stormwater management from roofs, parking and other impervious surfaces. Stormwater calculations prepared by a Registered Professional Engineer may be required by the City Engineer as part of the permit application.

D. Grading Plan in Steep Areas.

The City shall require a grading plan prepared by a Registered Professional Engineer and/or Registered Engineering Geologist where the disturbed area has an average slope of 35% or greater, the disturbed area is located in known geologic hazard area, or is part of a partition or subdivision. Such grading plan shall, at a minimum, include the following additional information:

1. Existing and proposed contours of the property at two foot contour intervals;
2. Location of existing structures and buildings, including those within 25 feet of the development site on adjacent property;
3. Design details for proposed retaining walls;
4. The direction of drainage flow and detailed plans and locations of all surface and subsurface drainage devices to be constructed.

E. Sedimentation and Erosion Control Plan.

The City shall require that the sedimentation and erosion control plan be prepared by a Registered Professional Engineer where the disturbed area is greater than 20,000 square feet, or the disturbed area has an average slope of 35% or greater.

F. Development Plan.

The City shall require a development plan for the site where the disturbed area is greater than 2,000 square feet to assure the least amount of earth disturbance as necessary, and to assure that the development is consistent with zoning and other City regulations. Such development

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plan shall, at a minimum, include the following additional information:

1. Site plan as described above;
2. Location of existing and proposed structures;
3. Location of existing and proposed parking, access and egress;
4. Location and square footage of proposed landscaped areas.

G. Ground and Surface Water Diversion Plan.

If property construction will result in alterations of natural hydrology such that damage to neighboring properties will occur, the City shall require that any known ground or surface water be diverted to an alternate natural path or to a man-made system to prevent any damage to other properties that may be affected by the water.

(Section 3.310 added by Ordinance 04-08, 10-4-04)

3.315. GRADING STANDARDS.

A. Cuts.

The following Grading Standards shall be required for cuts:

1. The design shall minimize the need for cuts. The proposed grading plan shall be designed to blend with the existing topography as much as possible without the use of retaining walls.
2. Long, steep cut and fill slopes shall be avoided.
3. The slope of cut surfaces shall not be steeper than is necessary for the intended use and shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a cut at a steeper slope will be reasonably stable and not create a hazard to public or private property.
4. Cuts shall not remove the toe of any slope where a known potential or historic land slide exists as determined by the City Engineer.
5. Cuts shall be set back a minimum of five (5) feet from property lines so as to minimize danger and disturbance to adjoining property.
6. Retaining walls shall be constructed in accordance with the Structural Specialty Codes as adopted by the City.

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B. Fills.

The following Grading Standards shall be required for fills:

1. The design shall minimize the need for fills.
2. The slope of fill surfaces shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a steeper slope will be reasonably stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.
3. Fills shall be set back from property lines a minimum of five (5) feet so as to minimize impact on adjoining property. Retaining walls shall be required by the City where the City Engineer deems it necessary.
4. The ground surface shall be prepared to receive fill by removing vegetation, inappropriate fill, topsoil, and other unsuitable materials, and shall be scarified to provide a bond with the new fill.
5. Any structural fill shall be designed by a Registered Professional Engineer, in accordance with standard engineering practices.
6. Fill material shall be broken into pieces no larger than 12 inches to assure proper compaction.
7. The following items are unsuitable materials and shall not be used for fill:
 - a. Roofing material, fiberglass, metals, asphalt, or large slabs of concrete, and other man-made construction debris inappropriate for fill
 - b. Stumps, organic materials, and other natural debris inappropriate for fill
8. A compaction report shall be required for any area with fill prior to any construction on the site.

C. Drainage.

The following Grading Standards shall be required for drainage:

1. Proposed grading, cuts or fills shall not alter drainage patterns so that additional stormwater is directed onto adjoining property.
2. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

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D. Streets.

Refer to the Astoria “Street Design Standards” on file in the office of the City Engineer.

(Section 3.315 added by Ordinance 04-08, 10-4-04)

3.320. EROSION AND SEDIMENTATION CONTROL STANDARDS.

A. Authority.

Review and approval of grading permits for regulated activities shall be based on the conformance of the development plans with the standards of this section. Conditions of approval may be imposed to assure that the development plan meets the standards. The City Engineer shall require modifications to the erosion and sedimentation control plan at any time if the plan is ineffective in preventing the discharge of sediment to City streets and storm drains, surface waters, wetlands, or adjacent property.

B. Department of Environmental Quality (DEQ) Standards.

The current DEQ “Best Management Practices for Stormwater Discharges Associated with Construction Activities” document are incorporated as part of this document by reference.

C. General Erosion and Sedimentation Control Standards.

1. Natural vegetation shall be retained and protected wherever possible.
2. Stream and wetland areas shall only be disturbed in accordance with US Army Corps of Engineers and Oregon Division of State Lands permits, as well as riparian preservation requirements in Astoria Development Code Article 4, “Columbia River Estuary and Shoreland Regional Standards”.
3. Sedimentation barriers, as described in the DEQ “Best Management Practices for Stormwater Discharges Associated with Construction Activities” document shall be placed to control sedimentation from entering the river, bay, streams, wetlands, adjacent property or City streets and storm sewers. The barriers shall be installed prior to site clearance or grading activities.
4. The City Engineer or Building Official may require areas to be temporarily stabilized with straw mulch, sod, mat or blanket in combination with seeding, or other acceptable sediment control method. Prior to the completion of construction, such areas shall be permanently stabilized by seeding or other vegetative ground cover.
5. Stormwater catch basins, inlets or culverts shall be protected by sediment traps or filter barriers such as “bio bags”.

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6. Soil storage piles or fill shall be located so as to minimize the potential for sedimentation of streams, wetlands, adjacent property or City streets or storm sewers. The City Engineer or Building Official may require temporary stabilization of soil storage piles or fill.
7. Temporary sedimentation control, not in conjunction with a structure, shall be required in any situation where the City Engineer or Building Official determine that sedimentation or erosion may affect streams, wetlands, adjacent property, City streets or storm sewers.
8. Erosion and sedimentation control measures shall be continually maintained during the period of land disturbance and site development in a manner that ensures adequate performance. Soil that has been transported by any means to a street or any area where stormwater flows to a storm drain or surface water, shall be cleaned up to prevent transport to the drain or surface water. All temporary erosion and sedimentation control measures shall remain in place until the disturbed area is stabilized with permanent vegetation.
9. The City shall require a graveled construction road or access of sufficient length, depth, width, and rock size to prevent sedimentation from being tracked onto City streets.
10. Sediment trapped by sediment control methods shall be redistributed on-site, removed, or permanently stabilized to prevent further erosion and sedimentation.
11. The City Engineer shall require the cleanup of any streets, catch basins or storm sewers affected by regulated activities on a site at the expense of the person responsible for those regulated activities. Measurable amounts of sediment that leave the site shall be cleaned up and placed back on the site or disposed of in an approved manner.
12. Under no conditions shall soil on sidewalks, streets, or equipment be washed or hosed into storm sewers, drainage ways, streams or other water bodies.
13. The City shall make periodic inspections to ascertain that erosion and sediment control measures as proposed have been implemented and are being effectively maintained. The City Engineer or the Building Official are authorized to place an immediate “stop work” order on any project that does not meet the standards imposed in this ordinance.

(Section 3.320 added by Ordinance 04-08, 10-4-04)

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3.325. STORMWATER MANAGEMENT STANDARDS.

Projects that are 40,000 square feet (land area) or larger shall install a stormwater management system as part of the landscaping requirements. Such a system shall be designed by a Registered Professional Engineer and/or Registered Landscape Architect and shall be capable of meeting the standards in the DEQ “Best Management Practices for Stormwater Discharges Associated with Construction Activities”, or other guidelines acceptable to the City Engineer.

(Section 3.325 added by Ordinance 04-08, 10-4-04)

3.330. ENFORCEMENT.

A. Final Inspection.

The City shall review all regulated activities one year after completion and/or installation of permanent vegetation to assure that any erosion control or regulated activity measures installed continue to meet the standard imposed in this ordinance. The applicant shall be responsible for continued maintenance until the City Engineer and Building Official has approved a final inspection on the project.

B. Responsible Party and/or Change of Ownership.

The applicant shall be responsible for the work to be performed in accordance with the approved plans and specifications in conformance with the provisions of this code. In the event of a change of ownership prior to the Final Inspection, the applicant shall enter into a Performance Agreement with the City and proposed new property owner. The Performance Agreement shall, at minimum, identify the party responsible for completion of the project until a Final Inspection has been approved by the City.

C. Continued Maintenance.

If an erosion control or regulated activity measure system fails due to lack of maintenance or breakage, and there are impacts to adjacent property owners, or downstream water quality or quantity as a result of the failure, the City shall perform the maintenance or repair and charge the current property owner for the required repairs.

D. Penalties.

In addition to any other method of enforcement available to the City, including City Code Section 1.010, the provisions of this ordinance may be enforced by the issuance of citations by duly appointed officers of the City pursuant to Astoria City Code Section 6.135.

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E. Additional Costs.

Where the City Engineer, Community Development Director, or Building Official deem it necessary, in the interest of public health, safety, or welfare, to incur additional costs such as, but not limited to, the hiring of independent geotechnical experts or other technical expertise, or costs to complete or correct work not completed by the applicant during the course of the project, such costs shall be borne by the applicant. Such costs shall not exceed actual costs.

F. Performance Bond.

The City Engineer or Community Development Director may require that the applicant furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the City Engineer or Community Development Director and that the standards established in granting the permit are observed.

G. Time Limit on Permit.

Authorization of a permit shall be void after 180 days unless substantial construction or use pursuant thereto has taken place. However, the City Engineer or Building Official may, at their discretion, extend authorization for an additional 180 day period upon written request by the applicant and a determination that the conditions of the project or permit application have not changed sufficient to warrant review of a new permit application.

(Section 3.330 added by Ordinance 04-08, 10-4-04)

ARTICLE 4

COLUMBIA RIVER ESTUARY AND SHORELAND REGIONAL STANDARDS

4.010. INTRODUCTION.

Article 4 establishes use and activity standards for developments in Columbia River estuary aquatic areas and shorelands. Some apply only to the estuary's waters and tidal wetlands: These are indicated by the qualifying phrase "aquatic areas" or "aquatic designations." Standards applicable only to estuary shorelands, including associated non-tidal wetland areas, are so indicated by the phrase "shoreland areas" or "shoreland designations."

4.020. AGRICULTURE AND FORESTRY.

Standards in this subsection are applicable to agricultural and forestry activities on Columbia River Estuary shorelands. Activities outside of the coastal shorelands boundary are not covered by this subsection. Certain activities associated with agriculture and forestry, such as log storage, dike maintenance, and shipping facilities for agricultural and forestry products, are covered under different subsections.

1. Tillage and drainage practices should minimize sedimentation and control surface water runoff of animal wastes, fertilizers, and pesticides. Agricultural chemicals shall be applied in a manner that minimizes the amount lost to the aquatic environment.
2. Runoff from feed lots or other confinement lots for livestock shall be controlled with diversion structures, settling ponds or other land management practices.
3. Forest practices and forest road building will comply with rules established under the Oregon Forest Practices Act, administered by the Oregon Department of Forestry.

4.030. DEEP-WATER NAVIGATION, PORT AND INDUSTRIAL DEVELOPMENT.

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

1. Port or industrial development in or over estuarine aquatic areas involving the following activities shall be subject to an impact assessment.
 - a. Dredging

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- b. Aquatic area fill
 - c. In-water structures
 - d. Structural shoreline stabilization
 - e. New in-water log storage areas
 - f. Water intake pipes
 - g. In-water dredged material disposal
 - h. Beach nourishment
 - i. Other activity which could adversely affect estuarine physical or biological resources.
2. Shoreland and aquatic area facilities for the storage or transmission of petroleum products must have on-site equipment for the containment of oil spills.
3. Deep-water navigation, port or industrial development requiring aquatic area dredging or filling may be allowed only if all of the following criteria are met:
- a. The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic designation; and
 - b. A substantial public benefit is demonstrated; and
 - c. The proposed use does not unreasonably interfere with public trust rights; and
 - d. Feasible alternative upland locations do not exist; and
 - e. Potential adverse impacts are minimized.
4. Deep-water navigation, port or industrial development requiring new piling or dolphin installation, construction of pile-supported structures, or other uses or activities which could alter the estuary may be permitted only if all of the following criteria are met:
- a. A substantial public benefit is demonstrated; and
 - b. The proposed use does not unreasonably interfere with public trust rights; and
 - c. Feasible alternative upland locations do not exist; and

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- d. Potential adverse impacts are minimized.
5. Off-street parking may only be located over an aquatic area if all of the following conditions are met:
- a. Parking will be on an existing pile-supported structure; and
 - b. Suitable shoreland areas are not available; and
 - c. The amount of aquatic area committed to parking is minimized; and
 - d. The aquatic area is in a Development designation.

4.040. DIKING.

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

- 1. Dikes which have been inadvertently breached may be repaired, subject to State and Federal permit requirements, if the repair is completed within 36 months of the breach.
- 2. Dike maintenance and repair shall be allowed for:
 - a. Existing serviceable dikes (including those that allow some seasonal inundation); or
 - b. Dikes that have been damaged by flooding, erosion or tidegate failure where the property has not reverted to estuarine habitat; or
 - c. Dikes that have been damaged by flooding, erosion or tidegate failure where the property has reverted to estuarine habitat (as determined by the U. S. Army Corps of Engineers and the Division of State Lands) provided that the property has been in agricultural use for 3 of the last 5 years and reversion to estuarine habitat has not occurred more than 5 years prior.
- 3. Dike maintenance and repair are distinguished from new dike construction. To qualify as maintenance and repair, changes in the location, size, configuration, orientation and alignment of the dike must be limited to the minimum amount necessary to retain or restore its operation or function or to meet current engineering standards. Filling aquatic areas for dike maintenance may be allowed only if it can be clearly demonstrated that there are no feasible engineering alternatives which would avoid the use of aquatic area fill.

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4. The outside dike face shall be suitably protected from erosion during construction and maintenance operations. Shoreline stabilization standards shall be met.
5. New dikes in aquatic areas may be permitted either;
 - a. As part of an approved fill project; or
 - b. As a temporary flood protection measure needed to promote public safety and welfare, subject to applicable U. S. Army Corps of Engineers, and Oregon Division of State Lands rules; or
 - c. Subject to an exception to Statewide Planning Goal 16.
6. Dredging of subtidal estuarine aquatic areas as a source of fill material for dike maintenance may be allowed pursuant to the exception to Statewide Planning Goal 16 if all of the following conditions are met:
 - a. Alternative methods of accomplishing dike maintenance are infeasible (i.e., dikes proposed for receiving dredged material are remote from upland sources of fill material or land-based heavy equipment access to the dike area is not possible); and
 - b. Dredging in all cases is limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation or any other aquatic area use; and
 - c. Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources; and
 - d. Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the center line of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas more than 80 feet from the waterward toe of the dike. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration; and
 - e. Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of

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the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created; and

- f. Dredging operations shall be consistent with State and Federal permit conditions and the requirements of local governments to ensure that project timing and dredging conditions protect estuarine resources (e.g., fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

4.050. DREDGING AND DREDGED MATERIAL DISPOSAL.

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

- 1. Dredging in estuarine aquatic areas, subject to dredging and dredged material disposal policies and standards, shall be allowed only:
 - a. If specifically allowed by the applicable management unit and required for one or more of following uses and activities:
 - 1) Navigation or navigational access;
 - 2) An approved water dependent use of aquatic areas or adjacent shorelands that require an estuarine location;
 - 3) An approved restoration project;
 - 4) Mining or mineral extraction;
 - 5) Excavation necessary for approved bridge crossing support structures, or pipeline, cable, or utility crossing;
 - 6) Obtaining fill material for dike maintenance where a Statewide Planning Goal 16 exception has been approved;
 - 7) Maintenance of existing tidegates and tidegate drainage channels where a Statewide Planning Goal 16 exception has been approved;
 - 8) Aquaculture facilities; and
 - b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - c. If no feasible alternative upland locations exist; and

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- d. If adverse impacts are minimized.
2. When dredging is permitted, the dredging shall be the minimum necessary to accomplish the proposed use.
3. Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided in dredging and the disposal of dredged material.
4. The timing of dredging and dredged material disposal operations shall be coordinated with State and Federal resource agencies, local governments, and private interests to protect estuarine aquatic and shoreland resources, minimize interference with commercial and recreational fishing, and insure proper flushing of sediment and other materials introduced into the water by the project.
5. Bottom sediments in the dredging area shall be characterized by the applicant in accordance with U.S. Environmental Protection Agency, Washington Department of Ecology, and Oregon Department of Environmental Quality standards. Information that may be required includes, but is not limited to, sediment grain size distribution, organic content, oil and grease, selected heavy metals, pesticides, and benthic biological studies.
6. Adverse short-term effects of dredging and aquatic area disposal such as increased turbidity, release of organic and inorganic materials or toxic substances, depletion of dissolved oxygen, disruption of the food chain, loss of benthic productivity, and disturbance of fish runs and important localized biological communities shall be minimized.
7. Impacts on areas adjacent to the dredging site such as destabilization of fine-textured sediments, erosion, siltation, and other undesirable changes in circulation patterns shall be minimized.
8. The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshalling and staging, shall be considered prior to approval of new projects or expansion of existing projects. Projects will not be approved unless disposal sites with adequate capacity to meet initial excavation dredging and at least five years of expected maintenance dredging requirements are available.

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9. Minor dredging of existing tidegate drainage channels and drainage ways is limited to the amount necessary to maintain and restore flow capacity essential for the function (the drainage service provided by the tidegate) of tidegates and to allow drainage and protection of agricultural and developed areas. Tidegate maintenance dredging does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected tidegate drainage channel or drainage way as it existed prior to the accumulation of sediments.

10. Dredging of subtidal estuarine areas as a source of fill material for dike maintenance, in all aquatic area designations, may be allowed upon the applicant's demonstration that:
 - a. Alternative methods of accomplishing dike maintenance are infeasible (i.e., dikes proposed for receiving dredged material are remote from upland sources of fill material and that land-based heavy equipment access to the dike area is not possible);

 - b. Dredging in all cases will be limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation of any other aquatic area use;

 - c. Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources;

 - d. Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the centerline of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas greater than 80 feet in distance from the waterward toe of the dikes. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration.

 - e. Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created.

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- f. Dredging operations shall be consistent with State and Federal resource agency conditions, the requirements of local governments, and concerns of private interests, to ensure that project timing and dredging conditions protect estuarine resources (e.g., fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

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

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

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

- 14. Proposals for in-water disposal of dredged materials, including flowlane disposal, beach nourishment, estuarine open-water disposal, and ocean disposal, shall:
 - a. Demonstrate the need for the proposed action and that there are no alternative disposal sites or methods that entail less damaging environmental impacts; and
 - b. Demonstrate that the dredged sediments meet State and Federal sediment testing requirements and water quality standards; and
 - c. Not be permitted in the vicinity of a public water intake.

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15. Flowlane disposal and estuarine open water disposal shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purpose of affected natural and conservation management units. The monitoring program shall be established prior to undertaking disposal. The program shall be designed to both characterize baseline conditions prior to disposal and monitor the effects of the disposal. For projects that involve disposal on three year or shorter intervals, this requirement may be waived by the affected jurisdiction(s) after adequate monitoring has been conducted to demonstrate that estuarine sedimentation is consistent with the resource capabilities and purpose of the affected natural and conservation management units. If more that three years has elapsed since the previous disposal action or if disposal amounts have increased substantially over the previous disposal volume this requirement shall not be waived.

16. Flowlane disposal sites shall be in areas identified as low in benthic productivity and use of these sites shall not have adverse hydraulic effects. Use of disposal sites in the estuary shall be allowed only when no feasible alternative land or ocean disposal sites can be identified and the biological and physical impacts of flowlane disposal are demonstrated to be insignificant. Long term use of a flowlane disposal site may only be allowed if monitoring confirms that the impacts are insignificant. Flowlane disposal is contingent upon demonstration that:
 - a. Adverse effects due to changes in biological and physical estuarine properties will not result;
 - b. Flowlane disposal sites shall be shown able to transport sediment downstream without excessive shoaling, interference with recreational and commercial fishing operations, including the removal of snags from gillnet drifts, undesirable hydraulic effects, or adverse effects on estuarine resources (fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

17. Ocean disposal shall be conducted such that:
 - a. The amount of material deposited at a site is compatible with benthic populations, other marine resources, and other uses of the area;
 - b. Interference with sport and commercial fishing is minimized;
 - c. Disposal is strictly confined to the sites designated by the U.S. Environmental Protection Agency; and
 - d. The disposal site does not shoal excessively and create dangerous wave and swell conditions.

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18. Except for flowlane disposal and beach nourishment, disposal of dredged materials inside the estuary shall be substituted for ocean disposal only when the use of ocean disposal sites is not feasible.
19. Beach nourishment shall only be conducted at sites identified in the dredged material disposal plan. New sites may be added to the Plan by ordinance amendment after a Statewide Planning Goal 16 exception for the site has been approved. Beach nourishment shall be conducted such that:
 - a. The beach is not widened beyond its historical profile. The historical profile shall be defined as the widest beach profile that existed prior to June 1986.
 - b. The material placed on the beach consists of sand of equal or greater grain size than the sand existing on the beach.
 - c. Placement and subsequent erosion of the materials does not adversely impact tidal marshes or productive intertidal and shallow subtidal areas.
 - d. Efforts shall be made to maintain a stable beach profile.
 - e. Dredged material is graded at a uniform slope and contoured to minimize juvenile fish stranding and hazards to beach users.
20. Except as noted below, land disposal and site preparation shall be conducted such that:
 - a. Surface runoff from disposal sites is controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands, and drainage ways. Disposal runoff water must enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing characteristics. Underground springs and aquifers must be identified and protected;
 - b. Dikes are constructed according to accepted engineering standards; are adequate to support and contain the maximum potential height and volume of dredged materials at the site; and form a sufficiently large containment area to encourage proper ponding and to prevent the return of dredged materials into the waterway or estuary. Containment ponds and outfall weirs shall be designed to maintain adequate standing water at all times to further encourage settling of dredged materials. The dikes shall be constructed within the boundaries of the disposal site and shall be constructed of material obtained from within the site or other approved source.

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Clean dredged material placed on land disposal sites located directly adjacent to designated beach nourishment sites may be allowed to flow directly into the waterway without conforming to Items 1 and 2, above, provided that all policies and standards for in-water disposal and beach nourishment are met and the dredged materials are not allowed to enter wetlands or the waterway in areas other than the designated beach nourishment site.

21. Land disposal sites which are not intended for dredged material disposal or development use within a two year period following disposal shall be revegetated as soon as site and weather conditions allow, unless habitat management plans agreed upon by resource management agencies specify that open sand areas should remain at the site. The project sponsor shall notify the local jurisdiction and State and Federal permitting and resource management agencies when disposal is completed and shall coordinate revegetation with these agencies. The notification shall be sent to at least the following agencies: the local jurisdiction, U.S. Army Corps of Engineers, Soil Conservation Service, Division of State Lands, and Oregon Department of Fish and Wildlife. Revegetation of a disposal site does not preclude future uses of the sites for dredged material disposal.
22. The final height and slope after each use of a land dredged material disposal site shall be such that:
 - a. The site does not enlarge itself by sloughing and erosion into adjacent areas;
 - b. Loss of materials from the site during storms and freshets is minimized;
 - c. Interference with the view from nearby residences, scenic points, and parks does not occur.

4.060. ESTUARINE CONSTRUCTION: PILING AND DOLPHIN INSTALLATION, SHORELINE STABILIZATION AND NAVIGATIONAL STRUCTURES.

The standards in this subsection apply to over-the-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas. Also covered under these standards are shoreline stabilization and aquatic area fills. This section does not apply to structures located entirely on shorelands or uplands, but does apply to structures, such as boat ramps, that are in both aquatic and shoreland designations.

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

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2. Where structural shoreline stabilization is shown to be necessary and vegetative means are infeasible, the choice among various structural means shall be made on a case by case basis. Factors to be considered include, but are not limited to:
 - a. Hydraulic features;
 - b. Shoreland habitat;
 - c. Adjacent land and water uses;
 - d. Aquatic habitat;
 - e. Water quality;
 - f. Engineering feasibility;
 - g. Navigation;
 - h. Impacts on public shoreline access.
3. Jetties, groins and breakwaters shall be constructed of clean, erosion-resistant materials from upland sources. In-stream gravel shall not be used, unless part of an approved mining project. Material size shall be appropriate for predicted wave, tide and current conditions.
4. Where a jetty, groin, breakwater or other in-water structure is proposed for erosion or flood control, the applicant shall demonstrate that non-structural solutions, such as land use management practices, will not adequately address the problem.
5. Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:
 - a. A substantial public benefit is demonstrated; and
 - b. The proposed use does not unreasonably interfere with public trust rights; and
 - c. Feasible alternative upland locations do not exist; and
 - d. Potential adverse impacts, as identified in the impact assessment, are minimized.
6. Jetties, groins, breakwaters and piers requiring aquatic area fill may be allowed only if all of the following criteria are met:

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- a. The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic designation; and
 - b. A substantial public benefit is demonstrated; and
 - c. The proposed use does not unreasonably interfere with public trust rights; and
 - d. Feasible alternative upland locations do not exist; and
 - e. Potential adverse impacts, as identified in the impact assessment, are minimized.
7. Proposals for bulkheads may be approved only if it is demonstrated that sloped riprap will not adequately fulfill the project's objectives.
 8. Proposals for bulkheads or for riprap bankline slopes steeper than 1.5 to 1 (horizontal to vertical) must demonstrate that adequate shallow areas will be available for juvenile fish shelter, or that the area is not typically used for juvenile fish shelter.
 9. Plant species utilized for vegetative stabilization shall be selected on the basis of potential sediment containment and fish and wildlife habitat values. Trees, shrubs and grasses native to the region should be considered for vegetative stabilization; however, plant species and vegetation stabilization techniques approved by the Soil Conservation Service, the U.S. Army Corps of Engineers and other participating Federal and State resource agencies are also appropriate. Stabilization of dike slopes must not include vegetation (particularly trees) which jeopardize the dike.
 10. Riprap bank protection must be appropriately designed with respect to slope, rock size, placement, underlying material and expected hydraulic conditions. Project design by a licensed engineer shall meet this requirement. The local government may also find that riprap projects designed by other individuals, such as experienced contractors, soil conservation service personnel or others, meets this standard.
 11. Shoreline stabilization measures shall not restrict existing public access to public shorelines.

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12. Shoreline stabilization shall not be used to increase land surface area. Where an avulsion has occurred, fill may be used to restore the previous bankline, so long as the corrective action is initiated within one year of the date of the avulsion. Any other extension of the bankline into aquatic areas shall be subject to the policies and standards for fill.
13. Construction of structural shoreline stabilization measures shall be coordinated with State and Federal agencies to minimize adverse effects on aquatic and shoreland resources and habitats.
14. As a shoreland stabilization and protective measure, bulkheads shall be designed and constructed to minimize adverse physical effects (i.e., erosion, shoaling, reflection of wave energy or interferences with sediment transport in adjacent shoreline areas) resulting from their placement.
15. Emergency maintenance, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons, property or shoreline stabilization facilities is permitted, not with standing the other requirements in these standards and subject to those regulations imposed by the U.S. Army Corps of Engineers.
16. Revegetated shoreline areas shall be protected from excessive livestock grazing or other activities that would prevent development of effective stabilizing plant cover.
17. Docks and piers shall be built no larger than required for their proposed use.

4.070. FILLING OF AQUATIC AREAS AND WETLANDS.

This subsection applies to the placement of fill material in the tidal wetlands and waters of the Columbia River Estuary.

1. Fill in estuarine aquatic areas may be permitted only if all of the following criteria are met:
 - a. If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic designation; and
 - b. A substantial public benefit is demonstrated; and
 - c. The proposed fill does not unreasonably interfere with public trust rights; and
 - d. Feasible upland alternative locations do not exist; and

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- e. Adverse impacts, as identified in the impact assessment, are minimized.
2. A fill shall cover no more than the minimum necessary to accomplish the proposed use.
3. Aquatic area fills using either dredged material or other easily erodible material shall be surrounded by appropriately stabilized dikes.
4. Aquatic areas shall not be used for disposal of solid waste.
5. Projects involving fill may be approved only if the following alternatives are examined and found to be infeasible:
 - a. Construct some or all of the project on piling;
 - b. Conduct some or all of the proposed activity on existing upland;
 - c. Approve the project at a feasible alternative site where adverse impacts are less significant.
6. Fill in Natural designations is limited to:
 - a. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities;
 - b. Communications facilities; and
 - c. Temporary alterations.
 - d. Improvements and facilities provided for by exception to Statewide Planning Goals.
7. Fill in Conservation designations is limited to:
 - a. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities;
 - b. Communications facilities; and
 - c. Temporary alterations;
 - d. High-intensity water-dependent recreation;
 - e. Aquaculture;

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- f. Minor navigational improvements;
- g. Active restoration;
- h. Bridge crossing support structures.
- i. Improvements and facilities provided for by exception to Statewide Planning Goals.

4.080. FISH AND WILDLIFE HABITAT.

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

1. Projects affecting endangered, threatened or sensitive species habitat, as identified by the USFWS or ODFW, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:
 - a. Soliciting and incorporating agency recommendations into local permit reviews;
 - b. Dedicating and setting aside undeveloped on-site areas for habitat;
 - c. Providing on or off-site compensation for lost or degraded habitat;
 - d. Retaining key habitat features (for example; roosting trees, riparian vegetation, feeding areas).
2. In-water construction activity in aquatic areas shall follow the recommendations of State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.
3. Uses and activities with the potential for adversely affecting fish and wildlife habitat may be approved only upon a demonstration that the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;

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- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations.
4. Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with the Mitigation and Restoration Plan for the Columbia River Estuary.

4.090. FISHERIES AND AQUACULTURE.

The standards in this subsection apply to all projects that could conceivably affect fisheries (either commercial or recreational) or aquaculture in the Columbia River Estuary. This subsection is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.

- 1. Water diversion structures or man made spawning channels shall be designed and built to maintain minimum stream flows for aquatic life in affected streams.
- 2. Water discharge from an aquaculture facility shall meet all Federal and State water quality standards and any conditions attached to the waste discharge permit.
- 3. Aquaculture facilities shall be located far enough from sanitary sewer outfalls to avoid potential health hazards.
- 4. Aquaculture facilities shall be constructed to blend in with and not detract from the aesthetic qualities of the area. In developed areas, views from upland property shall be given consideration in facility design.
- 5. Operation of a private salmon hatchery requires a permit from the Oregon Department of Fish and Wildlife.
- 6. In-water construction activity in aquatic areas shall follow the recommendations of State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.
- 7. Commercial fish drifts shall be protected from conflicting in-water activity, including dredging, in-water dredge material disposal, and aquatic area mining and mineral extraction, during the fishing season.
- 8. Prior to undertaking in-water dredged material disposal or other in-water activity that could potentially disrupt commercial fishing, the project sponsor shall consult with the local drift captain, Columbia River Fisherman's Protective Union, the N.W. Gillnetters

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Association, and the State fishery agency to determine project timing that will minimize impacts to the gillnet fishery.

4.100. LAND TRANSPORTATION SYSTEMS.

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

1. New or relocated land transportation routes shall be designed and sited so as to:
 - a. Enhance development shoreland areas when possible; and
 - b. Direct urban expansion toward areas identified as being suitable for development; and
 - c. Take maximum advantage of the natural topography and cause minimum shoreline disruption; and
 - d. Preserve or improve public estuary access where existing or potential access sites are identified; and
 - e. Avoid cutting off high-intensity waterfront use areas from water access.
2. Maintenance and repair of roads and railroads and maintenance and replacement of bridges shall be permitted regardless of the plan designation through which the road or railroad passes, provided:
 - a. The same alignment is maintained; and
 - b. The same width is maintained, except that minor enlargements to meet current safety and engineering standards may be permitted.
3. Fill-supported causeways or bridge approach fills across aquatic areas or across significant nontidal wetlands in shoreland areas shall not be permitted; bridge abutments may, however, be approved.
4. Removal of riparian vegetation along transportation right-of-ways may be permitted in order to maintain clear vision.

4.110. LOG STORAGE.

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

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1. New aquatic log storage areas shall be located such that logs will not go aground during tidal changes or during low flow periods.
2. Proposals for reestablishment of previously used aquatic log storage areas must meet standards applied to new log storage areas, unless such areas have been abandoned for fewer than 36 months.
3. New aquatic log storage areas shall not be located in areas which would conflict with active gillnet fish drifts or with other commercial or recreational fishing activities.
4. New aquatic log storage areas shall be located where water quality degradation will be minimal and where good flushing conditions prevail.
5. Unpaved shoreland log yards underlaid by permeable soils shall have at least four feet of separation between the yard surface and the winter water table.
6. Log storage and sorting facilities in water-dependent development shorelands shall not preclude or conflict with existing or possible future water-dependent uses at the site or in the vicinity, unless the log storage or sorting facility is itself an essential part of a water-dependent facility.

4.120. MINING AND MINERAL EXTRACTION.

Standards in this subsection are applicable to the extraction of sand, gravel, petroleum products and other minerals from both submerged lands under aquatic areas and from shoreland areas in the Columbia River Estuary.

1. Aquatic area mining and mineral extraction shall only occur in aquatic areas deeper than ten feet below MLLW, where estuarine resource values are low, and when no feasible upland sources exist.
2. Proposed mining and mineral extraction activities with potential impacts on estuary shoreland and aquatic areas shall provide the local government with a copy of a proposed or approved surface mining plan.
3. Project sponsors proposing estuarine shoreland or aquatic area mining or mineral extraction shall demonstrate that the activity is sited, designed and operated to minimize adverse impacts on the following:
 - a. Significant fish and wildlife habitat; and
 - b. Hydraulic characteristics; and

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- c. Water quality.
- 4. Petroleum extraction and drilling operations shall not be allowed in aquatic areas. Petroleum may, however, be extracted from beneath aquatic areas using equipment located on shorelands or uplands. Petroleum exploration activities, with the exception of exploratory drilling, may be permitted in estuarine aquatic areas and in estuarine shoreland areas.
- 5. Unless part of an approved fill project, spoils and other material removed from aquatic areas shall be subject to dredged material disposal policies and standards.

4.130. MITIGATION AND RESTORATION.

Standards in this section are applicable to estuarine restoration and mitigation projects on Columbia River Estuary aquatic areas and shorelands.

- 1. Any fill activities that are permitted in estuarine aquatic areas or dredging activities in intertidal and shallow to medium depth estuarine subtidal areas shall be mitigated through project design and/or compensatory mitigation (creation, restoration or enhancement of another area) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.
- 2. Mitigation for fill in the aquatic areas or dredging in intertidal and shallow to medium depth subtidal areas shall be implemented, to the extent feasible, through the following mitigation actions:
 - a. Project Design Mitigation Actions.
 - 1) Avoiding the impact altogether by not taking a certain action or parts of an action;

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- 2) Minimizing impacts by limiting the degree or magnitude of action and its implementation;
 - 3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this would include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);
 - 4) Reducing or eliminating the impact over time by preservation and maintenance operations;
- b. Compensatory Mitigation Actions.
- 1) Creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Any combination of the above actions may be required to implement mitigation requirements. The compensatory mitigation actions listed in Subsection 2(a) shall only be considered when, after consideration of impact avoidance, reduction or rectification, there are still unavoidable impacts.

3. If compensatory mitigation actions are required, the U. S. Fish and Wildlife Service shall be asked to make a Resource Category determination for the site proposed for development. The classification shall be listed on the permit application and review notice. If the area subject to impact is in a Resource Category 2 or lower (4 = lowest), the following sequence of mitigation options shall be considered:
 - a. In-Kind/On-Site;
 - b. In-Kind/Off-Site;
 - c. Out-of-Kind/On-Site;
 - d. Out-of-Kind/Off-Site;

Generally, the requirements for considering each option before moving on to the next shall be stricter for higher Resource Categories. The following list summarizes the mitigation goal for each resource category:

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

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

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

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

4. Permit applicants shall submit a mitigation plan for each project proposal that requires mitigation. The mitigation plan shall define specific goals and objectives of the proposed mitigation action. The plan shall also address where applicable, performance specifications that include but are not necessarily limited to the following:
 - a. Starting date;
 - b. Completion date;
 - c. Grade specifications;
 - d. Area and elevation specifications;
 - e. Channel specifications;
 - f. Buffers;
 - g. Vegetation plantings;
 - h. Monitoring;
 - i. Contingency plan (outline of potential remedial work and specific remedial contingency actions);
 - j. Accountability requirements (e.g., bonding or any mechanism that serves as a bond).

Goals, objectives and performance specifications shall be defined for both project design and compensatory mitigation. These components of the plan shall be

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developed in cooperation with relevant State and Federal resource and regulatory agencies.

5. Each mitigation action shall be reviewed against its goals, objectives, and performance specifications.
6. All compensatory mitigation site plans shall include a contingency plan. The contingency plan shall include corrective measures to be taken in the event of suboptimal project performance (based on project goals and objectives). A list of remedial follow-up action strategies shall be specified in the contingency plan. These remedial strategies shall specifically address the goals, objectives and performance specifications of the mitigation site plan.
7. Post-mitigation monitoring for project design mitigation, when relevant, and compensatory mitigation shall be required over a 2 to 5 year time period, depending on the size and complexity of the mitigation project. Local governments, in coordination with State and Federal resource agencies, shall design and implement the monitoring. Monitoring requirements may be waived as follows:
 - a. A waiver of the 2 to 5 year monitoring requirement shall be granted if, at any time during the 2 to 5 year period, the project is judged successful; or
 - b. If a mitigation project fails to satisfy the original goals and objectives after the designated time period, and the developer has met all the site design and contingency plan requirements, then the developer is not responsible for remedial action. However monitoring may still be required up to a predetermined time period to help agencies determine workable strategies for future mitigation efforts.
8. All mitigation actions shall begin prior to or concurrent with the associated development action.
9. For estuarine wetlands, once a compensatory mitigation action is required, the habitat types displayed in OAR 141-85-254 shall provide the basis for comparing development activities and possible mitigation areas. The mitigation trade method described in OAR 141-85-256 shall be used to determine acreage and credit requirements for mitigation sites.
10. For non-tidal wetlands, once a compensatory mitigation action is required, habitat trade requirements shall be determined in coordination with appropriate State and Federal agencies. Mitigation requirements shall be made on a case by case basis using determinations made by these agencies.
11. Removal and fill actions potentially exempt from estuarine mitigation requirements include:

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- a. Removal or fill of less than 50 cubic yards of material;
- b. Filling for repair and maintenance of existing functional dikes where there is negligible physical or biological damage to tidal marsh or intertidal area;
- c. Riprap to allow protection of existing bank line with clean, durable erosion resistant material provided that the need for riprap protection is demonstrated and that this need cannot be met with natural vegetation, and no appreciable increase in upland occurs;
- d. Filling for repair and maintenance of existing roads where there is negligible physical or biological damage to tidal marsh or intertidal areas;
- e. Dredging for authorized navigation channels, jetty or navigational aid installation, repair or maintenance contract with the Army Corps of Engineers;
- f. Any proposed alteration that would have negligible adverse physical or biological impact on estuarine resources.
- g. Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, State, and Federal agencies; and
- h. Beach nourishment, subject to Dredging and Dredged Material Disposal Standards, Section 5.250.

Any waiver of mitigation shall be coordinated with State and Federal agencies.

12. Activities that do not require mitigation even though they involve intertidal removal include:
- a. Maintenance dredging - dredging a channel basin, or other facility which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary over-dredging; and
 - b. Aggregate mining - provided the site has historically been used for aggregate removal on a periodic basis.

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13. Actions not considered as mitigation include:
 - a. As a general rule, conversion of an existing wetland type to another wetland type as mitigation for impacts on another wetland shall not be allowed. However, diked non-tidal wetlands with low wildlife value can be discounted and restored to tidal influence as mitigation for impacts in diked non-tidal wetlands. Also, enhancement of an existing wetland can be considered mitigation for impacts in another wetland;
 - b. Transfer of ownership of existing wetlands to public ownership;
 - c. Dedication of existing wetlands for natural uses;
 - d. Provision of funds for research; or
 - e. Monetary compensation for lost wetlands except where monies are used to purchase mitigation credits at a mitigation bank.

14. The following criteria shall be considered when selecting and including potential mitigation sites in the Mitigation and Restoration Plan for the Columbia River Estuary (not in order of priority):
 - a. Proximity to potential development sites;
 - b. Opportunity to create or restore habitat conditions and other values similar to those at the impacted sites or historically and presently scarce habitat types;
 - c. Character of potential sites (e.g., low habitat value and no conflicting uses);
 - d. Potential for protection through zoning; and
 - e. Amount of new dike requirements, if any.

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

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landowner chooses to develop part or all of the site to a degree that would preclude its availability for mitigation use.

16. Astoria shall make the determination of whether a development will preclude all or some of the potential use of the site for mitigation purposes.
17. After a mitigation action takes place, Astoria shall amend its plan and change the designation to reflect its aquatic character.
18. The developer implementing a mitigation action shall be responsible for all costs associated with the mitigation project unless an alternative agreement for cost responsibility is negotiated between the landowner and the developer.
19. Shorelands in the Marine Industrial Shorelands Zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.
20. Significant Statewide Planning Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for mitigation subject to a finding that the use of the site for mitigation will be consistent with protection of natural values.
21. Shorelands in the Marine Industrial Shorelands Zone can only be used for restoration subject to a finding that the use of the site for restoration will not preclude or conflict with water-dependent uses.
22. Priority 2, Level 3 and 4 mitigation sites shall be designated as mitigation sites until they are proposed for restoration outside of the context of mitigation. At this time restoration shall be considered an allowed use subject to the 30 day freeze restrictions presented in mitigation standard 15. Restoration shall only be allowed at Priority 2 sites subject to a finding that the site is no longer required for mitigation.
23. Priority 3, Level 4 mitigation sites shall be designated as mitigation sites until they are specified for restoration outside of the context of mitigation. At this time, restoration shall be considered an allowed use. Restoration shall only be allowed at Priority 3 sites subject to a finding that the site is no longer required for mitigation.
24. Significant Statewide Planning Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for restoration subject to a finding that the use of the site for restoration will be consistent with protection of its natural values.

4.140. PUBLIC ACCESS TO THE ESTUARY AND ITS SHORELINE.

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

1. Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment.
2. The City shall review, under ORS 271.080 through 271.230, proposals for the vacation of public easements or right-of-ways which provide access to or along estuarine waters. The City shall review under the provisions of ORS 271.300 through 271.360 proposals for the sale, exchange or transfer of public ownership which provides access to estuarine waters. Existing public ownerships, right-of-ways, and similar public easements which provide access to or along estuary waters shall be retained or replaced if sold, exchanged or transferred.
3. Right-of-ways may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.

4.150. RECREATION AND TOURISM.

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

1. Off-street parking may only be located over an aquatic area if all of the following conditions are met:
 - a. Parking will be on an existing pile-supported structure; and
 - b. Suitable shoreland areas are not available; and
 - c. The amount of aquatic area committed to parking is minimized; and
 - d. The aquatic area is in a Development designation.
2. New or expanded recreation developments shall be designed to minimize adverse effects on surface and ground water quality. Adverse effects of storm run-off from parking lots shall be minimized.
3. New or expanded recreational developments shall be designed and located so as not to unduly interfere with adjacent land uses.

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4.160. RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas. Within the context of this subsection, residential uses include single and multi-family structures, mobile homes, and floating residences (subject to an exception). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this subsection. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent non-related.

1. Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.
2. Off-street parking may only be located over an aquatic area if all of the following conditions are met:
 - a. Parking will be on an existing pile-supported structure; and
 - b. Suitable shoreland areas are not available; and
 - c. The amount of aquatic area committed to parking is minimized; and
 - d. The aquatic area is in a Development designation.
3. Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local Code requirements.
4. Uses on floating structures shall be located in areas protected from currents and wave action, and shall not rest on the bottom during low tidal cycles or low flow periods.
5. Aquatic areas or significant non-tidal wetlands in shoreland areas may not be used to compute the lot area or density for residential development in shoreland areas.
6. Where groundwater is or may be used as a water supply, the ground-water table shall not be significantly lowered by drainage facilities, or be affected by salt water intrusion due to groundwater mining.
7. Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.

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8. Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:
 - a. A substantial public benefit is demonstrated; and
 - b. The proposed use does not unreasonably interfere with public trust rights; and
 - c. Feasible alternative upland locations do not exist; and
 - d. Potential adverse impacts, as identified in the impact assessment, are minimized.

4.170. SHALLOW-DRAFT PORTS AND MARINAS.

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

1. New marinas may be approved only when existing marinas are inadequate with respect to location, support services or size; or cannot expand to meet area moorage needs.
2. New marinas shall be located in or adjacent to areas of extensive boat usage, and in areas capable of providing necessary support services (including street access, upland parking, water, electricity and waste disposal).
3. The feasibility of upland boat storage shall be evaluated concurrent with proposals for new or expanded marina facilities.
4. Marina development and expansion may require some filling and dredging of presently undeveloped areas. Significant aquatic and shorelands resources shall be protected from preventable adverse impacts in the design, construction, and maintenance of marina facilities.

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5. Marina development requiring filling or dredging in estuarine aquatic areas may be permitted only if all of the following criteria are met:
 - a. If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic designation; and
 - b. A substantial public benefit is demonstrated; and
 - c. The proposed dredging or filling does not unreasonably interfere with public trust rights; and
 - d. Feasible upland alternative sites do not exist; and
 - e. Adverse impacts are minimized.
6. New, expanded or renovated marinas shall be designed to assure adequate water circulation and flushing.
7. New marinas shall provide facilities for emptying holding tanks so that these wastes are not placed in the river.
8. Covered moorages may be permitted in marinas subject to the following requirements:
 - a. Information on existing water quality and habitat conditions in the aquatic area proposed for the covered moorage; and
 - b. Data on existing aquatic vegetation, and an analysis of the proposed covered moorages' impact on aquatic vegetation; and
 - c. Information on light penetration, both with and without the proposed covered moorage; and
 - d. No more than 20% of the marina's aquatic surface is occupied by the covered moorages.
9. New or expanded marina fuel docks shall maintain on-site equipment for the containment of spilled fuel.
10. Floating docks in marinas shall be located such that they do not rest on the bottom during low tides.
11. New individual docks outside of marinas may only be built when it is shown that existing marinas cannot accommodate the proposed use.

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4.180. SHORELAND HAZARD AREAS.

The standards in this subsection apply to development in Columbia River Estuary shoreland areas with identified hazards to development. These hazards are identified in subarea plans, and include areas susceptible to erosion, soil movement, and flooding.

1. Proposed shoreland area development shall be evaluated prior to construction to assure that new hazards are not created or existing hazards are not worsened on adjacent property.

4.190. SIGNIFICANT AREAS.

The standards in this subsection are intended to protect certain shoreland and aquatic resources with estuary-wide significance. Significant shoreland resources are identified as such in subarea plans. Significant aquatic resources are found in Natural Aquatic areas. This subsection applies only to activities and uses that potentially affect significant shoreland or aquatic resources. Other resources without estuary-wide significance are not covered by this subsection.

1. Temporary removal of riparian vegetation may be permitted in conjunction with a water-dependent use where direct access to the water is required for construction or for a temporary use. Riparian vegetation removed for these reasons must be replaced upon project completion.
2. Permanent removal of riparian vegetation may be permitted along transportation right-of-ways for purposes of maintaining clear vision.
3. Public access to significant scenic areas shall be provided in a manner consistent with the preservation of the scenic area and other significant resources.
4. Tidegated sloughs and drainage ditches identified as having significant aquatic habitat value, significant riparian vegetation, or other significant shoreland resource value may be maintained with respect to depth, but their bankline location and configuration may not be altered, unless part of an approved fill or shoreline stabilization project.
5. A setback of 50 feet from significant riparian vegetation shall be required for all new structures.

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4.200. WATER QUALITY MAINTENANCE.

The standards in this subsection are intended to help protect and enhance the quality of water in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidegated sloughs in shoreland areas are covered by these standards.

1. New marinas shall provide facilities for emptying holding tanks so that these wastes are not placed in the river.
2. Thermal effluent shall be cooled before they are returned to the estuary.
3. The potential adverse impacts on water quality of dredging, fill, in-water dredged material disposal, in-water log storage, water intake or withdrawal, and slip or marina development will be assessed during permit review. Parameters to be addressed include:
 - a. Turbidity;
 - b. Dissolved oxygen;
 - c. Biochemical oxygen demand;
 - d. Contaminated sediments;
 - e. Salinity;
 - f. Water temperature;
 - g. Flushing;
4. New or expanded marine fuel docks must provide on-site equipment for the containment of fuel spills.
5. New point-source waste water discharges into the Columbia River will be controlled through the National Pollution Discharge Elimination System (NPDES) permit program.
6. Estuarine Aquatic or Shoreland area pesticide application will be controlled by the State Department of Agriculture and the Department of Environmental Quality.

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4.210. WATER-DEPENDENT DEVELOPMENT AREAS.

Standards in this subsection are applicable only to those Columbia River Estuary Shorelands designated as Especially Suited for Water-Dependent Development. The purpose of these standards is to assure that adequate sites are available for water-dependent uses.

1. The only new uses allowed in Marine Industrial Shorelands are:
 - a. Water-dependent recreational uses;
 - b. Water-dependent commercial uses;
 - c. Water-dependent industrial uses;
 - d. Temporary uses involving minimal capital investment and no permanent structures; and
 - e. A use in conjunction with and incidental to a water-dependent use.

4.220. WATER-DEPENDENT AND WATER-RELATED USE CRITERIA.

The following criteria are applicable when determining whether a use is water-dependent, water-related, or non-dependent, non-related.

A. Water-Dependent Use.

A use is water-dependent when it can only be accomplished on, in, or adjacent to water. The location or access is required for one of the following:

1. Water-borne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping); or
2. Recreation (active recreation such as swimming, boating and fishing, or passive recreation such as viewing and walking); or
3. A source of water (such as energy production, cooling or industrial equipment or wastewater, other industrial processes, aquaculture operations); or
4. Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).

B. Water-Related Use.

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1. Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of, water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent uses; and
2. If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social and environmental values).

ARTICLE 5

IMPACT ASSESSMENT AND RESOURCE CAPABILITY DETERMINATION

5.010. IMPACT ASSESSMENT PROCEDURE.

The purpose of this section is to provide an assessment process for development alterations which could potentially alter the estuarine ecosystem.

A. Impact Assessment Requirements.

An Impact Assessment in accordance with the provisions of this section shall be required for the following uses in estuarine aquatic areas.

1. Dredging;
2. Aquatic area fill;
3. In-water structures;
4. Riprap;
5. New in-water log storage areas;
6. Water intake pipes;
7. Effluent discharge pipes;
8. In-water dredged material disposal;
9. Beach nourishment;
10. Other uses or activities which could affect estuarine physical or biological resources;
and
11. Uses or activities that require a Resource Capability Determination.

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B. Use of Impact Assessment.

1. Information contained in an Impact Assessment shall be used in the evaluation of a use or activity's significant impacts on the estuarine ecosystem; in determining whether potential impacts can be avoided or minimized; and for providing a factual base of information needed to address applicable standards in Article 4.
2. Where a use requires a Resource Capability Determination, information in the Impact Assessment can be used to satisfy the requirements of 5.020.

C. Information to be Provided in the Impact Assessment.

1. Aquatic life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, sediments, and vegetation.
2. Shoreland life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, soil types and characteristics, and vegetation present.
3. Water quality, including information on: sedimentation and turbidity, dissolved oxygen, biochemical oxygen demand, contaminated sediments, salinity, water temperatures, and expected changes due to the proposed use or activity.
4. Hydraulic characteristics, including information on: water circulation, shoaling patterns, potential for erosion or accretion in adjacent areas, changes in flood levels, flushing capacity, and water flow rates.
5. Air quality, including information on quantities of particulates and expected airborne pollutants.
6. Public access to the estuary and shoreline, including information on: proximity to publicly-owned shorelands and public street ends; effect on public boat launches, marinas and docks; and impact on inventoried public access opportunities.
7. Navigation, including information on: distance from navigation channels, turning basins and anchorages; proximity to range markers.
8. Demonstration that proposed structures or devices are properly engineered.
9. Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.

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10. Demonstration that non-water-dependent uses will not preempt existing or future water-dependent utilization of the area.
11. Determination of methods for mitigation and accommodation of the proposed development, based on items 1 through 10 above, in order to avoid or minimize preventable adverse impacts.

D. Impact Assessment Findings.

The information in Subsection C above shall be used to reach one of the conclusions listed below:

1. The proposed uses and activities do not represent a potential degradation or reduction of estuarine resource.
2. The proposed uses and activities represent a potential degradation or reduction of estuarine resources. The impact assessment identifies reasonable alterations or conditions that will eliminate or minimize to an acceptable level expected adverse impacts.
3. The proposed uses and activities will result in unacceptable losses. The proposed development represents irreversible changes and actions and unacceptable degradation or reduction of estuarine resource properties will result.
4. Available information is insufficient for predicting and evaluating potential impacts.

5.020. RESOURCE CAPABILITY DETERMINATION.

A. Purpose.

Certain uses and activities in Aquatic Natural and Aquatic Conservation zones are allowed only if determined to meet the resource capability and purpose of the zone in which the use or activity occurs. Certain uses and activities in a Aquatic Development Zone are allowed only if determined to meet the purpose of the zone in which the use or activity occurs.

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B. Definition of Resource Capability.

In a Natural Aquatic estuarine designation, a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or if the resources of the areas are able to assimilate the use and activity and their effects and continue to function in a manner which protects significant wildlife habitat, natural biological productivity, and values for scientific research and education.

In a Conservation Aquatic estuarine designation, a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or if the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

C. Purpose of Different Estuarine Zones.

1. Aquatic Conservation Zone:

Conservation Aquatic areas are designated for long-term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the resources found in these areas. The Conservation Aquatic designation includes areas needed for the maintenance and enhancement of biological productivity, recreational resources, aesthetic features and aquaculture. The Conservation Aquatic designation includes areas that are smaller or of less biological importance than Natural Aquatic areas. Areas that are partially altered and adjacent to existing moderate intensity development which do not possess the resource characteristics of other aquatic areas are also included in this designation.

2. Aquatic Natural Zone:

Natural Aquatic areas are designated to assure the protection of significant fish and wildlife habitats; of continued biological productivity within the estuary; and of scientific, research, and educational needs. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all major tidal marshes, tideflats, and seagrass and algae beds. The designation is intended to preserve those aquatic natural resource systems existing relatively free of human influence.

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D. Resource Capability Procedure.

1. Identification of the affected area's zone, and its purpose.
2. Identification of the types and extent of estuarine resources present and expected adverse impacts. This information is included in the Impact Assessment, Section 5.010.
3. A determination of whether the use or activity is consistent with the resource capabilities of the affected designation. A use or activity is consistent with the resource capabilities of the area when either:
 - a. Impacts on estuarine resources are not significant; or
 - b. Resources of the area will be able to assimilate the use and activity and their effects and continue to function in a manner which:
 - (1) In Natural Aquatic Zones, protects significant wildlife habitats, natural biological productivity, and values for scientific research and education; or
 - (2) In Conservation Aquatic Zones, conserves long-term use of renewable resources, natural biological productivity, recreation and aesthetic values and aquaculture.
4. For temporary alterations, the Resource Capability Determination must also include:
 - a. Determination that potential short-term damage to estuary and shoreland resources is consistent with the resource capabilities of the area; and
 - b. Determination that the area and affected resources can be restored to their original condition.

E. Determining Consistency With the Purpose of the Zone.

Certain uses in the Aquatic Development (A-1, A-2, A-2A), Aquatic Conservation (A-3), and Aquatic Natural (A-4) Zones may be permitted only if they are consistent with the purpose of the aquatic zone in which they occur. This determination is made as follows:

1. Identification of the affected zone, and its purpose.
2. Description of the proposals potential impact on the purposes of the affected zone.
3. Determination that the proposal is either:

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- a. consistent with the purpose of the affected zone; or
- b. conditionally consistent with the purpose of the affected zone; or
- c. inconsistent with the purpose of the affected zone.

5.030. COASTAL ZONE CONSISTENCY REVIEW.

A. Applicability.

This section applies to the following activities that directly affect the coastal zone:

- 1. actions requiring Federal permits or licenses
- 2. Federal activities and development projects
- 3. outer continental shelf activities
- 4. Federal grants or financial assistance.

B. Consistency Review Procedure for Activities Requiring Federal Permits or Licenses.

Applicants for activities in Astoria's coastal zone which require a Federal permit of license shall submit a copy of: the completed permit application, other supporting material provided to the Federal permit granting agency and a set of findings which demonstrate that the development would be consistent with the applicable elements of the Comprehensive Plan and this Code.

If the activity requires a local permit, the applicant shall apply for the local permit under the established permit program. Approval of the permit shall constitute a ruling that the action is consistent with the applicable elements of the Comprehensive Plan and Development Code. If the action does not require a local permit, the Community Development Director may make an investigation to provide information on the project's conformance with the Plan and Code standards and provisions. The investigation can be done administratively or through public hearings.

The Community Development Director shall respond to the State or Federal permit granting agency within seven working days of the local actions. The response shall contain a statement of whether the Federal permit is consistent with the applicable elements of the Comprehensive Plan, the reasons the development is or is not consistent, standards and conditions which apply if the permit is granted, and the need for local permits for developments associated with the activity.

C. Consistency Review Procedure for Federal Activities and Development Projects.

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Federal activities in the Coastal Zone are not subject to the established City permit procedures. Federal activities which directly affect the coastal zone of the City must be consistent, to the maximum extent practicable, with the coastal zone management program. The coastal zone management program includes the Comprehensive Plan and Development Code. The Federal consistency determination is reviewed by the Oregon Department of Land Conservation and Development.

D. Outer Continental Shelf Activities.

Federally licensed or permitted activities described in Outer Continental Shelf plans and which affect Astoria's coastal Zone shall be conducted in a manner consistent with the coastal zone management program. The applicant's consistency certification is reviewed by the Oregon Department of Land Conservation and Development. The Community Development Director may communicate concurrence or disagreement with the consistency certification to the Oregon Department of Land Conservation and Development within the time specified on the Oregon Department of Land Conservation and Development notice for the activities.

E. Federal Grants and Financial Assistance.

Federal financial assistance or grants to State agencies, cities, counties, special purpose districts, or regional bodies, for activities which affect the Astoria coastal zone shall be granted only when the activities are consistent with the coastal zone management program. The Community Development Director may review the grants and financial assistance for consistency with the Plan and Development Code. The review may be done administratively or through public hearings.

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ARTICLE 6

HISTORIC PROPERTIES

6.010. PURPOSE.

It is the purpose of the City to promote and encourage the preservation, restoration, rehabilitation, and adaptive use of buildings, structures, appurtenances, objects, sites, and districts that are indicative of Astoria's historical heritage; to carry out certain provisions of The Land Conservation and Development Commission Goal 5 "Open Spaces, Scenic and Historic Areas, and Natural Resources"; to establish a design review process for historic structures, and to assist in providing the means by which property owners may qualify for Federal and State financial assistance programs assisting historical properties.

6.020. SPECIAL PROVISIONS.

A. Signs.

1. Signs or plaques denoting a historic District, building or site will be permitted in accordance with the sign regulations for the zone in which it is located. Such signs will be of dignified design and positioned in a manner that is compatible with the building or site.
2. Any signs constructed or placed on or in association with a historic building will be reviewed by the Historic Preservation Officer to ensure that they are in scale and relate well to the architectural style of the building.

6.030. HISTORIC DISTRICT ESTABLISHMENT.

- A. The Historic Landmarks Commission, the City Council, or the owners of at least one-third of the privately owned property within a proposed District may initiate the proceedings for designation of a Historic District. If there is multiple ownership in a property, each consenting owner shall be counted as a fraction equal to the interest the owner holds in that property.

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A request that an area be designated as a Historic District will be considered by the Historic Landmarks Commission following receipt of a complete application by the Historic Preservation Officer. The Historic Landmarks Commission will transmit its recommendation of the area as a Historic District to the City Council. The City Council shall hold a public hearing in accordance with the procedures set forth in 9.010 through 9.100 except that notices of the hearing date will be mailed only to owners of property lying on or within the boundaries of the proposed District.

Upon receipt of the Historic Landmark Commission's recommendation, the City Council may authorize submittal of a nomination for Historic District status to the State Advisory Committee on Historic Preservation.

6.040. HISTORIC LANDMARK ESTABLISHMENT.

A. Procedure.

The Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark. Upon receipt of a complete application requesting that a building or site be designated historic, the Historic Landmarks Commission shall consider the request. The Historic Landmarks Commission shall hold a public hearing on the request in accordance with the procedures set forth in Article 9.

The Historic Landmark Commission may approve, modify or reject such request in accordance with Section 9.030.

B. Existing Listings on the National Register of Historic Places.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are listed on the National Register of Historic Places shall be automatically considered a Historic Landmark.

C. Primary and Secondary Classifications.

For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary or Secondary shall be automatically considered a Historic Landmark.

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6.050. EXTERIOR ALTERATION.

A. Exemptions.

Nothing in this Section shall be construed to prevent ordinary maintenance of a structure listed or identified as a Historic Landmark or as Primary or Secondary. The following are considered to be normal maintenance and repair and are not subject to this Section including, but not limited to:

1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings;
2. Repairing, or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark;
3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding;
4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof;
5. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building;
6. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material and appearance; and
7. Painting and related preparation.

B. Certificate of Appropriateness.

Unless otherwise exempted, no person, corporation, or other entity shall change, add to, or modify a structure or site in such a way as to affect its exterior appearance, if such structure is listed or identified as a Historic Landmark or as Primary or Secondary without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

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C. Criteria for Immediate Approval.

The Historic Preservation Officer shall approve an exterior alteration request if:

1. There is no change in historic character, appearance or material composition from the existing structure or feature; or
2. If the proposed alteration duplicates the affected building features as determined from a photograph taken during either the Primary or Secondary development periods, original building plans, or other evidence of original building features; or
3. If the proposed alteration is required for the public safety due to an unsafe or dangerous condition.
4. If the proposed alteration relates to signage in scale to the architectural style of the building.

All other requests shall be reviewed by the Historic Landmarks Commission.

D. Historic Landmarks Commission Design Review Criteria.

Those exterior alteration requests not meeting the conditions for immediate approval shall be reviewed by the Historic Landmarks Commission following receipt of a complete application.

The following standards shall be used to review alteration requests. The standards summarized below involve the balancing of competing and conflicting interests. The standards are not intended to be an exclusive list, but are to be used as a guide in the Historic Landmark Commission's deliberations.

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

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4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and addition do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

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6.070. NEW CONSTRUCTION.

A. Certificate of Appropriateness.

No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark or a structure identified as Primary or Secondary, without first obtaining a Certificate of Appropriateness from the Historic Landmarks Commission.

In obtaining a Certificate of Appropriateness as required above, the applicant shall file an application on a form furnished for that purpose with the Community Development Department.

B. Historic Landmarks Commission Design Review Criteria.

A request to construct a new structure shall be reviewed by the Historic Landmarks Commission following receipt of the request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh the following criteria:

1. The design of the proposed structure is compatible with the design of adjacent historic structures considering scale, style, height, architectural detail and materials.
2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of adjacent structures considering setbacks, distances between structures, location of entrances and similar siting considerations.

6.080. DEMOLITION AND MOVING.

A. Certificate of Appropriateness.

No person, firm, or corporation shall move, demolish, or cause to be demolished any structure listed or identified as a Historic Landmark or as a Primary or Secondary without first obtaining a Certificate of Appropriateness.

In obtaining a Certificate of Appropriateness, the applicant shall file an application on a form provided for that purpose with the Community Development Department.

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B. Criteria for Immediate Approval.

The Historic Preservation Officer shall issue a Certificate of Appropriateness for moving or demolition if any of the following conditions exist:

1. The structure has been damaged in excess of 70% of its assessed value by fire, flood, wind, or other natural disaster or by vandalism; or
2. The Building Official finds the structure to be an immediate and real threat to the public health, safety and welfare.

All other requests will be reviewed by the Historic Landmarks Commission.

C. Historic Landmarks Commission Review Criteria.

Those demolition/moving requests not meeting the conditions for immediate approval shall be reviewed by the Historic Landmarks Commission following receipt of an applicant's request. In reviewing the request, the Historic Landmarks Commission shall consider and weigh all of the following criteria:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to structures in the general area.
2. There is demonstrated public need for a new use, if any is proposed, which outweighs the benefit which might be served by preserving the subject building(s) on the site due to the building's contribution to the overall integrity and viability of the historic district.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

Any review shall be completed and a decision rendered within 75 days of the date the City received a complete application. Failure of the Historic Landmarks Commission to meet the time lines set forth above shall cause the request to be referred to the City Council for review.

All actions of the Historic Landmarks Commission can be appealed to the City Council. The Historic Landmarks Commission will follow the procedural requirements set forth in Article 9.

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D. Conditions for Demolition Approval.

As a condition for approval of a demolition permit, the Historic Landmarks Commission may:

1. Require photographic documentation, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriated by the Commission.
2. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group has given the opportunity to salvage and record the resource within 90 days.

E. Appeal - Extension of Review Period.

On appeal or referral, the City Council may extend the review period for demolition/moving requests a maximum of an additional 120 days from the date of receipt of an application upon a finding that one of the following conditions exists:

1. The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.
2. There has been little or no activity, within a reasonable amount of time, by the permit applicant to explore other viable alternatives.
3. There is a project under way which could result in public or private acquisition of the historic building or site and the preservation or restoration of such building or site, and that there is reasonable grounds to believe that the program or project may be successful.

If, at the end of an extended review period, any program or project is demonstrated to the City Council to be unsuccessful and the applicant has not withdrawn his/her application for a moving or demolition permit, the Community Development Director shall issue the permit if the application otherwise complies with the code and ordinances of the City.

F. Exception.

In any case where the City Council has ordered the removal or demolition of any structure determined to be dangerous, nothing contained in this chapter shall be construed as making it unlawful for any person without prior approval of the Historic Landmarks Commission, pursuant to this chapter, to comply with such order.

6.090. ADMINISTRATIVE PROCEDURES.

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- A. The Historic Landmarks Commission will follow the procedural requirements set forth in Article 9 with regard to application, public notice, quasi-judicial public hearing procedure, appeals, action on applications, filing fees, and additional costs.

- B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission will approve or deny the request or recommend changes in the proposal which would enable it to be approved. The property owner will be notified of the Historic Landmarks Commission's decision within 10 working days of the date of action. The applicant may resubmit proposals for which changes have been recommended by the Historic Landmarks Commission.

- C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the structure, appurtenance, object, site, or district. All decisions to approve, approve with conditions or deny shall specify the basis of the decision. Such decisions may be appealed to the City Council.

ARTICLE 7

OFF-STREET PARKING AND LOADING

7.010. PARKING AND LOADING AREAS REQUIRED.

- A. Off-street parking areas and off-street loading areas meeting the applicable requirements of this Section shall be provided and maintained:
1. For each separate use in any building or structure erected after the adoption of this ordinance.
 2. For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing structure or lot.
 3. When the use of the structure or portion thereof is changed.
- B. Where a structure is added to, or a portion thereof changes in use such that additional parking or loading is required, only the number of additional spaces required under Sections 7.100 and 7.160 for the area added or changed in use need be provided. Nevertheless, if the lot or structure as used prior to the addition or change of use did not have the number of parking and loading spaces required by Sections 7.100 and 7.160 and such deficiency was not lawfully nonconforming, parking for the entire building or use shall be provided as required by Sections 7.100 through 7.160.
- C. When additional parking or loading area is required or added to an existing nonconforming parking or loading area, the entire parking and loading area shall be improved as provided in Section 7.110 and landscaped setbacks from streets shall be provided as required in Section 7.170.

7.020. REDUCTION OF PARKING AREA PROHIBITED; EXCEPTION.

Off-street parking and loading areas which existed on the effective date of this ordinance or which are provided as required by this Section shall be maintained, or equivalent parking and loading areas provided; except that if this ordinance reduces the number of required off-street parking or loading spaces, an affected use may diminish its parking and loading area to the new requirements.

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7.030. LOCATION.

- A. Off-street parking and loading areas required by this ordinance shall be provided on the same lot with the use except that:
 - 1. In any residential zone, up to 50% of vehicle parking spaces for dwellings and other uses permitted in a residential zone may be located on contiguous lots or on a lot across a street or other right-of-way from the lot with the primary use.
 - 2. In non-residential zones, up to 50% of the required parking area may be located off the site of the primary use or structure provided it is within 300 feet of such site.
- B. Off-street parking is incidental to the use which it serves. As such, it shall be located in a zone appropriate to that use, or where a public parking area is a specific permitted use.

7.040. FRACTIONAL MEASUREMENTS.

When calculations for determining the number of required off-street parking or loading spaces result in a requirement of fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.

7.050. OWNERSHIP OF PARKING AND LOADING AREAS.

- A. Except as provided for joint use parking in Section 7.070, the land to be provided for off-street parking and loading areas, including driveways, aisles, and maneuvering areas shall be:
 - 1. Owned by the owner of the property served by the parking; or
 - 2. In commercial and industrial zones, the parking may be provided by a permanent and irrevocable easement appurtenant to the property served by the parking; or
 - 3. Be leased for a minimum term of five (5) years, provided that upon expiration or termination of the lease, the parking requirements of this ordinance shall otherwise be fully met within 90 days or the use discontinued until such requirements are met.

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7.060. OFF-STREET VEHICLE PARKING REQUIREMENTS.

- A. Except as otherwise specifically provided in this ordinance, off-street parking spaces shall be provided in amounts not less than those set forth in Section 7.100.
- B. For any proposed use not listed in Section 7.100, the Community Development Director shall determine the parking space requirement for the most nearly similar use listed in Section 7.100 with regard to traffic generation.

7.062 SPECIAL EXCEPTIONS TO OFF-STREET VEHICLE PARKING REQUIREMENTS.

A. Developed Sites Exemption.

Existing buildings which encompass all or a major portion of a lot with little or no possibility of providing off-street parking in compliance with City Code may apply to the Community Development Director for authority to participate in a program whereby, in lieu of providing required off-street parking, annual payments would be made to the City for the purpose of supporting mass transit, and development of public parking. As an alternative to making annual cash payments, the applicant may, with approval of the City Council, provide a public service of equal or greater value than the cash payment.

1. Participation in the Program.

The Director shall approve participation in the program upon a finding that the lack of required off-street parking will not result in a public safety hazard. Participation involving the provision of compensation in the form of public service in lieu of cash payments also requires the concurrence of the City Council.

2. Location.

This exception shall apply to any change of use or expansion of a use in all zones except those areas where the provision of off-street parking is otherwise exempted.

3. Compensation.

a. Cash Payments.

The fee to be paid for each parking space not provided shall be \$180.00 per year.

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The fee shall be paid annually on a per space basis. The number of spaces subject to a fee shall be the difference between the number of off-street spaces provided and the number required by the Astoria Development Code, or, where a Variance is issued, the number of spaces authorized by Variance.

Payments shall be made to the City of Astoria at the beginning of each year the applicant is involved in the program, and shall be made, in accordance with a payment schedule to be established by the Community Development Department.

b. Compensation in Lieu of Cash Payments.

Compensation in lieu of cash payments may be accepted only upon a finding by the City Council that there is both a need for the proposed public service, and that the value of the service is equivalent to or greater than the cash payment described in Section 3(a) above.

(Section 7.062 Added by Ordinance 93-08, 10-18-93; amended by Ordinance 96-04, 5-6-96)

7.070. JOINT USE OF PARKING AREAS.

A. The Community Development Director may authorize the joint use of parking areas by the following uses or activities as a Conditional Use in every zone under the following conditions:

1. Up to 50% of the off-street parking spaces required by this ordinance for a church, auditorium in a school, theater, bowling alley, night club, eating or drinking establishment may be satisfied by the off-street parking spaces provided by uses occupied only during the daytime on weekdays.
2. Up to 50% of the off-street parking spaces required by this ordinance for any daytime use may be satisfied by the parking spaces provided for nighttime or Sunday uses.
3. All jointly used spaces shall be located with relation to all uses relying on such spaces within the applicable distance set forth in Section 7.030.
4. The Planning Commission must find that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of off-street parking facilities is proposed.

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5. A properly drawn legal instrument executed by the parties concerned with joint use of off-street parking facilities, approved as to form and manner of execution by Legal Counsel, shall be filed with the Community Development Director. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this ordinance within 60 days.

7.080. CLASSIFICATION OF USES FOR PURPOSES OF JOINT USE PARKING.

A. The following uses are considered daytime uses for purposes of Section 7.070:

1. Bank or other financial institution.
2. Business service establishment.
3. Clothing, shoe repair, or service establishment.
4. Household equipment or furniture store.
5. Manufacturing or wholesale building.
6. Personal service establishment.
7. Retail store.
8. Other similar primarily daytime uses as determined by the Community Development Director.

B. The following uses are considered nighttime or Sunday uses for purposes of Section 7.070:

1. Auditoriums incidental to a public or private school.
2. Church.
3. Eating and drinking establishment, only open after 5:00 p.m.
4. Night Club.
5. Theater.
6. Other similar primarily nighttime uses as determined by the Community Development Director.

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7.090. OFF-STREET LOADING.

- A. Except as otherwise specifically provided in this ordinance, off-street loading shall be provided in amounts not less than those set forth in Section 7.160.
- B. A parking area meeting the requirements of Sections 7.100 through 7.110 may also be used for loading when the use does not require a delivery vehicle which exceeds a combined vehicle and load rating of 20,000 pounds, and when the parking area is within 25 feet of the building or use which it serves.

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7.100. MINIMUM PARKING SPACE REQUIREMENTS.

	<u>USE</u>	<u>MINIMUM NO. OF SPACES</u>
A.	<u>Amusement.</u>	
	Indoor amusement and recreation services, amusement park, ball field, motion picture theater, stadium	One space per 400 square feet of gross floor area, or one space per five seats or ten feet of bench length
	Golf course	One space per green
	Library and information center	One space per 500 square feet of gross floor area
	Meeting room	One space per five seats
	Mixed use retail/indoor amusement	One space per 400 square feet of gross floor area, plus one space per two employees
	Museum, art gallery	One space per 600 square feet of gross floor area
	Tennis court, racquetball court, or handball court	One space per court plus one space per ten feet of bench length or five seats
B.	<u>Automotive Services.</u>	
	Automotive and Recreational Vehicle/Manufactured Home dealer	One space per 1,500 square feet of gross floor area
	Automotive repair, service, gasoline service, and garage	One space per 1,500 square feet of gross floor area

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C. Business and Professional Services.

Business office or services,
public office or services,
professional office or services,
financial services, real estate
services, insurance services,
repair services, educational
services not elsewhere classified

One space per 500
square feet of gross
area

D. Churches and Institutions.

Correctional institution

One space per 2,000 square
feet of gross floor area

General meeting facility

One space per three seats,
or six feet of bench length,
or 100 square feet of gross
floor area

Membership organization, club
or lodge

Spaces to meet the combined
requirements of the uses being
conducted, such as hotel,
restaurant, auditorium, etc.

Religious organization

One space per five seats, or
ten feet of bench length, or
100 square feet of floor area
not containing fixed seats
in the sanctuary

E. Health Services

Health services

One space per 500 square
feet of gross floor area

Hospital

1.5 spaces per bed

Nursing and personal care facility

One space per three beds

F. Industrial and Utilities.

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Mining, manufacturing, transportation
communications, electric, gas,
and sanitary services

The greater of the following:

- 1) .75 spaces per employee
- 2) 0 - 49,999 square feet of
gross floor area - one
space per 5,000 square
feet
- 3) 50,000 - 99,999 square
feet of gross floor area -
one space per 10,000
square feet
- 4) 100,000 or greater square
feet of gross floor area -
one space per 15,000
square feet

Marina

One space per boat berth or
docking space

Wholesale, warehousing, and
similar use

One space per 1,500 square
feet gross floor area

G. Personal Services.

Funeral service or crematory

One space per three seats or
six feet of bench length in
chapels

Laundry, cleaning and garment
service

One space per 1,000 square
feet of gross floor area

Personal services

One space per 500 square
feet of gross floor area

Veterinary and animal
services

One space per 500 square
feet of gross floor area

H. Residential and Dwellings.

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Single-family dwelling unit, duplex, or triplex	Two spaces per dwelling unit
Multi-family dwelling containing four or more dwelling units	One and one-half spaces per dwelling unit
Multi-family dwelling restricted to one bedroom units	1.25 spaces per dwelling
Bed and breakfast or home stay lodging	One space per bedroom plus two spaces for owner/manager unit
Hotel, or motel	1.1 spaces per guest room or suite, plus two for the manager
Inn	One space per bedroom plus two spaces for owner/manager unit, plus one space per three seats or six feet of bench length or 100 square feet of gross floor area used for conduct of associated business activity
Housing designed for and used by elderly or special needs groups, congregate care	One space per four dwelling units
Retirement center	One space per two dwelling units
I. <u>Retail.</u>	
Building material, hardware, garden supply, furniture, home furnishings or home equipment store	One space per 1,000 square feet of gross floor area
Eating and drinking establishment	One space per 250 square feet of gross floor area
General merchandise store, food store, apparel and accessory store, and miscellaneous retail	One space per 500 square feet of gross floor area
J. <u>Schools.</u>	

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College, university, professional school and junior college	One space per four students for which the school is designed to accommodate
Day care, preschool, or nursery	One space per employee
Elementary school	Two spaces per classroom
Secondary school	One space per six students for which the school is designed to accommodate
Vocational and correspondence school, and educational services not elsewhere classified	One space per 500 square feet of gross floor area

For any uses not listed above, the Community Development Director shall make an interpretation of the parking space requirements as per Section 7.060.

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7.110. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS.

All parking and loading areas required under this ordinance, except those for a single family dwelling on a lot, shall be developed and maintained as follows:

A. Location on site.

Required yards adjacent to a street shall not be used for such areas unless otherwise specifically permitted in this ordinance. Side and rear yards which are not adjacent to a street may be used for such areas when developed and maintained as required in this ordinance.

B. Surfacing.

All parking and loading areas and driveways thereto shall be paved with asphalt, concrete or other hard surface approved by the City Engineer. Parking and loading areas shall be adequately designed, graded, and drained.

C. Bumper guards or wheel barriers.

Permanently affixed bumper guards or wheel barriers are required and shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be surfaced as required in Section 7.110(B) or landscaped.

D. Size of parking spaces and maneuvering areas.

The parking area, each parking space and all maneuvering areas shall be of sufficient size and all curves and corners of sufficient radius as determined by the City Engineer to permit the safe operation of a standard size vehicle subject to the following minimum requirements:

1. Full size parking spaces shall be nine and one half (9.5) feet wide and 20 feet long.
2. Compact parking spaces shall be eight and one half (8.5) feet wide and 16 feet long for no more than 50% of the parking spaces required.

E. Access.

Parking or loading areas having more than four (4) spaces shall be designed so that vehicles do not back into public streets, or do not use public streets for maneuvering. All entrances and exits onto public streets shall first have a Driveway Permit from the Engineering Department and shall be designed and constructed to City standards.

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F. Lighting.

Parking or loading areas that will be used at nighttime shall be lighted. Outdoor lighting shall be directed away from any adjacent residential zone or public street.

G. Landscaping.

Landscaping shall be provided as required in Section 7.170 and Sections 3.105 through 3.120.

H. Additional Requirements.

1. Where a landscaped area, fence or wall is adjacent to a parking space, the parking space shall be ten (10) feet wide.
2. Directional signs and pavement marking shall be used to control vehicle movement in parking area.
3. Required landscaped yards shall not be used for parking.

I. Aisle Widths

Aisles with parking adjacent on one or both sides, depending on angle of parking spaces:

	<u>Minimum Width</u>
0 - 40 degrees	12 feet
41 - 45 degrees	13 feet
46 - 55 degrees	15 feet
56 - 70 degrees	18 feet
71 - 90 degrees	24 feet

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7.120. DRIVEWAY DEVELOPMENT STANDARDS.

All driveways providing access to parking spaces and loading areas required under this ordinance, including those for a single family dwelling on a lot, shall conform to the Astoria City Code Sections 2.050 through 2.100.

7.130. OUTDOOR STORAGE AREA SURFACING.

- A. Where commercial, industrial, or shoreland zones permit outdoor storage, or if such storage is permitted as part of a Conditional Use in any zone, such storage areas and any access driveway shall be paved and shall have plans for off-site drainage approved by the City.

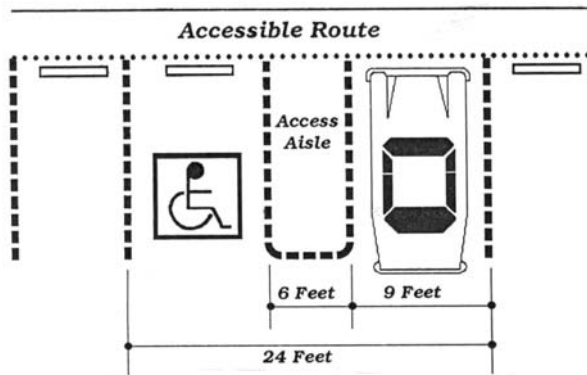
7.140. PARKING PLAN REQUIRED.

Plans, at a workable scale, for all parking and loading areas required under this Section, shall be submitted to the Community Development Director for approval prior to issuance of a permit; or, if no building permit is required, at the time of application for a driveway permit; or, if no such permit is required, prior to commencing any paving or use of the parking or loading area. No such work or use shall commence prior to approval by the City of the plans required by this Section.

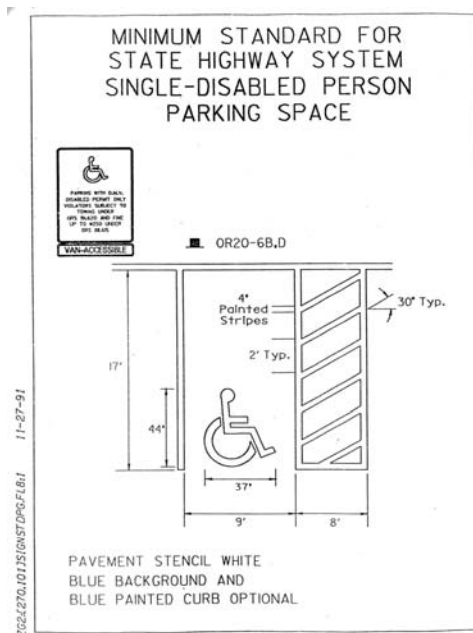
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7.150. DISABLED PEOPLE PARKING REQUIREMENTS.

- A. Effective September 1, 1990, existing and new parking spaces for disabled people will now be required by law at all public and government buildings.
- B. Each parking area for public and government buildings, and all parking lots with ten (10) or more parking spaces shall provide one (1) parking space for disabled people for each 20 parking spaces. Each space shall be at least nine (9) feet wide and shall have an access aisle adjacent to the passenger side that is at least six (6) feet wide. The adjacent aisle shall be part of the accessible route to the building or facility.



- C. In accordance with ORS 447.233, each parking area for public use shall provide one (1) "van accessible" parking space. One (1) additional van accessible parking space shall be provided for every eight (8) handicapped accessible spaces provided.



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7.160. MINIMUM LOADING SPACE REQUIREMENTS.

USE OR GROSS SQUARE FOOTAGE OF FLOOR AREA	MINIMUM NO. OF SPACES	MINIMUM SIZE OF SPACE		
		WIDTH	LENGTH	HEIGHT

A. Multi-Family Dwelling Units.

0 - 49 Units	0	12 ft	19 ft	12 ft
50 - 99 Units	1	"	"	"
100 - 199 Units	2	"	"	"
200 and over Units	3	"	"	"

If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.

B. For Buildings Used Entirely for Office Occupancy.

Under 5,000 sq ft	0	12 ft	30 ft	14 ft
5,000 - 59,999 sq ft	1	"	"	"
60,000 - 249,999 sq ft	2	"	"	"

For each additional 100,000 square feet of any portion thereof over 250,000 square feet, one additional loading space.

C. Commercial, Non-office, Public and Semi-Public.

Under 5,000 sq ft	0	12 ft	55 ft	14 ft
5,000 - 59,999 sq ft	1	"	"	"
60,000 - 249,999 sq ft	2	"	"	"

For each additional 100,000 square feet of any portion thereof over 250,000 square feet, one additional loading space.

D. Industrial.

Under 5,000 sq ft	0	12 ft	55 ft	14 ft
5,000 - 99,999 sq ft	1	"	"	"
100,000 - 239,999 sq ft	3	"	"	"
240,000 - 319,000 sq ft	5	"	"	"
320,000 - 399,000 sq ft	6	"	"	"
400,000 - 489,999 sq ft	7	"	"	"
490,000 - 579,999 sq ft	8	"	"	"
580,000 - 669,999 sq ft	9	"	"	"
670,000 - 759,999 sq ft	10	"	"	"

For each additional 100,000 square feet or any portion thereof over 760,000 square feet, an additional loading space is required.

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7.170. LANDSCAPING OF OUTDOOR STORAGE OR PARKING AREAS.

A minimum of 5% of the gross parking lot area shall be designed and maintained as landscaped area, subject to the standards in Sections 3.105 through 3.120. This requirement shall apply to all parking lots with an area of 600 square feet or greater. Approved sight obscuring fences or vegetative buffers shall be constructed where commercial parking lots abut Residential Zones. The minimum 5% landscaping shall be counted as part of the total landscaping required for the property.

7.180. PARKING IN THE DOWNTOWN AREA.

Uses in the C-4 Zone (Central Commercial) and uses between 8th and 14th Streets in the A-2 (Aquatic Two Development) and S-2A Zones (Tourist Oriented Shoreland) are not required to provide off-street parking or loading.

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ARTICLE 8

SIGN REGULATIONS

8.010. **PURPOSE.**

The purpose of this Section is to regulate the number, size, placement and physical characteristics of signs in order to achieve the following objectives:

1. The maintenance of public safety and traffic safety by ensuring that signs are appropriately designed, constructed, installed and maintained.
2. The enhancement of the operation of businesses in the City by promoting the reasonable, orderly and effective display of signs.
3. The enhancement of the City's physical appearance by promoting signs which are visually compatible with their surroundings and preserve the visual integrity of the area.

(Section 8.010.3 amended by Ordinance 04-04, 5-3-04)

8.020. **ADOPTION OF UNIFORM SIGN CODE.**

The City of Astoria enforces the State building code per ORS Chapter 455 and the rules adopted there under by reference, except as modified in this Code.

(Section 8.020 amended by Ordinance 04-04, 5-3-04)

8.030. **CONFORMANCE.**

No sign may be erected or allowed to remain unless it conforms with the regulations of Sections 8.010 through 8.180. Sign permits, as required by 8.060, must be approved prior to the placement of a sign. All signs in historic districts, or in conjunction with historic buildings or sites subject to the Historic Landmarks Code must be approved through the review process outlined in Sections 6.050 and 6.090.

(Section 8.030 amended by Ordinance 04-04, 5-3-04)

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8.040. EXEMPT SIGNS.

A. The following signs are permitted and are exempt from the requirements of this Code:

1. Building plaque, cornerstone, or similar building identification which is an integral and normal part of a building.
2. House and building numbers, not to exceed four (4) square feet, with numbers not exceeding 12 inches in height.
3. Decorative banners in residential zones not exceeding six (6) square feet.
4. Official informational signs, traffic signs, kiosks, signals, notices, and decorative and event banners.
5. Historical markers erected or maintained by public authority or by a recognized historical organization.
6. Historical signs, and reproductions of historic signs.

(Section 8.040.6 amended by Ordinance 04-04, 5-3-04)
7. A wall sign for an approved home occupation not exceeding one (1) square foot.
8. Directional signs, each not exceeding four (4) square feet.
9. Flags of local, state, or national origin.
10. Signs located within a building, except window signs.
11. Informational signs, such as hours of operation, accepted cards, and similar signs not exceeding one (1) square foot for groups of related signage. Open and closed signs not exceeding 1.5 square feet.

(Section 8.040.11 amended by Ordinance 04-04, 5-3-04)
12. Signs, not exceeding 24 square feet, in residential zones which are used for the identification of public and semi-public uses.

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13. One short term real estate sign for each street frontage located on the premises for sale, lease or rent, not exceeding six (6) square feet, provided they are removed within 14 days after the transaction has been completed.

(Section 8.040.13 amended by Ordinance 04-04, 5-3-04)

14. Political signs, located on private property. Political signs related to an election shall be removed 14 days after the election. Political signs not meeting this exemption shall comply with the sign code regulations and permit process.

(Section 8.040.14 amended by Ordinance 04-04, 5-3-04)

15. Signs located on buildings in aquatic zones not visible from a public street or right-of-way, not exceeding 32 square feet.

16. Signs affixed to the face of individual gas pumps located at gasoline service station.

17. Portable signs which are located within a street right-of-way in accordance with City Code Section 5.060.

(Section 8.040.A.17 added by Ordinance 00-11, 12-4-00)

18. Short term signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

(Section 8.040.18 added by Ordinance 04-04, 5-3-04)

8.050. PROHIBITED SIGNS.

- A. The following signs are prohibited:

1. Strobe lights and signs containing strobe lights.
2. Spot lights and beacons, except for special community wide events by permit.
3. Signs which flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of parts of the sign, including inflatable signs, large balloons, flags, pennants, or similar devices. This does not include changeable text signs, or time and temperature signs.

(Section 8.050.A.3 amended by Ordinance 04-04, 5-3-04)

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4. *(Section 8.050.A.4 deleted by Ordinance 04-04, 5-3-04)*
5. Abandoned or deteriorated signs.
6. Public address systems or sound devices for advertising purposes.
7. Backlit awning signage is prohibited in the area bounded by Exchange Street on the south, the pierhead line on the north, 8th Street on the west, and 16th Street on the east; or within the Gateway Master Plan Area.

(Section 8.050.A.7 amended by Ordinance 04-04, 5-3-04)

8. No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal.
9. Animation Signs.

(Section 8.050.A.9 added by Ordinance 04-04, 5-3-04)

10. Changeable text signs on a vacant lot.

(Section 8.050.A.10 added by Ordinance 04-04, 5-3-04)

11. Off-premise changeable text signs.

(Section 8.050.A.11 added by Ordinance 04-04, 5-3-04)

8.060. SIGN PERMITS.

A. Sign Permit Required.

A sign permit is required for the erection of any new sign or the structural alteration of an existing sign, except those signs that are exempt in Section 8.040. A sign permit is required for modification or alteration of the sign face, or any portion of the sign or supporting structure.

(Section 8.060.A amended by Ordinance 04-04, 5-3-04)

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B. Required Information For a Sign Permit.

For purposes of review by the Community Development Director, a scale drawing of the proposed sign shall be submitted. The drawing shall include:

1. The dimensions of the sign;
2. Location of the sign;
3. Any structural elements of the proposed sign; and
4. The size, location, and dimensions of any other sign(s) located on the applicant's building or property.

(Section 8.060.B.4 amended by Ordinance 04-04, 5-3-04)

5. A site plan indicating the dimension of the building frontage and/or site frontage.

(Section 8.060.B.5 added by Ordinance 04-04, 5-3-04)

6. In addition to any other application requirements listed above, all changeable text sign applications shall include the following:

- a. Manufacturer's information on the operation, illumination, and ability of the sign to comply with the regulations and standards in this Code.
- b. Diagram with at least two sample messages for the proposed activity utilizing the lighting capabilities of the proposed sign.

(Section 8.060.B.6 added by Ordinance 04-04, 5-3-04)

C. Sign Permit Fee.

The fee for a sign permit shall be established by Resolution.

(Section 8.060.C amended by Ordinance 04-04, 5-3-04)

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8.070. GENERAL SIGN REGULATIONS.

The following general provisions shall govern all signs, in addition to all other applicable provisions pertaining to signs:

A. Sign Face Area.

1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face [See 8.120(A.1), Figure 1]. Sign area does not include foundations, supports, and other essential structures which do not serve as a backdrop or border to the sign. Only one (1) side of a double faced sign is counted in measuring the sign face area, except for a double faced changeable text sign.

(Section 8.070.A.1 amended by Ordinance 04-04, 5-3-04)

2. When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements [See 8.120(A.2), Figure 2].
3. Several businesses may use one sign as long as the area they each use does not exceed their own allowable square footage, and the total area of the sign does not exceed that allowed in the zone.
4. The area of sign faces for round or three dimensional signs is determined by the maximum sign face area visible at one time.
5. When a sign is incorporated into an awning or marquee, only the sign area as determined by a perimeter drawn around the individual elements is counted as the sign face.
6. For sign structures containing multiple sign modules oriented in the same direction, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements [See 8.120(A.3), Figure 3].

B. Height of Signs.

The overall height of a sign or sign structure is measured from the existing grade directly below the sign to the highest point of the sign or sign structure [See 8.120(B.1), Figure 4].

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C. Clearances.

Clearances are measured from the existing grade directly below the sign to the bottom of the sign structure enclosing the sign face [See 8.120(C.1), Figure 5].

D. Corner Signs.

Corner signs facing more than one (1) street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage it is assigned to.

E. Sign Placement.

1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.
2. Frontages. Signs allowed based on the length of one (1) site frontage may not be placed on another site frontage.
 - a. Exception.

If a portion of a building facade or site line is more suited for signage than the allowable frontage, an applicant may choose to use that building facade or site line in lieu of the allowable frontage. The square footage of the sign shall be calculated on the length of the newly selected building facade or site line or on the allowable frontage, whichever is smaller. In choosing this exception, the applicant shall relinquish the right to install signage on the other allowable frontage unless a variance is granted.

(Section 8.070.E.2 amended by Ordinance 04-04, 5-3-04)

3. Vision Clearance Areas. No sign may be located within a vision clearance area as defined in Section 3.045. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.
4. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.
5. Pedestrian Area Clearances. When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least

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eight (8) feet above the grade except for pedestrian signs located below marquees, canopies, or awnings which shall be at least seven and one half (7.5) feet above the grade.

(Section 8.070.E.5 amended by Ordinance 04-04, 5-3-04)

6. Required Yards and Setbacks. Signs may be erected in required yards and setbacks.

F. Signs Not to Constitute a Traffic Hazard.

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

G. Glare.

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

H. Removal of Abandoned Sign.

It is the responsibility of the property owner to remove any abandoned sign within 90 days of cessation of use.

I. Materials.

A sign subject to a permit shall meet the material and construction methods requirements of the Uniform Sign Code.

J. Maintenance.

All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces and vegetation surrounding all signs shall be kept in a neat appearance.

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K. Through the Block Signage.

Buildings which contain frontage on two parallel arterial streets, or on an arterial street and a waterway, shall be entitled to twice the allowable total square footage for the zone in which it is placed. [See 8.070(E.2)]. This double allowance affects only the overall total square footage for the site. The maximum square footage of each individual sign, the square footage for the frontage, the number of signs, location, and other attributes of the sign are not affected by this allowance.

(Section 8.070.K amended by Ordinance 04-04, 5-3-04)

8.080. SPECIFIC SIGN REGULATIONS (Applicable to All Zones).

A. Wall or Roof Signs.

1. Projection. Signs may project a maximum of 12 inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight (8) feet above grade. Any portion lower than eight (8) feet may only project four (4) inches.
2. Extension above roof line. Unless otherwise specified, signs may not project more than four (4) feet above the eaves of the primary roof structure of a pitched roofed building, or more than two (2) feet above the eave or parapet of the primary roof structure of a flat roofed building.

B. Marquee, Canopy or Awning Signs.

1. Projection. Signs attached to the face of a marquee, canopy, or awning shall not project more than three (3) inches from the surface.
2. Projection of pedestrian signs. Pedestrian signs may not project beyond or above the face of the marquee, canopy, or awning.
3. Height. Pedestrian signs shall have a maximum face height of nine (9) inches.
4. Clearance above grade. The lowest portion of a sign attached to a marquee, canopy, or awning shall not be less than seven and one-half (7.5) feet above grade.

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C. Projecting Signs.

1. Projection. Signs may project from the face of the building to which they are attached as follows:
 - a. A maximum of one (1) foot if located eight (8) feet above grade;
 - b. Two (2) feet if located nine (9) feet above grade; or
 - c. Four and one-half (4.5) feet if located ten (10) feet or more above grade.
 - d. Six (6) feet if located 12 feet or more above grade.

They must be mounted at a right angle to the plane of the building facade except signs located on the corner of a building.

(Section 8.080.C.1 amended by Ordinance 04-04, 5-3-04)

2. Height and extension above roof line. Signs shall not extend above the eaves of the primary roof structure of any pitched roof building to which they are attached, or be lower than eight (8) feet above grade. Signs may extend a maximum of two (2) feet above the facade or parapet of the primary roof structure of any flat roofed building.
3. Clearance above grade. Projecting signs not occurring under marquees, canopies, or awnings shall maintain a clearance of not less than eight (8) feet from the underlying sidewalk.
4. Angle of sign. The angle between the two sides of a projecting sign may not be greater than 30°, and the two sides may not be visible at the same time from adjacent properties or streets. Signs that are greater than 30° shall be counted as two signs in number and square footage.

(Section 8.080.C.4 added by Ordinance 04-04, 5-3-04)

D. Freestanding Signs.

1. Signs may extend into the right-of-way a maximum of four and one-half (4.5) feet, and shall not be less than ten (10) feet from the underlying sidewalk.

(Section 8.080.D.1 amended by Ordinance 04-04, 5-3-04)

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2. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for a standard projecting sign on the same site frontage.
3. Supporting structures shall be located within the property line.

E. Wall Graphics.

1. Except as noted in Section E.3 below, designs shall be evaluated by the Planning Commission on a case by case basis in order to determine appropriateness to the area. The Planning Commission may approve, deny, or modify requests, in accordance with Sections 9.010 through 9.100, based on their evaluation of:
 - a. The appropriateness of the work in terms of color, scale, location and design; and
 - b. The impact on surrounding buildings, views and vistas.

(Section 8.080.E.1 amended by Ordinance 04-04, 5-3-04)

2. The square footage of a wall graphics is not calculated as part of the allowable area of signage or number of signs associated with a business site, use, or activity.
3. A wall graphic proposed to be located on a historic structure or site, adjacent to or across the right-of-way from a historic structure or site, within a National Register Historic District, or adjacent to or across the right-of-way from a National Register Historic District shall be evaluated by the Historic Landmarks Commission on a case by case basis in order to determine appropriateness to the area. The Historic Landmarks Commission may approve, deny, or modify requests, in accordance with Sections 9.010 through 9.100, based on their evaluation of:
 - a. The appropriateness of the work in terms of color, scale, location and design; and
 - b. The impact on surrounding historic structures or sites; and
 - c. The impact on surrounding buildings, views and vistas.

(Section 8.080.E.3 added by Ordinance 04-04, 5-3-04)

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F. Removal of Signs.

When a sign is proposed, or when roadways are widened, or other improvements made in the right-of-way, which create unsafe conditions due to a sign extending into the right-of-way, the City Engineer may protect the public safety by requiring the sign to be modified or removed. The modification or removal shall be at the owner's expense.

G. Permanent Window Signs.

Permanent window signs shall be included and calculated as “wall signs” except as follows:

1. Number. Permanent window signage less than twelve (12) square feet is exempt from the total number of signs per frontage.
2. Area. All permanent window signage shall be included in the total allowable wall sign area for the business, building, use or activity.

(Section 8.080.G added by Ordinance 04-04, 5-3-04)

H. Directional Signs.

Directional signs, where allowed, shall meet the provisions listed below. Directional signs shall be designed only for non-changing messages or displays.

1. Maximum Sign Face Area. Six (6) square feet.
2. Types of Signs Allowed. Freestanding, wall, projecting, monument.

(Section 8.080.H.2 amended by Ordinance 04-04, 5-3-04)

3. Maximum Height. Freestanding **or monument** not to exceed 42 inches; wall not to exceed eight (8) feet; and projecting not to exceed ten (10) feet.

(Section 8.080.H.3 amended by Ordinance 04-04, 5-3-04)

4. Extensions into Right-of-way. Not Allowed.
5. Lighting. Indirect or Internal.
6. Flashing Lights. Not allowed.
7. Changeable Text Signs or Electronic Message Centers. Not Allowed.

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(Section 8.080.H.7 amended by Ordinance 04-04, 5-3-04)

8. Moving or Rotating Parts. Not Allowed.

I. Clear Vision Area.

Refer to Section 3.045.

J. Signs on Historic Properties or in Historic Districts.

Refer to Article 6. Also see specific requirements as noted in various sections of Article 8.

(Section 8.080.J amended by Ordinance 04-04, 5-3-04)

K. Temporary Signs.

1. Time Limit. Temporary signs and support structures, if any, must be removed within 30 days of date of erection. Temporary signs erected for longer than 30 days are considered permanent signs and subject to the regulations for permanent signs.
2. Waiting Period. There shall be a 30 day waiting period before another exterior temporary sign, including banners, shall be displayed.
3. Attachment. Temporary signs may not be permanently attached to the ground, buildings, or other structures. Temporary signs are not required to be located on a frontage.
3. Lawn Signs. Lawn signs may not be greater than nine (9) square feet in area and may not be over 40 inches in height.
4. Banners. One banner is allowed per building frontage and may not exceed 24 square feet.
5. Opening or Coming Soon Signs.
 - a. Temporary signs indicating an upcoming opening may not exceed 24 square feet and shall comply with the other requirements for temporary signage.
 - b. Short term signs indicating an upcoming construction of a new building or expansion of an existing building may not exceed 32 square feet. These signs may remain for a maximum of one year and shall be removed within 30 days

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of the building occupancy. These signs are not required to be located on a frontage.

(Section 8.080.K.5 added by Ordinance 04-04, 5-3-04)

6. Permits. Temporary banner style signs and lawn signs shall not require a sign permit. All other temporary or short term signs affixed to a building or site require a permit and shall be subject to the requirements of Section 8.060.

(Section 8.080.K.6 added by Ordinance 04-04, 5-3-04)

L. Portable Signs.

1. Exemption.

- a. Portable Signs which are located within a street right-of-way shall comply with City Code Section 5.060, "Obstructions in Passageways", and are exempt from the requirements of the Sign Code in Astoria Development Code Article 8.
- b. Temporary Portable Signs which are in conjunction with a community-wide event or festival such as, but not limited to, the Scandinavian Festival or Regatta are exempt from the requirements of the Sign Code in Astoria Development Code Article 8.

2. Standards. All portable signs, except those exempted in subsection (1) above, shall be in accordance with the following:

- a. Location. The sign shall not be located within a street right-of-way.
- b. Number of Signs. Only one non-exempt Portable Sign shall be allowed for each business, use, or activity. Sites without buildings shall be allowed no more than one non-exempt Portable Sign. The sign shall not be included in the total number of signs allowed.

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- c. Area.
- 1) A sign of eight (8) square feet or less on each side with a maximum height not to exceed four (4) feet and a maximum width not to exceed two (2) feet shall be exempt from the total square footage of sign area allowed.
 - 2) A sign exceeding eight (8) square feet on each side or a height greater than four (4) feet or a maximum width greater than two (2) feet shall be included in the total square footage of sign area allowed for the site.
- d. Frontage. The sign may be located on any elevation of a business, use, activity, or site and is exempt from the requirement that signs be located on a frontage.
- e. Lighting. The sign shall not be electric nor internally illuminated.
- f. Enforcement. In addition to any other method of enforcement available to the City, this ordinance may be enforced by the removal of the sign by the City. The City will notify the permittee to reclaim the sign. If the sign is not claimed within 30 days after the permittee is notified, the City may dispose of the sign.

(Section 8.080.L added by Ordinance 00-11, 12-4-00)

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M. Changeable Text Signs.

1. Exception.

Electronic signs that display time and temperature only are exempt from the requirements of Section 8.080(M).

2. Design Review.

a. Astoria Planning Commission.

All changeable text signs shall be reviewed as a Miscellaneous Review permit by the Astoria Planning Commission in accordance with Article 9 of the Astoria Development Code.

b. Historic Landmarks Commission.

All changeable text signs located on a site designated as historic, within a National Register Historic District, on adjacent to or across a right-of-way from a historic site or National Register Historic District shall be reviewed by the Historic Landmarks Commission in accordance with Article 9 of the Astoria Development Code.

c. Sign Permit Application.

In addition to any other application requirements listed in the Astoria Development Code, all changeable text sign applications shall include manufacturer's information on the operation, illumination, and ability of the sign to comply with the regulations and standards in this Code. The applicant shall also submit a diagram with at least two sample messages for the proposed activity utilizing the lighting capabilities of the proposed sign.

3. Design Review Standards.

a. Astoria Planning Commission:

The Astoria Planning Commission may approve a changeable text sign if it is compatible with the overall character to be achieved in the area and shall base its compatibility determination on the following criteria:

- 1) The relationship of the scale and placement of the sign to the building or premises on which it is displayed.

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- 2) The similarity or dissimilarity of the sign's size and shape to the size and shape of other conforming signs in the area.
- 3) The compatibility of the type and intensity of the illumination of the sign with the type and intensity of other conforming illuminations in the area.
- 4) The compatibility of the sign to the form and architectural character of the building in which the activity is located and the compatibility of the sign with existing adjacent activities.
- 5) The sign illumination shall not unreasonably intrude into residential zones.
- 6) The sign shall not unreasonably block nor visually impair scenic or historic views.

b. Historic Landmarks Commission:

The Historic Landmarks Commission may approve a changeable text sign if it is compatible with the overall character to be achieved in the area and shall base its compatibility determination on the following criteria:

- 1) Placement of the sign will have the least possible loss of historic material.
- 2) Placement of the sign will not obscure, damage, or destroy character defining features.
- 3) The sign structure shall reference design motifs from the historic building or historic signs found on similar architectural style buildings. However, the sign structure shall be clearly differentiated from the historic building features.
- 4) The compatibility of the sign to the form and architectural character of the building in which the activity is located and the compatibility of the sign with existing adjacent activities.

4. Standards.

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All changeable text signs, except those exempted in Section 8.080(M.1) above, shall be in accordance with the following:

- a. Type of Sign. The sign shall be limited to monument, wall, or projecting sign.
 - 1) An approved freestanding changeable text sign existing prior to January 1, 2004 shall be allowed with a maximum height of 10'.

- b. Location.
 - 1) The sign shall be located only in areas along a street or highway having a speed limit of 35 miles per hour or less.
 - 2) The sign shall not be located within 3,000 feet of another changeable text sign. The distance shall be determined at a 360° radius from the location of the sign.
 - 3) The sign shall not be located on a vacant lot.

- c. Number of Signs.
 - 1) Only one changeable text sign shall be allowed for each business, use, or activity.
 - 2) A changeable text sign shall not be allowed in conjunction with any other freestanding sign.
 - 3) A monument or projecting changeable text sign shall not be allowed in conjunction with another sign of the same type (i.e. another monument or projecting sign).

- d. Area.
 - 1) The area of a sign with changeable text on more than one independent side of the sign shall be calculated for each side of the changeable text sign. However, both sides will be counted as just one sign for calculating the number of signs.
 - 2) In addition to other area requirements of the specific zones, the maximum total square footage of changeable text signs shall be as follows:

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- a) Monument sign shall be limited to 30 square feet for one side. This limitation is for the changeable text portion of the sign only. A two sided changeable text sign shall be allowed 30 square feet on each side.
 - b) Projecting sign shall be limited to 15 square feet for one side. This limitation is for the changeable text portion of the sign only. A two sided changeable text sign shall be allowed 15 square feet on each side.
- e. Operation of Sign.
- 1) Each sign or message shall remain fixed for at least ten seconds. No sign shall contain animation.
 - 2) When a message is changed, it shall be accomplished immediately and shall not scroll, move, or otherwise change gradually.
 - 3) The sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.

(Section 8.080.M added by Ordinance 04-04, 5-3-04)

N. Signs for Upper or Basement Floors.

1. Street Frontage.

- a. Number. The total number of signs for a separate business, use or activity in an upper story or basement of a building with street frontage shall be the same as buildings at street level. An upper floor or basement may have one sign at street level identifying the upstairs or basement activity.
- b. Area. The total area of signs for an upper story or basement of a building with street frontage shall not exceed 20% of the lineal footage of the building facade occupied by the business, use or activity, or the maximum allowed by the zone, whichever is less. A street level sign shall not exceed four (4) square feet.

2. Without Street Frontage.

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- a. Number. The total number of signs for a separate business, use or activity in an upper story or basement of a building without street frontage shall be one sign.
- b. Area. The total area of signs for an upper story or basement of a building without street frontage shall not exceed four (4) square feet.

(Section 8.080.N added by Ordinance 04-04, 5-3-04)

(Section 8.090 deleted by Ordinance 00-11, 12-4-00)

8.100. NONCONFORMING SIGNS.

For the purpose of this Section, a non-conforming sign shall be defined as a lawfully erected sign existing at the effective date of this Chapter which could not be erected under the terms of this Chapter. The following requirements shall apply to non-conforming signs:

- A. Non-conforming signs in all zones: Non-conforming signs shall be altered to conform to the provisions of this Section by January 1, 1995.
- B. No non-conforming sign may be enlarged or altered in a way which increases its non-conformity.
- C. Should any non-conforming sign be damaged by any means to an extent of more than 50% of its replacement costs at the time of damage, it shall be reconstructed in conformity with the provisions of this Section.
- D. Any variance to sign standards, legally granted after January 1, 1982, shall be valid notwithstanding other provisions of this Code.

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8.110. VARIANCES.

A. Astoria Planning Commission:

Variations to the sign regulations of this Section may be approved by the Planning Commission following the procedures of Section 12.060 to 12.120 where the Planning Commission finds that the variance meets the following criteria:

1. One of the following factors exists:
 - a. The variance would permit the placement of a sign with an exceptional design or style.
 - b. The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.
 - c. The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.
 - d. The requirement to remove a sign under Section 8.100(A) would constitute a severe or extreme economic hardship to the business or activity involved.
2. The granting of the variance would not be detrimental to abutting properties.
3. The granting of the variance would not create a traffic or safety hazard.
4. Sign variances are exempt from Sections 12.030 through 12.040.
5. In addition to the criteria above, a sign variance for changeable text sign relative to location within 3,000' of another changeable text sign shall meet the following criteria:
 - a. No more than one sign shall be visible at the same time from any location. Visible shall be defined as "discernable by the naked eye as a changeable text sign."
 - b. The total number of changeable text signs in the City shall not exceed eight (8) signs.

(Section 8.110.A.5 added by Ordinance 04-04, 5-3-04)

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B. Prohibited Variances:

1. A variance shall not be granted for changeable text signs for any requirement or limitation listed in Section 8.080(M) for the following:

a. Location.

1). Relative to speed limit (see 8.080.M.4.b).

2). Relative to location on a vacant lot (see 8.080.M.4.b.3).

b. Number of Signs (see 8.080.M.4.c).

{This will limit the number of signs and how they relate to other types of signage.}

c. Operation of Sign (see 8.080.M.4.e).

(Section 8.110.B added by Ordinance 04-04, 5-3-04)

C. Administrative:

Variances to the sign regulations of this Section may be reviewed administratively by the Community Development Director following the procedures of Section 12.060 to 12.120. The variance shall meet the following criteria for approval:

1. The variance shall be limited to the following:

a. Location on a frontage;

b. Number of signs increased by only one additional sign;

c. Other quantitative standards of 10% or less.

2. One of the following factors exists:

a. The variance would permit the placement of a sign with an exceptional design or style.

b. The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.

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- c. The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.
 - d. The requirement to remove a sign under Section 8.100(A) would constitute a severe or extreme economic hardship to the business or activity involved.
- 3. The granting of the variance would not be detrimental to abutting properties.
 - 4. The granting of the variance would not create a traffic or safety hazard.
 - 5. Sign variances are exempt from Sections 12.030 through 12.040.

(Section 8.110.C added by Ordinance 04-04, 5-3-04)

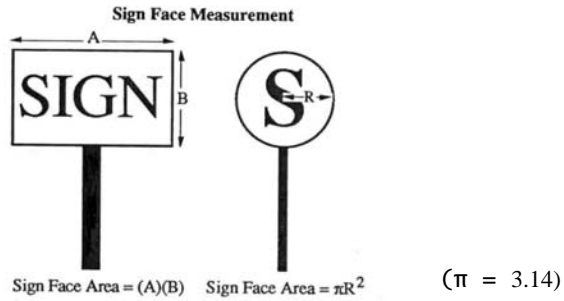
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8.120. DIAGRAMS.

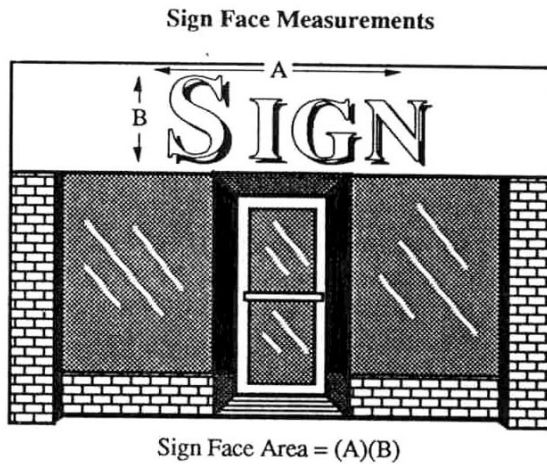
The following diagrams shall be used for determining sign and building measurements.

A. Sign Face Measurement.

1. Figure 1.



2. Figure 2.



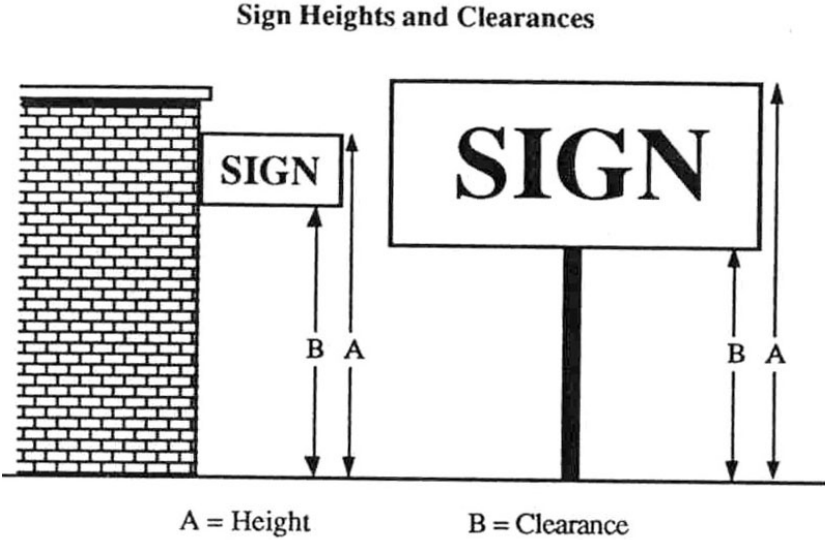
3. Figure 3.



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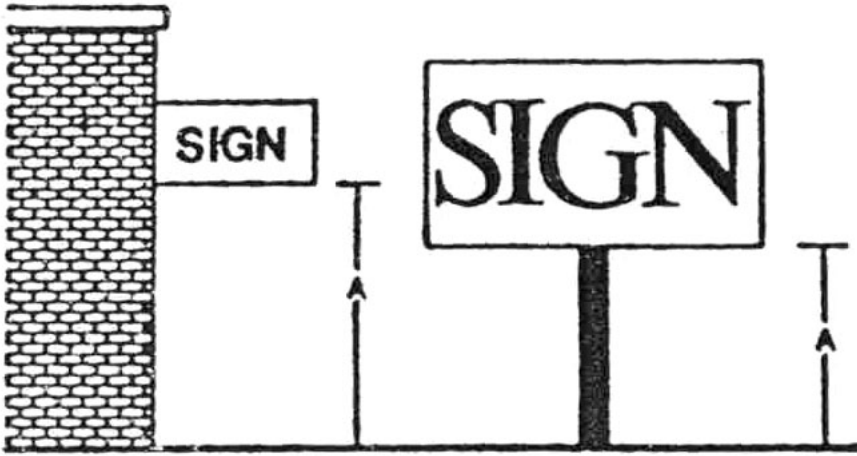
B. Sign Height.

- 1. Figure 4. A = Height.



C. Sign Clearance.

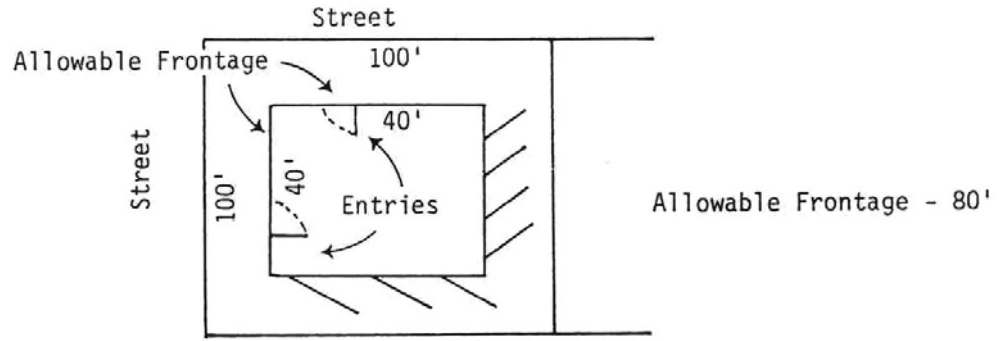
- 1. Figure 5. B = Clearance.



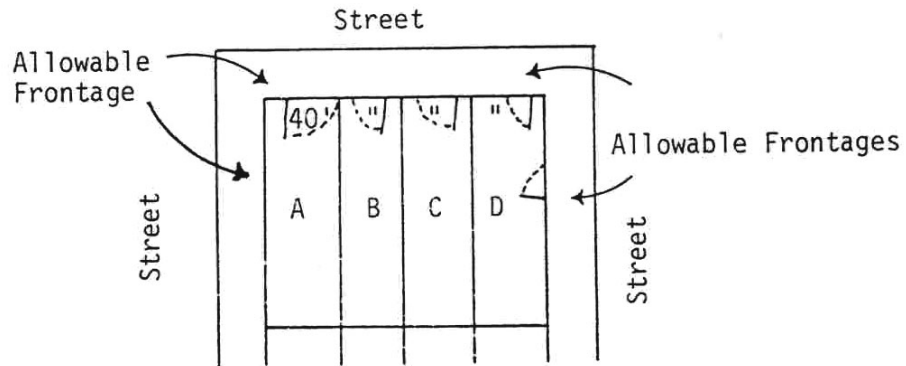
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D. Building Frontage Measurement.

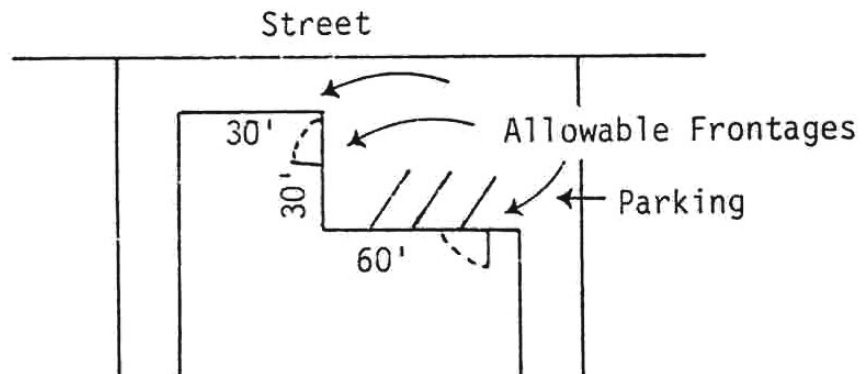
1. Figure 6.



2. Figure 7.



3. Figure 8.



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8.130. BASE ZONE REGULATIONS.

In addition to conformance with the sign regulations of Sections 8.020 through 8.180, all uses and sites within a specific zone shall conform to the types, numbers, sizes, and features of signs allowed in that specific zone.

8.140. C-1 ZONE SIGN REGULATIONS.

For all uses and sites in the C-1 Zone (Neighborhood Commercial), the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

A. Total Square Footage Permitted.

The total square feet of all signage associates with a business site, use, activity, or site shall not exceed 32 square feet.

B. Freestanding or Monument Signs.

1. Number. One (1) freestanding or monument sign is allowed per site.
2. Area. Freestanding or monument signs are allowed based on one (1) square foot of sign face area per lineal foot of site frontage, up to a maximum of 32 square feet.
3. Height. The maximum height of a freestanding or monument sign shall be six (6) feet.

(Section 8.140.B amended by Ordinance 04-04, 5-3-04)

C. Signs Attached to Buildings.

1. Number. The number of signs is limited to two (2). Only one (1) projecting sign, or wall sign is allowed per building frontage.
2. Area. The total allowable area for all permanent signs attached to the building shall be one (1) square foot of sign face area per lineal foot of the building frontage, or 32 square feet, whichever is less.

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3. Types of signs. Wall, projecting, marquee, awning and window signs are allowed.

(Section 8.140.C.3 amended by Ordinance 04-04, 5-3-04)

D. Number of Signs.

The number of signs within the total allowable area is limited to one (1) sign per building frontage.

E. Temporary Signs.

Temporary signs not exceeding a total of six (6) square feet are allowed.

F. Portable Signs.

Portable Signs are allowed in accordance with Development Code Sections 8.040 and 8.080.

(Section 8.140.F added by Ordinance 00-11, 12-4-00)

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8.150. C-2, C-3, GI, S-1, S-2, A-1, A-2, A-2A, LS, HR, CA, HC, AH-HC, FA ZONE
SIGN REGULATIONS.

For all uses and sites in the C-2 (Tourist Commercial), C-3 (General Commercial), S-1 (Marine Industrial Shorelands), S-2 (General Development Shorelands), A-1 (Aquatic One Development), A-2 (Aquatic Two Development), A-2A (Aquatic Two A Development), LS (Local Service), HR (Hospitality/Recreation), CA (Education/Research/Health Care Campus), HC (Health Care), AH-HC (Attached Housing - Health Care), and FA (Family Activity) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

(Section 8.150 amended by Ordinance 04-04, 5-3-04)

A. Total Square Footage Permitted.

The total square footage of all signage associated with a business site, use, or activity shall not exceed 150 square feet, with no single sign exceeding 100 square feet.

B. Freestanding Signs.

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity.

(Section 8.150.B.1 amended by Ordinance 04-04, 5-3-04)

2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of frontage that is not already utilized by other signs on the site or attached to buildings. Freestanding signs are allowed up to a maximum of 100 square feet. Allowable area on sites without buildings shall not exceed 32 square feet.

(Section 8.150.B.2 amended by Ordinance 04-04, 5-3-04)

3. Height. The maximum height of a freestanding sign shall be 24 feet.
4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) freestanding sign within the allowable limit described in 8.150(B.1). Each individual business or activity shall not exceed 24 square feet of signage.

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C. Wall, Roof Mounted, or Projecting Signs.

1. Area. The total allowable area for all permanent signs attached to the building is determined as follows:
 - a. A wall, roof mounted, or projecting sign of one (1) square foot per lineal foot of building frontage is allowed.
 - b. Individual sign face area. The maximum size of an individual sign within the total allowable area limits is 100 square feet.

D. Number of Signs.

The number of signs within the total allowable area is limited to two (2) signs per building frontage.

E. Temporary Signs.

One (1) temporary sign not exceeding 24 square feet is allowed.

F. Portable Signs.

Portable Signs are allowed in accordance with Development Code Sections 8.040 and 8.080.

(Section 8.150.F added by Ordinance 00-11, 12-4-00)

G. Changeable Text Sign.

1. Changeable text signs shall be allowed in the C-3 and S-2 Zones only and in accordance with Section 8.080(M).

(Section 8.150.G added by Ordinance 04-04, 5-3-04)

H. Monument Sign.

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of up to 200 lineal feet. Lots with frontage in excess of 200 lineal feet may have a maximum of two (2) monument signs. Corner lots can count two (2) street frontages.
2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of frontage that is not already utilized by other signs on the site or

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attached to buildings. Monument signs are allowed up to a maximum of 100 square feet. Allowable area on sites without buildings shall not exceed 32 square feet.

3. Height. The maximum height of a monument sign shall be 10 feet.
4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) monument sign within the allowable limit described in 8.150(H). Each individual business or activity shall not exceed 24 square feet of signage.

(Section 8.150.H added by Ordinance 04-04, 5-3-04)

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8.160. R-1, R-2, R-3, AH-MP, AND PD ZONES SIGN REGULATIONS.

For all uses and sites in the R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), AH-MP (Attached Housing - Mill Pond for residential uses), and PD (Planned Development) Zones, the sign regulations of Table 1 apply. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

(Section 8.160 amended by Ordinance 04-04, 5-3-04)

A. Permanent Signs.

1. Sites with 1 or 2 dwelling units in a building and Home Occupations.

- a. Number. One (1) sign is allowed per building or site.
- b. Area. A maximum of two (2) square feet.
- c. Type of Sign. Wall.

2. Sites with 3 or more dwelling units in a building.

- a. Number. One (1) sign is allowed per building or site.
- b. Area. A maximum of ten (10) square feet.
- c. Type of Sign. Wall, awning, window, freestanding, monument.
- d. Height. The maximum height of a freestanding or monument sign is four (4) feet.

(Section 8.160.A.2 amended by Ordinance 04-04, 5-3-04)

3. Conditional Uses.

- a. Number. One (1) sign is allowed per frontage.
- b. Area. A maximum of 24 square feet.
- c. Type of Sign. Wall, awning, window, freestanding, monument.
- d. Height. The maximum height of a freestanding or monument sign is six (6) feet.

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(Section 8.160.A.3 amended by Ordinance 04-04, 5-3-04)

4. Residential Subdivisions, Planned Unit Developments, and Vacant Lots.
 - a. Number. One (1) sign is allowed per site entrance with a maximum of four (4) for the site.
 - b. Area. A maximum of ten (10) square feet for each sign.
 - c. Type of Sign. Wall, awning, window, freestanding, monument.
 - d. Height. The maximum height of a freestanding or monument sign is six (6) feet.

(Section 8.160.A.4 amended by Ordinance 04-04, 5-3-04)

B. Signs shall also meet the following standards:

1. No extension in the right-of-way.
2. The total square footage of temporary and short term signs is limited to nine (9) square feet.

(Section 8.160.B amended by Ordinance 04-04, 5-3-04)

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8.170. A-3, A-4, S-5, IN & LR ZONES SIGN REGULATIONS.

For all uses and sites in the A-3 (Aquatic Conservation), A-4 (Aquatic Natural), S-5 (Natural Shorelands), IN (Institutional) and LR (Land Reserve) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

A. Total Square Footage Permitted.

The total allowable sign area for all permanent signs shall be 24 square feet.

B. Height of Signs.

1. Freestanding sign shall not exceed five (5) feet in height.
2. Monument sign shall not exceed five (5) feet in height.

(Section 8.170.B amended by Ordinance 04-04, 5-3-04)

C. Number of Signs.

The number of signs within the total allowable area is limited to one (1) per tax lot or aggregate thereof.

D. Type of Sign.

The following permanent signs may be allowed:

1. Wall.
2. Window.
3. Freestanding.
4. Portable Sign in accordance with Development Code Sections 8.040 and 8.080.

(Section 8.170(D.4) added by Ordinance 00-11, 12-4-00)

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5. Monument.

(Section 8.170.D.5 added by Ordinance 04-04, 5-3-04)

6. Changeable text signs shall be allowed in the IN Zone only and in accordance with Section 8.080(M).

(Section 8.170.D.6 added by Ordinance 04-04, 5-3-04)

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8.180. C-4, S-2A, MH, AND AH-MP ZONE SIGN REGULATIONS.

For all uses and sites in the C-4 (Central Commercial), S-2A (Tourist Oriented Shoreland), MH (Maritime Heritage), and AH-MP (Attached Housing - Mill Pond for commercial uses) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

(Section 8.180 amended by Ordinance 04-04, 5-3-04)

A. Total Square Footage Permitted.

The total square footage of all signage associated with a business site, use, activity, or site shall not exceed 64 square feet.

B. Number of Signs.

The maximum number of signs shall not exceed two (2) per frontage.

(Section 8.180.B amended by Ordinance 04-04, 5-3-04)

C. Freestanding Signs.

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of at least 100 lineal feet.

(Section 8.180.C.1 amended by Ordinance 04-04, 5-3-04)

2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of frontage that is not already utilized by other signs on the site or attached to a building. The maximum area of any individual freestanding sign is 32 square feet.

(Section 8.180.C.2 amended by Ordinance 04-04, 5-3-04)

3. Height. The maximum height of a freestanding sign shall be 18 feet.

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D. Wall or Roof Signs.

1. Number. One (1) sign per frontage shall be permitted for each business, building, use, activity, or site, and one (1) sign per frontage for a group of businesses, uses, or activities occupying a single common space or suite.

(Section 8.180.D.1 amended by Ordinance 04-04, 5-3-04)

2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of frontage of a business, use, activity or site. However, a building with 16 feet or less lineal frontage may be allowed a maximum of 16 square feet.

(Section 8.180.D.1 amended by Ordinance 04-04, 5-3-04)

- a. Wall Sign. The area of a wall sign shall not exceed 64 square feet.
- b. Roof Mounted Sign. The area of a roof mounted sign shall not exceed 32 square feet.
3. Extension Above Roof Line. On flat-roofed buildings, roof signs are prohibited and wall signs may not project above the facade or parapet. On a pitched roof building, wall or roof signs shall not project more than four (4) feet above the eaves of the primary roof structure.

E. Marquee, Canopy or Awning Signs.

1. Area. Total signage of marquee, canopy, or awning signs shall not exceed the permitted total sign area not taken up by other signs on the site or attached to the building. Signs on awnings and canopies shall be limited to the skirting or valance.

(Section 8.180.E.1 amended by Ordinance 04-04, 5-3-04)

2. Height. Pedestrian signs shall have a maximum face height of nine (9) inches if placed below the marquee.
3. Clearance above grade. The lowest portion of a sign attached to a marquee, canopy, or awning shall not be less than seven and one half (7.5) feet above grade.

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4. Backlit Awning Signage. Backlit awning signage is prohibited in the area bounded by Exchange Street on the south, the pierhead line on the north, 8th Street on the west, and 16th Street on the east, and within the Gateway Master Plan Area.

(Section 8.180.E.4 amended by Ordinance 04-04, 5-3-04)

F. Projecting Signs.

1. Number. One (1) sign shall be permitted for each frontage.
2. Area. A projecting sign shall not exceed an area of one (1) square foot for one (1) foot of lineal frontage. The maximum area of any projecting sign shall be 15 square feet.
3. Clearance above grade. Projecting signs not occurring under marquees, canopies, or awnings shall maintain a clearance of not less than eight (8) feet from the underlying sidewalk [See 8.080(C)].

G. Portable Signs.

Portable signs are allowed in accordance with Development Code Sections 8.040 and 8.080.

(Section 8.180(G) amended by Ordinance 00-11, 12-4-00)

H. Temporary Signage.

1. Area. Individual temporary signs shall not exceed one (1) square foot per lineal foot of frontage, not to exceed 12 square feet except as noted in Section 8.080(K.5) concerning “opening or coming soon signs” .

(Section 8.180.H amended by Ordinance 04-04, 5-3-04)

I. Monument Sign.

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of up to 200 lineal feet. Lots with frontage in excess of 200 lineal feet may have a maximum of two (2) monument signs.

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2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of frontage that is not already utilized by other signs on the site or attached to buildings. Monument signs are allowed up to a maximum of 32 square feet.
3. Height. The maximum height of a monument sign shall be 10 feet.
4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) monument sign within the allowable limit described in 8.180(K). Each individual business or activity shall not exceed 24 square feet of signage.

(Section 8.180.I amended by Ordinance 04-04, 5-3-04)

J. Changeable Text Sign.

1. Changeable text signs shall be allowed in the C-4 and S-2A Zones only and in accordance with Section 8.080(M).

(Section 8.180.J added by Ordinance 04-04, 5-3-04)

ARTICLE 9

ADMINISTRATIVE PROCEDURES

9.010. APPLICATION INFORMATION AND PROCEDURES.

A. Content.

An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence.
2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all parties in ownership of the affected property.
3. Legal description of the property affected by the application.

B. Submittal.

A complete application and all supporting documents and evidence must be submitted at least 28 days prior to the date of a hearing. Exceptions may be made to this requirement by the Community Development Director on a case-by-case basis.

C. Complete Application.

If the application is complete when first submitted, or the applicant submits the requested additional information within 180 days from the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time a complete application was first submitted.

D. Incomplete Application.

If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.

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D. Multiple Requests.

Where a proposed development requires more than one development permit or zone change request from the City, the applicant may request that the City consider all necessary permit and zone change requests in a consolidated manner. If the applicant requests that the City consolidate its review of the development proposal, all necessary public hearings before the Planning Commission shall be held on the same date.

E. Staff Report.

Any staff report used at the hearing shall be available at least seven (7) days prior to the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.

9.020. PUBLIC NOTICE.

A. Mailed Notice - Content.

A notice of a public hearing or an administrative action shall contain the following information:

1. The name of the applicant.
2. The date, time, place of hearing and who is holding the public hearing, or conducting the administrative action.
3. The street address or other easily understood geographical reference to the subject property.
4. The nature of the application and the proposed use or uses which could be authorized.
5. A list of the applicable criteria from the Development Code and Comprehensive Plan that apply to the application at issue.
6. A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify which criterion the comment is directed precludes an appeal based on that criterion.
7. A statement describing where the complete application, criteria and other relevant information is available for review, how written comments may be submitted, applicable appeal procedures, and the name of a representative to contact and the telephone number where additional information may be obtained.

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8. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
9. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Mailed Notice - Distribution, Time Requirements.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative amendment to the Development Code text or Land Use and Zoning Map - None.
 - b. Quasi-judicial amendment to the Development Code text or Land Use and Zoning Map - 100 feet.
 - c. Conditional Use - 100 feet.
 - d. Variance - 100 feet.
 - e. Miscellaneous Review - 100 feet.
 - f. Historic Property Exterior Alterations, New Construction, Demolition or Moving Permits - 100 feet.
 - g. Historic District Establishment - Owners of property lying on or within the boundaries of the proposed District.
 - h. Appeals - Parties to the record.
 - i. Design Review - 100 feet.

(Section 9.020(B.i) added by Ordinance 98-04, 5-4-98)

2. Addresses for a mailed notice required by this Code shall be obtained from the County Assessor's real property tax records. Failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons to receive notice as required by the matter under consideration, the Community Development Director may provide notice to others he has reason to believe are affected or otherwise

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represent an interest that may be affected by the proposed action.

3. In establishing historic preservation districts notices shall be sent by mail to the owners of property abutting the proposed district.
4. Notice shall be mailed not less than 20 days prior to the hearing requiring the notice; or if two or more evidentiary hearings are allowed, 10 days prior to the first evidentiary hearing.

C. Published Notice.

Notice shall be given for any proposed quasi-judicial or legislative land use action by publication in a newspaper of general circulation in the City of Astoria.

9.030 QUASI-JUDICIAL PUBLIC HEARING PROCEDURES AND REQUIREMENTS.

A. Procedural Entitlements.

The following procedural entitlements shall be provided at the public hearing:

1. An impartial review as free from potential conflicts of interest and prehearing ex parte contact as is reasonably possible.
2. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - b. The member has a direct private interest in the proposal.
 - c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

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3. Body Members shall reveal any prehearing or ex parte contacts with regard to any matter and shall state the parties right to rebut the substance of the communication at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the deliberations.
4. A party to a hearing, or a member of a hearing body, may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.
5. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest.
6. A reasonable opportunity for those persons potentially affected by the proposal to present evidence.
7. A reasonable opportunity for rebuttal of new material.

B. Rights of Disqualified Member of the Hearing Body.

1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents his or her own personal interests at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing body.
2. Except for hearings on legislative actions conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

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C. Burden and Nature of Proof.

The burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

D. Nature of Proceedings.

An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving testimony on the issue, the following shall be addressed:
 - a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
 - b. Any abstentions or disqualification based on conflict of interest, personal bias, or ex parte contacts, shall be determined. Parties to the hearing shall have the opportunity to rebut the substance of an ex parte communication.
 - c. A statement by the chairperson presiding that:
 - 1) Testimony and evidence must be directed toward the applicable criteria.
 - 2) Failure to address a criterion during the hearing precludes an appeal based on that criteria.
 - d. Staff, in the context of a staff report, will describe the applicable criteria against which the application will be reviewed.
2. Presentations and Evidence.
 - a. The presiding officer shall preserve order at the public hearing and shall decide questions of order subject to a majority vote.
 - b. The presiding person may set reasonable time limits for oral presentations. The presiding person may determine not to receive cumulative, repetitive, immaterial or abusive testimony.

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3. Evidence shall be received from staff and from proponents and opponents.
 - a. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs.
 - b. Members of the hearing body may take official notice of judicially cognizable facts of a general, technical or scientific nature. Such notice shall be stated and may be rebutted.
 - c. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. If the request to ask a question is approved, the presiding officer will direct the question to the relevant person, unless the presiding officer specifies otherwise.
4. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. The time and date when the hearing is to resume may be announced.
5. When the hearing has been closed the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
 - a. No testimony shall be accepted after the close of the public hearing unless the hearing body provides an opportunity for review and rebutting of that testimony.
6. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
7. When the hearing body reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

E. Decision.

Following the procedure described in Section 9.030, the hearing body shall approve, approve with conditions, or deny the application. If the hearing is in the nature of an appeal, the body may affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

1. The decision of the hearing body shall be by a written order signed by the entire hearing body present voting for the order.

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2. The order shall incorporate findings of fact and conclusions that include:
 - a. A statement of the applicable criteria and standards against which the proposal was tested.
 - b. A statement of the facts upon which the hearing body relied in establishing compliance or noncompliance with each applicable criteria or standard, briefly stating how those facts support the decision.
 - c. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.
3. The written order is the final decision in the matter and the date of the order is the date that it is mailed.

F. Record of Proceedings.

The proceedings shall be recorded stenographically or electronically.

1. The hearing body shall, where practicable, retain as part of the hearing records, each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
2. The findings shall be included in the record.
3. A person shall have access to the record of proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

G. Notice of Decision.

Notice of decision by a hearing body shall be provided to all parties to the hearing. The notice of the decision shall include:

1. A brief description of the decisions reached.
2. A statement that the decision may be appealed by filing an appeal within 15 calendar days of the date that the final order was mailed.
3. A description of the requirements for an appeal, including the type of appeal that may

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be requested.

4. A statement that an appeal may only be filed concerning criteria that were addressed at the initial public hearing.
5. A statement that the complete case, including the final order is available for review at the City.

9.040. APPEALS.

A. Administrative Permit.

A decision on the issuance of an administrative permit or action concerning a land use matter may be appealed to the Commission by the applicant or by a party who responded in writing to the notice of the proposed development by filing an appeal with the Community Development Director within 15 days of the mailing of the decision Order. The notice of appeal that is filed with the City shall indicate the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

B. Commission or Committee Decision.

A decision of the Commission or Committee concerning a quasi-judicial land use matter may be appealed to the City Council by the applicant, a party to the hearing, or by a party who responded in writing, by filing an appeal within 15 days of the mailing of the Order. The notice of appeal filed with the City shall contain the information outlined in Section 9.040(D).

(Section 9.040(B) amended by Ordinance 98-04, 5-4-98)

C. Commission Recommendation.

In cases involving textual changes to the Development Code or Comprehensive Plan, or changes to the Land Use and Zoning Map, where the Commission action is limited to making a recommendation to the City Council, the recommendation is not subject to appeal. A final decision on the part of the City Council is, however, appealable to the Land Use Board of Appeals (LUBA).

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D. Contents of Appeal.

A request for appeal of a Commission or Committee decision shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that he was a party to the initial proceedings.
3. The specific grounds relied upon for the review, including a statement that the criteria against which review is being requested were addressed at the Commission or Committee hearing.

(Section 9.040(D) amended by Ordinance 98-04, 5-4-98)

E. Review on the Record.

1. If an appeal is confined to the record of the proceeding, the record shall include:
 - a. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - b. The final order and findings of fact adopted in support of the decision being appealed.
 - c. The request for an appeal filed by the appellant.
 - d. The minutes of the public hearing.
2. Public notice shall indicate the date, time and place of the review and the issues that are the subject of the review.
3. The reviewing body shall make its decision based upon the record after first granting the right of argument, but not the introduction of additional evidence, to parties to the hearing.
4. In considering the appeal, the reviewing body need only consider those matters specifically raised by the appellant. The reviewing body may consider other matters if it so desires.
5. The appellant shall bear the burden of proof.

F. Review Consisting of Additional Evidence or De Novo Review.

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1. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing.
2. Hearings on appeal, either de novo or limited to additional evidence on specific issues, shall be conducted in accordance with the requirements of Section 9.030.

G. Review Body Decision.

1. Upon review, the reviewing body may affirm, reverse, or modify the decision of the lower body or staff.
2. Notice of the reviewing body decision shall be provided to all parties to the hearing. The notice of the decision shall include:
 - a. A brief description of the decision reached.
 - b. A statement that the decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.
 - c. A statement that the complete case, including the final order is available for review at the City.

9.050. FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST.

The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120 day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120 day period may be extended for a reasonable period of time.

9.060. COMPLIANCE WITH CONDITIONS OF APPROVAL.

Compliance with conditions established for a request and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.

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9.070. LIMITATIONS ON REFILING OF APPLICATION.

Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of six (6) months has elapsed from date of the earlier decision, unless the Planning Commission finds that special circumstances justify earlier reapplication.

9.080. FILING FEES.

A schedule of permit fees shall be establish by resolution and paid to the City upon the filing of an application. Such fees shall not be refundable.

9.090. ADDITIONAL COSTS.

Where the City Manager deems it necessary, in the interest of public health, safety or welfare, to incur additional costs, such as the hiring of independent geotechnical experts or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant or appellant, as determined by the City Manager. Such costs shall not exceed actual costs.

9.100. TIME LIMIT ON A PERMIT.

Authorization of a permit shall be void after one year unless substantial construction or use pursuant thereto has taken place. However, the Commission may, at its discretion, extend authorization for an additional period up to one year on request.

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ARTICLE 10

AMENDMENTS

10.010. PURPOSE.

Periodically, as local goals and needs change and new information is obtained, Development Code and Comprehensive Plan amendments are warranted. The purpose of the Development Code amendment process is to provide a method for carefully evaluating potential changes to ensure that they are beneficial to the City.

10.020. AUTHORIZATION TO INITIATE AMENDMENTS.

- A. An amendment to the text of the Development Code or the Comprehensive Plan may be initiated by the City Council, Planning Commission, the Community Development Director, a person owning property in the City, or a City resident.
- B. An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed.

10.030. APPLICATION FOR AN AMENDMENT.

Property owners or local residents which are eligible to initiate an amendment, or their designated representatives, may begin a request for an amendment by filing an application with the Community Development Director, using forms prescribed by the City.

10.040. INVESTIGATION AND REPORTS.

The Community Development Director shall make, or cause to be made, an investigation to provide necessary information on the consistency of the proposal with the Comprehensive Plan. The report shall provide a recommendation to the Planning Commission on the proposed amendment.

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10.050. CLASSIFICATION OF AMENDMENT ACTIONS.

A. Legislative Amendments.

The following amendment actions are considered legislative under this Code:

1. An amendment to the text of the Development Code or Comprehensive Plan.
2. A zone change action that the Community Development Director has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that processing the request as a quasi-judicial action would be inappropriate.

B. Quasi-judicial Amendments.

The following amendment actions are considered quasi-judicial under this Code:

1. A zone change that affects a limited area or a limited number of property owners.

10.060. PROCEDURES.

Public notice and procedures of zoning amendments shall be in accordance with Article 9.

10.070. AMENDMENT CRITERIA.

A. Text Amendment.

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied:

1. The amendment is consistent with the Comprehensive Plan.
2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

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B. Map Amendment.

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

1. The amendment is consistent with the Comprehensive Plan.
2. The amendment will:
 - a. Satisfy land and water use needs; or
 - b. Meet transportation demands; or
 - c. Provide community facilities and services.
3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.
4. Resource lands, such as wetlands are protected.
5. The amendment is compatible with the land use development pattern in the vicinity of the request.

10.080. CHANGE OF ZONE FOR MANUFACTURED DWELLING PARKS.

If an application would change the zone of property which includes all or part of a manufactured dwelling park as defined by ORS 446.003, the City shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park not less than 20 days prior to the date of the first hearing on the application. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

ARTICLE 11

CONDITIONAL USES

11.010. PURPOSE.

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without the restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled.

11.020. APPLICATION AND PROCEDURES.

A. Procedures.

A request for a new, enlarged or otherwise altered development listed in the Development Code as a conditional use shall be made on forms provided by the Community Development Department and reviewed by the Astoria Planning Commission. Public notice and procedures on applications shall be in accordance with the Administrative Procedures in Article 9.

B. Decision.

The Planning Commission shall base their decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
2. Applicable aquatic and shoreland standards in Article 4.
3. For aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Article 5.
4. For aquatic uses, the findings of an Impact Assessment where required by Article 5.
5. Development standards of the applicable zone.
6. Basic conditional use standards of Section 11.030.
7. Appropriate conditional use standards of Section 11.130 to 11.170.

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11.030. BASIC CONDITIONAL USE STANDARDS.

- A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:
1. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.
 2. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.
 3. The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.
 4. The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.
 5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.
- B. Housing developments will comply only with standards 2, 3, and 4 above.

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11.040. SPECIAL CONDITIONS.

A. Non-Residential.

In permitting a conditional use or the modification of an existing conditional use not involving a housing development (e.g. multi-family development, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified in this Code, other conditions which it considers necessary to protect the best interest of the surrounding property or the City as a whole. These conditions are:

1. Controlling the location or placement of buildings on land or over aquatic area;
2. Increasing the required lot size or yard dimensions;
3. Reducing the required height and size of buildings;
4. Controlling the location and number of vehicle access points;
5. Increasing the required off-street parking spaces;
6. Increasing the required street width;
7. Limiting the number, size, location, and lighting of signs;
8. Requiring diking, fencing, screening, landscaping, berms, or other items to protect adjacent or aquatic areas;
9. Designating sites for open space;
10. Specifying the types of materials to be used;
11. Specifying the hours of operation and/or time of year the activity may occur;
12. Completion of a monitoring program.

B. Residential.

In permitting a conditional use, or the modification of a conditional use, involving a housing development, the Planning Commission may impose Conditions 4, 6, 7, 8, and 9 above.

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11.050. EXISTING CONDITIONAL USES.

In the case of a use existing prior to its present classification by this Code as a conditional use, any change in use or in lot area or any alteration of a structure will conform with the requirements dealing with conditional uses.

11.060. EXPANSION OF AN EXISTING CONDITIONAL USE.

- A. The Community Development Director may authorize the expansion of an existing conditional use not to exceed 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.
- B. The Planning Commission may authorize the expansion of an existing conditional use in excess of 10% of the gross floor area of the use, or, where a use does not involve a structure, 10% of the gross site area of the use, in accordance with Article 9.

11.070. PERFORMANCE BOND.

The Planning Commission may require that the applicant for a conditional use furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the Planning Commission and that the standards established in granting the conditional use are observed.

11.080. ANIMAL HOSPITAL OR KENNEL.

Pens shall be enclosed to the extent that noise and odor does not affect adjacent property. Kennels shall be connected to City sewers for animal waste disposal. No more than 50 animals shall be kept on site at any time.

11.090. AUTOMOTIVE SALES AND SERVICE.

Service stations shall be located on a site of at least 20,000 square feet. Body and paint shops shall contain all noise, fumes, odors or other emissions on site. Materials or parts shall be stored in an enclosed structure or behind a fence or hedge.

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11.100. DRIVE-THRU PURCHASE OR SERVICE FACILITIES.

No use with a drive-thru purchase or service facility which makes it possible for a person to transact business from a vehicle will be permitted unless the City Engineer determines that the access is adequate, and will not unduly restrict traffic flow.

11.110. LIGHT MANUFACTURING.

A. Nuisances.

No use shall generate odor, dust, gas, fumes, glare or vibration beyond the property line or site boundary.

B. Storage.

Storage of materials and equipment shall be screened from adjacent properties or public streets by sight-obscuring fencing, landscaping or both. Clear vision areas shall not be obscured.

C. Buffer.

Where a use abuts a residential zone, or other sensitive use (regardless of the presence of a street) a buffer of at least 10 feet shall be established. Such buffer may include plantings, berms, walls, and fencing adequate to provide a separation of the use from the residential area.

D. Lighting.

Exterior lighting shall be shielded so as to direct it away from adjacent property.

E. Parking.

Uses shall have adequate parking, loading, maneuvering, and vehicle storage areas so as not to impact adjacent public streets or parking facilities. Ingress and egress shall be limited so as to direct parking onto arterial or collector streets.

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11.120. MANUFACTURED DWELLING PARK.

Before a manufactured dwelling park is approved as a conditional use, findings will be made that the use will comply with the following standards:

A. State Standards.

A manufactured dwelling park shall conform to State standards in effect at the time of construction.

B. Size of Spaces.

Spaces in the parks shall be sized as follows:

1. Spaces for doublewide units (24 to 28 feet wide) shall be a minimum of 4,000 square feet.
2. Spaces for singlewide units (14 to 16 feet wide) shall be a minimum of 3,500 square feet.
3. Spaces for "park units" (8 feet wide) shall be a minimum of 3,000 square feet.

C. Use of Spaces.

Spaces shall be clearly defined and shall be exclusively used for the private use of the tenant of the space.

D. Setbacks.

Manufactured dwellings shall be located within their designated spaces with the following setbacks:

1. Front yard: 15 feet.
2. Side yard: 5 feet.
3. Rear yard: 15 feet.

E. Park Setbacks.

Manufactured dwellings shall be located at least 25 feet from the property lines of the manufactured dwelling park.

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F. Flood Hazard Protection Standards.

Manufactured dwellings placed in the manufactured dwelling park shall conform to the provisions of the Flood Hazard Protection Standards Sections 2.800 through 2.825.

G. Streets.

Streets in a manufactured dwelling park may be dedicated to the City or may be retained in private ownership. Private streets shall be constructed to City standards, except that two-way streets may be 24 feet wide, and one-way lanes may be 18 feet wide. Storm drain facilities shall be installed throughout the manufactured dwelling. Streets dedicated to the City shall meet City standards. All streets shall be approved by the Public Works Director.

H. Street Frontage.

Each space shall abut a street for a minimum distance of 20 feet.

I. Easements.

Easements necessary for public utilities and installation of fire hydrants shall be required by the Public Works Director at appropriate locations.

J. Buffers.

The Planning Commission may require buffers of sight obscuring fences, hedges, and/or berms, between the park and adjacent property, and between potentially conflicting uses such as campgrounds or accessory uses. Buffering may be waived where it is unnecessary due to topographical features or existing tree cover.

K. Open Space.

A minimum of 20% of the overall area of the park shall be devoted to common open space. Open space may also include playgrounds, natural areas, streams and wetlands, but shall not include individual setback areas, streets or utility areas.

L. Oregon Insignia of Compliance.

Manufactured dwellings shall bear the Oregon Insignia of Compliance and conform to the standards of the Buildings Codes Agency.

M. Skirting.

Manufactured dwellings shall have a continuous skirting of non-decaying, non-corroding material which shall be installed within 30 days of placement of the unit.

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N. Tie-Downs.

All manufactured dwellings shall be installed with tie-downs to protect the manufactured dwelling against wind and storm damage. Tie-downs shall be installed prior to occupancy of the unit.

O. Parking.

1. Manufactured dwellings shall conform to the parking requirements for single-family dwellings, as specified in Article 7.
2. There shall be two (2) vehicle parking spaces for each manufactured dwelling space; parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas as approved by the Community Development Director.

P. Signs.

Signs shall be in conformance with Article 8.

Q. On-Site Storage.

Furniture, tools, equipment, building materials, or supplies belonging to the management of the park stored outdoors shall be screened. Screening shall be sight-obscuring and shall blend with the park environment.

R. Walks.

Provisions shall be made for hard-surfaced, well-drained walks, not less than 48 inches in width, from each manufactured dwelling space to the park buildings, and to a public street or park roadway.

S. Lighting.

Roadways and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall not be under control of the manufactured dwelling occupant.

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T. Driveway.

Each manufactured dwelling space within the park shall have direct access to a park roadway or to a public street which the park abuts on both sides. The driveway shall be an unobstructed area, not less than ten (10) feet in width, and shall be constructed of hard surface materials and well drained.

U. Decks and Patios.

Each manufactured dwelling space shall be provided with one or more slabs or decks adjacent to the manufactured dwelling stand, constructed of concrete, asphalt, flag stone, wood, or other equivalent surface material which singly or in combination, total not less than 100 square feet of area and are not less than four (4) feet in width in their least dimension.

11.130. MULTI-FAMILY DWELLING.

(Section 11.130 renumbered as 3.155 and amended by Ordinance 95-05, 2-6-95)

11.140. PUBLIC OR SEMI-PUBLIC USE.

Traffic will not congest nearby streets, and structures will be designed or landscaped so as to blend into the surrounding environment and be compatible with the adjacent neighborhood. The activities or hours of operation will be controlled to avoid noise or glare impacts on adjacent uses.

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11.160. CLUSTER DEVELOPMENT PROVISIONS.

A. Purpose.

The purpose of cluster development is to achieve the following objectives:

1. Maintain open space;
2. Reduce street and utility construction, and maintenance;
3. Separate automobile traffic from residential areas; and
4. Reduce site development and housing costs.

B. Description.

Cluster Development is a development technique wherein house sites or structures are grouped closer together with the remainder of the tract left in its natural state or as landscaped open space. Clustering can be carried out in the context of a major or minor partition, subdivision, or through a conditional use. It differs from a Planned Development in that it may be done on a smaller site, does not necessarily have a mixture of housing types and uses, and is done in a unit, rather than planned phases. Cluster Developments may incorporate single-family structures and their associated uses. Steep slopes, stream banks or other sensitive lands should remain in their natural condition, but may be used in density calculations.

(Section 11.160(B) amended by Ordinance 95-05, 2-6-95)

C. Streets.

Streets and roads will not be used for density calculations, and will conform to city standards.

The planning commission may allow for reductions in street width where the land is steep, the street serves a limited number of dwellings, and off-street parking requirements are met.

D. Open Space.

Provisions for the long-term maintenance of open space shall be provided through a homeowners association or other legal instrument.

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E. Other Code Standards.

1. Cluster developments shall adhere to all of the standards of the zone, except that a reduction of lot size and yard requirements is permitted so long as overall lot coverage, open space, and density requirements are met.

(Section 11.160(E) amended by Ordinance 95-05, 2-6-95)

2. Structures may be in single ownership, be individually owned, or in condominium ownership.

11.170. WHOLESALE TRADE, WAREHOUSE, MINI-STORAGE, AND/OR DISTRIBUTION ESTABLISHMENTS IN THE CENTRAL COMMERCIAL ZONE.

A. Location.

Where such establishments are located in the C-4 Zone (Central Commercial), they shall be restricted to the basement of buildings.

B. Loading and Unloading.

Such establishments shall provide off-street loading and unloading space capable of accommodating projected traffic.

ARTICLE 12

VARIANCES

12.010. PURPOSE.

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unnecessary hardships resulting from the size, shape, or dimensions of a site or the location of structures thereon; from geographic, topographic, or other factors listed below. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

12.020. CONDITIONS.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this Section. Guarantees and evidence may be required that such conditions will be and are being complied with.

12.030. GENERAL CRITERIA.

Variations to a requirement of this Code, with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, and other quantitative requirements may be granted only if, on the basis of the application, investigation and evidence submitted by the applicant, findings are made based on the four factors listed below. Variations from off-street parking and sign requirements are not subject to General Criteria (refer to Sections 12.040 and 12.050).

- A. The granting authority may grant a variance from the requirements of this chapter, if on the basis of the application, investigation, and the evidence submitted by the applicant, all four (4) of the following expressly written findings are made:
1. The request is necessary to prevent unnecessary hardship; and
 2. Development consistent with the request will not be substantially injurious to the neighborhood in which the property is located; and
 3. The request is necessary to make reasonable use of the property; and
 4. The request is not in conflict with the Comprehensive Plan.
- B. In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances.

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1. Relevant factors to be considered in determining whether a hardship exists include:
 - a. Physical circumstances related to the property involved;
 - b. Whether a reasonable use, similar to like properties, can be made of the property without the variance;
 - c. Whether the hardship was created by the person requesting the variance;
 - d. The economic impact upon the person requesting the variance if the request is denied.
 2. Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:
 - a. The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - b. The incremental impacts occurring as a result of the proposed variance.
 3. A determination of whether the standards set forth in Section 12.030(A) are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in Section 12.030(B) (1) & (2) are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.
 4. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. Each request shall be considered on its own merits.
- C. No variance may be granted which will permit a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction.

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12.040. VARIANCE FROM STANDARDS RELATING TO OFF-STREET
PARKING AND LOADING FACILITIES.

Variances from the requirements of this Code with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation, and the evidence submitted by the applicant, all three (3) of the following expressly written findings are made:

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Code; and
2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets; and
3. That the granting of the variance will not create a safety hazard.

12.050. VARIANCES FROM STANDARDS RELATING TO SIGNS.

Variances from sign requirements, refer to Section 8.110. Sign variances are exempt from Sections 12.030 to 12.040.

12.060. CLASSIFICATION OF VARIANCES.

A. Class 1.

Class 1 includes minor variances which are small changes from the Code requirements and which will have little or no effect on adjacent property or users. Administrative approval by the Community Development Director of Class 1 variances may be granted.

Class 1 variances include:

1. Location of structures in relation to required yards;
2. Variances from minimum lot width and depth;
3. Variances from other quantitative standards by 10% or less.

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B. Class 2.

Class 2 includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Class 2 variance may be granted by the Planning Commission.

Class 2 variances include, but are not limited to:

1. Variances from quantitative standards other than yard requirements by more than 10%;
2. Variances from other provisions of this chapter except density and use restrictions.

C. The Community Development Director shall decide the classification of any variance application.

D. If the Community Development Director believes that substantial issues are involved in a variance application, the Director may schedule a public hearing in accordance with the procedures specified in Sections 9.020 to 9.030.

12.070. APPLICATION AND PROCEDURE.

A. Application.

A request for either class variance may be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Department, on forms provided by the Department. The Community Development Director shall specify what information is required for the application; additional information may be required where determined by the Director.

B. Procedure.

Public notice and procedures on applications shall be in accordance with Article 9 except as noted in Sections 12.090 through 12.120.

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12.090. ACTION ON CLASS 1 VARIANCE APPLICATION.

- A. The Community Development Director shall make a decision to approve or deny within 45 calendar days of submittal of a complete application.
- B. The Community Development Director shall determine whether the criteria for approval have been satisfied.
- C. All decisions shall be in writing and will include at a minimum:
 - 1. Name and address of applicant;
 - 2. Location of property (street number, map number, tax lot number, lot and block);
 - 3. Date of the decision;
 - 4. Conditions of approval, if any; and
 - 5. Notice of the appeal time and procedure.
- D. The decision will be mailed to the applicant, and to interested persons who have commented in writing.

12.100. APPEAL OF A CLASS 1 VARIANCE.

The decision of the Community Development Director on a Class 1 Variance may be appealed to the Planning Commission in accordance with 9.040.

12.110. ACTION ON CLASS 2 VARIANCE APPLICATION.

Hearings on a Class 2 Variance will be held in accordance with 9.030.

12.120. APPEAL OF A CLASS 2 VARIANCE.

The decision of the Planning Commission decision on a Class 2 Variance may be appealed to the City Council in accordance with 9.040.

ARTICLE 13

SUBDIVISION AND LAND PARTITION

GENERAL PROVISIONS

13.010. TITLE.

Article 13 of the Astoria Development Code shall be known as "Subdivision and Land Partition."

13.020. PURPOSE.

The purpose of this ordinance is to enact subdivision and land partitioning regulations for the City which will provide for better living conditions within new land divisions; assure necessary streets, open space, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people of Astoria.

13.030. COMPLIANCE REQUIRED.

Any subdivision or partition of an area or tract of land shall be in compliance with the provisions of this ordinance.

- A. No person shall sell or convey any interest in a lot or parcel in a subdivision or partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of Clatsop County.
- B. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for such subdivision or partition.
- C. No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public or common use unless the subdividing or partitioning has received preliminary and construction plan approval pursuant to the provisions of this ordinance.

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13.040. DEFINITIONS.

As used in Article 13, unless the context requires otherwise, the following words and phrases shall mean:

BLOCK: A parcel of land bounded by three or more streets in a land division.

BLOCK LENGTH: The distance measured along all that part of one side of a street which is between two intersection or intercepting streets, or between an intercepting street and a railroad right-of-way, water course, body of water or unsubdivided acreage.

BUILDING LINE: A line on a plat indicating the limit beyond which buildings or structures may not be erected.

BUTT LOT: A lot, the lot side line of which abuts the lot rear line of two or more adjoining lots.

CITY: The City of Astoria, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department or agency, then the City Manager of said City.

CITY ENGINEER: The duly appointed Engineer of the City of Astoria.

COMMUNITY DEVELOPMENT DIRECTOR: The chief land use regulatory officer of the City of Astoria.

DECLARANT: The person who files a declaration under ORS Chapter 92.

DECLARATION: The instrument by which the subdivision or partition plat was created.

DEVELOPMENT PLAN: Any plan adopted by the Planning Commission for the growth and improvement of the City.

DIVISION OF LAND: The creation of a lot.

DRAINAGE LAND: Land required for drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.

EASEMENT: A grant of the right to use a strip of land for specific purposes.

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INITIAL PLAN: A sketch or schematic plan presented by a subdivider or applicant to the Planning Commission for their comments. The plan may be to any size, scale, and include information deemed necessary by the applicant. Review of the initial plans places no obligation on the commission or the applicant as to the future of such plan.

LOT: A unit of land that is created by a subdivision of land.

REVERSED CORNER LOT: A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

THROUGH LOT: A lot having frontage on two parallel or approximately parallel streets other than an alley.

LOT FRONT LINE: The property line separating the lot from the street, or other than an alley. The City shall determine the front lot line of a corner lot.

LOT REAR LINE: The property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line shall determine the lot rear line.

LOT SIDE LINE: Any lot line which is not a lot front line or a lot rear line.

ORS: Oregon Revised Statutes, State Law.

OWNER: One who possesses title in property or to whom property belongs, with the requisite intent to own; this term includes an authorized agent of the owner.

PARCEL: A unit of land that is created by a partitioning of land.

PARTITION: Either an act of partitioning land or an area or tract of land partitioned as defined in this Section.

MAJOR PARTITION: A partition which includes the creation of a street.

MINOR PARTITION: A partition that does not include the creation of a street.

PARTITION LAND: To divide an area of land into two or three parcels within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in

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size by the adjustment complies with any applicable Development Code requirement;
or

3. A sale or grant by a person to a public agency or public body for State highway, County road, City street or other right of purposes provided such road or right-of-way conforms with the Comprehensive Plan and ORS 215.213(2)(g) to (s) and ORS 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for State highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

PARTITION PLAT: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PERFORMANCE AGREEMENT: A proper petition submitted to and approved by the Council for construction and improvements as required in Section 13.150; or a performance bond executed by a surety company duly licensed to do business in the State, in an amount equal to the full cost of the work to be done, and conditioned upon the faithful performance thereof.

PERSON: A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLANNING COMMISSION: The Planning Commission of the City of Astoria.

PLAT: A final subdivision plat, replat or partition plat.

PRELIMINARY PLAT: A tentative map and plan for a land division duly submitted to the Community Development Director for Commission consideration and approval and conforming in all respects to the requirements therefore specified in this Ordinance.

PROPERTY LINE: The division line between to units of land.

PROPERTY LINE ADJUSTMENT: The relocation of a common property line between two abutting properties.

PUBLIC WORKS DIRECTOR: The duly appointed Public Works Director of the City of Astoria.

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REPLAT: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

RESERVED STRIP: A strip of land, usually one (1) foot in width, reserved across the end of a street or alley and terminating at the boundary of a land division or a strip of land between a dedicated street or less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

REVERSED CORNER LOT: A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

RIGHT-OF-WAY: The area between the boundary lines of a street or other easement.

ROADWAY: The portion of a street right-of-way developed for vehicular traffic.

SIDEWALK: A pedestrian walkway with rock or paved surfacing.

SINGLE-FAMILY DENSITY AREA: An area abutting a minor street not a business street, where for one block length or more all property on both sides of the street is or as determined by the Planning Commission will be occupied by no more than 4.50 families per acre exclusive of street right-of-way.

STREET: A public or private way being the entire width from lot line to lot line that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road", "highway", "lane", "avenue", "alley" or similar designations.

ALLEY: A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.

ARTERIAL: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas

BUSINESS STREET: Any block length along any street, other than an arterial, within which there is or will be provided access to one or more commercial structures.

COLLECTOR: A street supplementary to the arterial street system and a means of intercommunication between this system and smaller area; used to some extent for through traffic and to some extent for access to abutting properties.

CUL-DE-SAC: (Dead End Street) A short street having one end open to traffic and being terminated by a vehicle turnaround.

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HALF STREET: The dedication of a portion only of the width of a street, usually along the edge of a subdivision, where the remaining portion of a street has been or could be dedicated in another subdivision.

MAJOR STREET: Same as arterial.

MARGINAL ACCESS STREET: A minor street parallel and adjacent to a major arterial street, providing access to abutting properties, but protected from through traffic.

MINOR STREET: A street intended primarily for access to abutting properties.

SUBDIVIDE: To effect a land division.

SUBDIVIDE LAND: To divide an area or tract of land into four or more lots within a calendar year.

SUBDIVIDER: An owner commencing proceedings under this Chapter to effect a land division by himself or through this lawful agent.

SUBDIVISION: Either an act of subdividing land or an area or tract of land subdivided as defined in this Section.

SUBDIVISION PLAT: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

PROCEDURE FOR SUBDIVIDING PROPERTY

13.100. SUBDIVISION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.

A. Conference.

Prior to the filing of a preliminary plat, a subdivider shall submit to the Community Development Director, plans and other information concerning a proposed or contemplated development. The Community Development Director shall then schedule a conference with the subdivider and City Engineer on such plans and other data, and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and may recommend consultation by the subdivider with other public or private agencies as may be disclosed by the plans.

B. Application Information and Procedures.

1. The subdivider shall submit to the City ten (10) copies of a preliminary plat, a completed application form and a fee as required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.110.
3. The City shall review the submitted preliminary plat to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the subdivider will be informed of the additional information that is required. Upon submission of that information, a public hearing will be scheduled in accordance with Sections 9.010 to 9.020.

C. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed subdivision. The content of the public notice shall be in accordance with Section 9.020 of the Astoria Development Code.

D. Notice to Other Agencies.

The Community Development Director shall transmit one (1) copy of the preliminary plat to the Public Works Director, Clatsop County, affected special districts, and any State or Federal agency that may have an interest in the proposed subdivision. Written comments will be incorporated into the record of the public hearing.

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E. Water Rights.

The Community Development Director shall notify the subdivider of the requirement to file a statement of water rights and if a water rights is appurtenant. The water rights statement shall include the water rights certificate number on the plat. If a water permit is appurtenant, the permit number should be included. If no water rights or permit is appurtenant, the statement should indicated such as required by ORS Chapter 92.

F. Public Hearing.

The Planning Commission shall hold a public hearing on the preliminary plat, and shall make a decision on the preliminary plat in accordance with Section 9.030 of the Development Code.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

G. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the subdivider for the purpose of preparing a final plat, provided that there are no changes of the plat of the subdivision and that it complies with all conditions set forth by the City in its preliminary plat approval.

H. Time Limit on Preliminary Plat.

The preliminary plat shall be valid for one year from the date of its approval. The Planning Commission, upon written request by the subdivider, may grant an extension of the preliminary plat approval for a period of one year. In granting an extension, the Planning Commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the preliminary plat.

I. Submittal of Final Plat.

The applicant shall submit to the City a final partition plat prior to the expiration of the preliminary plat approval.

Any final subdivision plat not submitted prior to the expiration of the preliminary plat approval period shall be considered void.

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13.110. SUBDIVISION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. Preliminary plat shall be to a scale of one (1) inch equals 50 feet or better except tracts over ten (10) acres which may be to a scale of one (1) inch equals 100 feet, and shall be clearly and legibly reproduced.
2. Proposed name, date, northpoint and scale of drawing.
3. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
4. Name and address of the subdivider and all property owners.
5. Appropriate identification of the drawing as a preliminary plat.
6. Name, business address, and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
7. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
8. Names of the record owners of all contiguous land.
9. The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.
10. The location, number designation and approximate dimensions of each lot.
11. The outline of any existing buildings and their use showing those which will remain.
12. Contour lines.
13. The location of at least one temporary bench mark within the subdivision boundaries.
14. City limit or Urban Growth Boundary lines crossing or bounding the subdivision.

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15. Approximate location of all wetlands, areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
16. Any area proposed to be cut or filled or otherwise graded.
17. If impractical to show on the preliminary plat, a key map showing the location of the tract in relationship to Section and Township lines and to adjacent property and major physical features such as streets, railroads and watercourses.
18. Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets shall be fully described.
19. If the tentative subdivision plat proposal pertains to only part of the tract owned or controlled by a subdivider, the Planning Commission may require a sketch of a tentative layout for streets in that of the tract not proposed for subdivision.

B. Statement Required.

A statement shall accompany the preliminary plat and shall contain the following information:

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
2. Deviations from subdivision ordinance, if any.
3. Public areas proposed, if any.
4. A preliminary draft of restrictive covenants proposed, if any.

C. Supplemental Information.

The City may require any of the following to supplement the preliminary plat:

1. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
2. A plan for domestic water supply lines and related water service facilities.
3. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainageways.

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4. If an area is to be graded, a plan showing the nature of the cuts and fills and evidence provided in a site investigation that such a grading will be stable.
5. Proposals for other improvements such as electric, utilities and sidewalks.
6. Geologic investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion, an erosion control plan shall also be submitted.

13.120. SUBDIVISION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. Within one (1) year after approval of the preliminary plat, or such extension as may have been granted by the City, the subdivider shall cause the proposed subdivision, or any part thereof to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.
2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the Community Development Director. The tracing and prints are in addition to those required by Oregon Statutes.
3. The final plat shall conform to the requirements of Sections 13.130 to 13.150.
4. No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

B. Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the Public Works Director, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.
2. The Public Works Director may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the Public Works Director determines that full conformity has not been made, the Community Development Director shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the Public Works Director

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determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the Community Development Director for further review.

C. Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the subdivider shall be afforded an opportunity to make corrections.

D. Improvements to be Complete.

Prior to the approval of the final plat by the Planning Commission, the subdivider shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.

E. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

F. County Review and Recording.

The subdivider shall deliver the final plat to the County Surveyor for review according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

G. Final Plat Complete.

The subdivision is considered complete after the final plat is recorded by the County Clerk.

H. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

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13.130. SUBDIVISION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The subdivision plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of the Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for subdivision plats upon three or more sheets.

C. Information Required.

The following information is required on the final partition plat:

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.
2. Legal description of the subdivision boundaries.
3. Reference and bearings, to adjoining surveys.
4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
5. Exact location and width of streets and easements intersecting the boundary of the subdivision.
6. Subdivision block and lot boundary lines.
7. Numbering of lots and blocks, as follows:

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- a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a Township.
 - b. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision only when the subdivision is a continued phase of a previously recorded subdivision bearing the same name that previously used block numbers or letters. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
8. Acreage of each parcel.
 9. Street right-of-way center lines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.
 10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
 11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
 12. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
 13. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicate.
 14. Any conditions specified by the Planning Commission upon granting preliminary approval.
 15. A statement of water rights noted on the subdivision plat.

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16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.
 - b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
 - d. Provisions for additional certificates and acknowledgments required by law.

13.140. SUBDIVISION, FINAL PLAT - SUPPLEMENTAL DATA REQUIRED.

A. Information Required.

At the time of the submission of the final plat, the subdivider shall also submit to the City the following:

1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - b. The computation of all distances, angles and courses shown on the final plat.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
 - d. Coordinates of all block corners and all street center points.
3. A copy of any deed restrictions applicable to the subdivision.

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4. A list of all taxes and assessments on the tract which have become a lien on the tract.
5. If the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision, the water rights certificate number shall be shown on the final plat, as required by ORS Chapter 92.

13.150. SUBDIVISION, FINAL PLAT - PERFORMANCE AGREEMENT.

A. Improvements.

Before Planning Commission's approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and record an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement to the City for the cost of inspection by the City of the improvements to be installed. The agreement may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

B. Form of Bond.

The subdivider shall file with the agreement to assure his full and faithful performance thereof, one of the following:

1. A personal bond cosigned by at least one additional person who shall not be related to the subdivider by blood, marriage or other legal arrangement. The subdivider and cosigner shall submit to the City evidence of financial responsibility and the financial resources of those signing the bond to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.
2. Cash.

C. Amount of Bond.

The assurance of full and faithful performance shall be for a sum approved by the Public Works Director sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the City Attorney as to form.

D. Failure to Complete Improvements.

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In the event the subdivider fails to complete all improvement work in accordance with the provisions of this ordinance, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the City, it shall release the remainder of the bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

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MAJOR LAND PARTITION
(Includes Creation of a Street)

13.200. MAJOR LAND PARTITION - MINIMUM STANDARDS.

The minimum standards for design and improvements in a major land partitioning shall conform to Sections 13.400 to 13.630.

13.210. MAJOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.

A. Application Information and Procedures.

1. The applicant shall submit to the City ten (10) copies of a preliminary plat, a completed application form and the fee required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.220.
3. The City shall review the submitted preliminary plat to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of the information, a public hearing shall be scheduled.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Notice to Other Agencies.

The Community Development Director may transmit one (1) copy of the preliminary plat to the Public Works Director, affected special districts, and any County, State, or Federal agency that may have an interest in the proposed partition. Written comments will be incorporated into the record of the public hearing.

D. Water Rights.

The Community Development Director shall notify the applicant of the requirement to file a statement of water rights and if a water rights is appurtenant. The water rights certificate number shall appear on the plat if a water right is appurtenant, as required by ORS Chapter 92.

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E. Public Hearing.

The Planning Commission shall hold a public hearing on the preliminary plat, and shall make a decision on the preliminary plat in accordance with Section 9.030 of the Development Code.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

F. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the applicant for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and that it complies with all conditions set forth by the City in its preliminary plat approval.

G. Time Limit of Preliminary Plat.

The preliminary plat shall be valid for one year from the date of its approval. The Planning Commission, upon written request by the applicant, may grant an extension of the preliminary plat approval for a period of one year. In granting an extension, the Planning Commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat.

H. Submittal of Final Plat.

The applicant shall submit to the City a final partition plat prior to the expiration of the preliminary plat approval.

Any major partition not submitted prior to the expiration of the preliminary plat shall be considered void.

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Development Code

13.220. MAJOR LAND PARTITION, PRELIMINARY PLAT - INFORMATION ON
PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. The preliminary plat map shall be drawn on a tracing 18 inches by 24 inches or an even multiple thereof at a scale of one (1) inch equals 50 feet or, for areas over 10 acres, one (1) inch equals 100 feet.
2. The date, northpoint, and scale of the drawing.
3. Names and addresses of the owner, applicants, engineer and or surveyor employed in the preparation of the plan.
4. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
5. The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.
6. The existing use or uses of the property, including locations of all structures on the property.
7. The width and location of all proposed easements for drainage or public purposes.
8. Approximate location of physical features such as wetlands and streams on the property, when required by the Community Development Director.
9. Location, name, width, approximate radius of curves and grade of all proposed streets, the relationship of such streets to any projected or existing streets adjoining the proposed partition.
10. When required, a site investigation as required by the Community Development Director and the Public Works Director.

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B. Supplemental Information.

The City may require any of the following to supplement the preliminary plat:

1. Contour lines at two (2) foot contour intervals.
2. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.
3. Site investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion an erosion control plan shall also be submitted.
4. If the area is to be graded, a plan showing the nature of cuts and fills and evidence provided in a site investigation that such grading will be stable.

13.230. MAJOR LAND PARTITION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. Within one year after approval of the preliminary plat, or such extension as may have been granted by the City, the partitioner shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.
2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.
3. The final plat shall conform to the requirements of Sections 13.240 to 13.250.
4. No applicant shall submit a plat of a partition for record, until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

B. Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the City Engineer, who shall examine it to determine that the partition as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.

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2. The City Engineer may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the City Engineer determines that full conformity has not been made, the City shall advise the applicant of the changes or additions that must be made for these purposes, and shall afford the applicant an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the City for further review.

C. Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

D. Improvements to be Complete.

Prior to the approval of the final plat by the Planning Commission, the applicant shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.

E. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

F. County Review and Recording.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

G. Final Plat Complete.

The partition is considered complete after the final plat is recorded by the County Clerk.

H. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

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Development Code

13.240. MAJOR LAND PARTITION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The partition plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The partition plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for partition plats of three (3) or more sheets.

C. Information Required.

The following information is required on the final partition plat:

1. The name of the partition, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.
2. Legal description of the partition boundaries.
3. Reference and bearings to adjoining surveys.
4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
5. Exact location and width of streets and easements intersecting the boundary lines.
6. Partition and lot boundary lines.

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7. Numbering of lots as follows:
 - a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a Township.
8. Acreage of each parcel.
9. Street right-of-way center lines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Partition boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.
10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
12. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the partition.
13. Parcels to dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.
14. Any conditions specified by the Commission or Council upon granting preliminary approval.
15. A statement of water rights noted on the partition plat.
16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.

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- b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
- c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
- d. Provisions for additional certificates and acknowledgments required by law.

13.250. MAJOR LAND PARTITION, FINAL PLAT - SUPPLEMENTAL DATA
REQUIRED.

A. Information Required.

At the time of the submission of the final plat, the applicant shall also submit to the City the following:

- 1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the partition and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - b. The computation of all distances, angles and courses shown on the final plat.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
 - d. Coordinates of all block corners and all street center points.
- 3. A copy of any deed restrictions applicable to the partition.
- 4. A list of all taxes and assessments on the tract which have become a lien on the tract.
- 5. If a water right is appurtenant to the partition, a statement of water rights, together with the water rights certificate number shall be provided, as required by ORS Chapter 92.

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MINOR LAND PARTITION
(No Street Created)

13.300. MINOR LAND PARTITION - MINIMUM STANDARDS.

The minimum standards for design and improvements in a minor land partitioning shall conform to Sections 13.400 to 13.630.

13.310. MINOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.

A. Application Information and Procedure.

1. The applicant shall submit to the City, ten (10) copies of a preliminary plat, a completed application form and the fee required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.320.
3. The Community Development Director shall review the submitted preliminary plat to determine whether the application is complete, and to determine its conformity with the minimum standards of Section 13.300.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Notice to Other Agencies.

The Community Development Director shall coordinate review of the preliminary plat with affected special districts, and any County, State and Federal agency that may have an interest in the partition.

D. Water Rights.

The Community Development Director shall notify the subdivider of the requirement to file a statement of water rights and if a water right is appurtenant, the water rights certificate number shall be provided if a water right is appurtenant, as required by ORS Chapter 92.

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E. Community Development Director Review.

The Community Development Director may approve, deny or attach conditions to the approval of a preliminary plat. The Community Development Director may apply only those conditions necessary to bring the preliminary plat in conformance with the minimum standards of Section 13.300.

A decision of the Community Development Director may be appealed to the Planning Commission in accordance with Section 9.040 of the Development Code.

F. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the applicant for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and that it complies with all conditions set forth by the City in its preliminary plat approval.

G. Time Limit of Preliminary Plat.

The preliminary plat shall be valid for one year from the date of its approval. The Community Development Director, upon written request by the applicant, may grant an extension of the preliminary plat approval for a period of one year. In granting an extension, the Community Development Director shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the preliminary plat.

H. Submittal of Final Plat.

The applicant shall submit to the City a final partition plat prior to the expiration of the preliminary plat approval.

Any minor partition not submitted prior to the expiration of the preliminary plat shall be considered void.

I. State Requirements Met.

The applicant shall submit to the City a plat of a partition for record when all requirements of ORS 209.250 and the plat requirements of the partition have been met.

City of Astoria
Development Code

13.320. MINOR LAND PARTITION, PRELIMINARY PLAT - INFORMATION ON
PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. A sketch of the original parcel of land (all contiguously owned land) on an 8.5 inch by 11 inch sheet of paper. If a surveyor has prepared a preliminary or final survey for the property, the sketch may be submitted at one of the following standard survey sizes: 8.5 inch by 13 inch; 11 inch by 17 inch; or 18 inch by 24 inch.
2. The date, northpoint, and scale of the drawing.
3. Names and addresses of the owner, applicants, engineer and or surveyor employed in the preparation of the plan.
4. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
5. The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.
6. The existing use or uses of the property, including locations of all structures on the property.
7. The width and location of all proposed easements for drainage or public purposes.
8. Approximate location of physical features such as wetlands and streams on the property, when required by the Community Development Director.
9. When required, a site investigation as required by the Community Development Director and City Engineer.

13.330. MINOR LAND PARTITION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. Within one year after approval of the preliminary plat, or such extension as may have been granted by the City, the partitioner shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

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2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.
3. The final plat shall conform to the requirements of Sections 13.340 to 13.350.
4. No applicant shall submit a plat of a partition for record, until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

B. Community Development Director Review.

The Community Development Director shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Community Development Director determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

C. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the Community Development Director shall sign and date the final plat.

D. County Review and Recording.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

E. Final Plat Complete.

The partition is considered complete after the final plat is recorded by the County Clerk.

F. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

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Development Code

13.340. MINOR LAND PARTITION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The partition plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three (3) inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The partition plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for partition plats of three (3) or more sheets.

13.350. MINOR LAND PARTITION, FINAL PLAT - INFORMATION ON FINAL PLAT.

A. Information Required.

The following information shall be shown on the final plat:

1. The date, northpoint and scale of the partition plat.
3. The partition plat number.
4. Legal description of the partition boundaries.
5. Reference and bearings to adjoining surveys.
6. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
7. Exact location and width of streets and easements intersecting the boundary.
8. Lot boundary lines and their dimensions.

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9. Acreage of each lot.
10. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
11. Any conditions specified by the City upon granting preliminary approval.
12. A statement of water rights noted on the partition plat.
13. Certifications as required by the County Surveyor.
14. If a water right is appurtenant to the partition, the water rights certificate number shall be provided, as required by ORS Chapter 92.

GENERAL REGULATIONS AND DESIGN STANDARDS
(Applicable to Subdivisions, Major and Minor Partition)

13.400. PRINCIPLES OF ACCEPTABILITY.

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance, based on standard engineering practices, concerning streets, drainage facilities, sidewalks, sewer and water systems.

13.410. STREETS.

A. General.

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

B. Street Widths.

Street widths shall conform with City standards, except where it can be shown by the land divider, to the satisfaction of the Planning Commission, that the topography or the small number of lots or parcels served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Planning Commission taking into consideration the zoning designations imposed by the Comprehensive Plan and the Development Code, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

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Development Code

C. Alignment.

As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction, and in no case, shall be less than 150 feet.

D. Future Street Extension.

Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turnaround. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

E. Intersection Angles.

Streets shall intersect at angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

F. Existing Streets.

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

G. Reserved Strips.

No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

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H. Half Streets.

Half streets shall be prohibited except they may be approved where essential to the reasonable development of the subdivision or partitions when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.

I. Cul-de-Sac.

A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

J. Alleys.

When any lots or parcels are proposed for commercial or industrial usage, alleys of at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

K. Grades and Curves.

Grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impracticable to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least .5%.

L. Marginal Access Streets.

Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

M. Street Names.

All street names shall be approved by the Planning Commission for conformance with the established pattern and to avoid duplication and confusion.

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Development Code

N. Private Streets.

The design and improvement of any private street shall be subject to all requirements prescribed by this ordinance for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major partition.

13.420. UTILITY EASEMENTS.

Easements for sewer, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five (5) feet on each side of the rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the City.

13.430. BUILDING SITES.

A. Size and Shape.

The size, width, shape and orientation of building sites shall be consistent with the residential lot size provisions of the Development Code with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Access.

Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

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Development Code

C. Through Lots and Parcels.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

D. Lot and Parcel Side Lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

13.440. BLOCKS.

A. General.

The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Size.

No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

C. Walkways.

The applicant may be required to dedicate and improve ten (10) foot walkways across blocks over 600 feet in length or to provide access to school, park, or other public areas.

13.450. LARGE BUILDING SITES.

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

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Development Code

13.460. WATER COURSES.

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

13.470. LAND FOR PUBLIC PURPOSES.

A. Public Acquisition.

The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the City has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

B. Dedication of Parks and Playgrounds

The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

13.480. UNSUITABLE LAND.

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the County or State health authorities, or, if the property is deemed unsuitable for the reason that it is in an actual landslide area or in a wetlands area.

13.490. LAND SUBJECT TO INUNDATION.

If any portion of land proposed for development is subject to overflow, inundation or flood hazard by, or collection of, storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

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13.500. PROPOSED NAME OF SUBDIVISION.

No tentative subdivision plat or subdivision plan or subdivision shall be approved which bears a name approved by the County Surveyor or County Assessor, which is the same as similar to or pronounced the same as the name of any other subdivision in Clatsop County unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name, or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and if used, the block numbers of the subdivision plat of the same name last filed.

IMPROVEMENTS

13.600. IMPROVEMENT STANDARDS AND APPROVAL.

- A. In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:
1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for the evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. All plans shall be prepared in accordance with requirements of the City.
 2. Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
 3. All required improvements shall be constructed under the inspection, and to the satisfaction, of the City. The City may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.
 4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
 5. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

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13.610. IMPROVEMENT REQUIREMENTS.

Improvements to be installed at the expense of the subdivider or applicant and at the time of subdivision or major partition:

(Section 13.610 amended by Ordinance 94-02, 2-7-94)

A. Streets.

Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.

B. Structures.

Structures specified as necessary by the City, for drainage, access and public safety shall be installed.

C. Sidewalks.

Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.

D. Sewers.

Sanitary sewer facilities connecting with the existing City sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.

E. Water.

Water mains and fire hydrants of design, layout and locations approved by the City shall be installed.

F. Railroad Crossings.

Provision shall be made for all railroad crossings necessary to provide access to or including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or applicant.

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G. Underground Utilities.

This provision shall apply only to utility lines to be installed to provide service within the area to subdivided. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above the ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions make such underground installations unreasonable or impractical. The applicant shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.

H. Street Lighting.

Street lighting of an approved type shall be installed on all streets at locations approved by the City.

I. Street Trees.

Street trees may be required by the City.

J. Street Name Signs.

All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.

K. Improvement of Easements.

Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.

L. Off-Site Street Improvements.

All off-site street improvements, where required shall conform to the standards of the City.

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13.620. MONUMENTS.

All monuments shall be set according to the provisions of ORS 92.060. In making the survey for the subdivision or partition, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to Oregon Revised Statutes.

Interior boundary and lot monuments for the subdivision or partition shall be marked by a registered land surveyor in accordance with ORS 92.060, and referenced in the plat. If the monuments are in place at the time the subdivision or partition is recorded, no performance bond is necessary. If monumentation is delayed beyond the date on which the subdivision is recorded, a bond must be posted to assure that the monuments will be set by a certain date, in accordance with ORS 92.065. The City shall determine the length of time and estimated amount of bond or cash deposit to guarantee payment of the cost of setting the interior monuments in the subdivision or partition.

13.630. SURVEY REQUIREMENTS.

A. Registered Land Surveyor.

The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

B. Scale.

The plat of the subdivision or partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon.

C. Accuracy.

The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

D. Dimensions.

All dimensions to be in feet and decimals of a foot, to the nearest .01 of a foot.

E. Bearing and Curve Information.

In addition to showing bearing in degree, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

1. Arch length;
2. Chord length;

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3. Chord bearing;
4. Radius; and
5. Central angle.

F. Geodetic Control Guidelines.

The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved and filed with the County Surveyor, shall by field survey according to Federal Geodetic Control Committee guidelines for Third Order Class II show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearing shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

G. Requirement Waiver.

Notwithstanding the provisions of Subsection (F) of this Section, the County Surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

VARIANCES, FEES AND ENFORCEMENT

13.700. VARIANCE PROCEDURE.

A. Application.

A property owner may initiate a request for a variance from the requirements of this ordinance by filing an application with the City pursuant to Section 12.070 of the Development Code.

The Application shall be submitted at the same time as the application for a preliminary plat for a subdivision or major partition.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of a proposed subdivision and 200 feet of the boundary of a proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Public Hearing.

The Planning Commission shall hold a public hearing on the variance request in accordance with Section 9.030 of the Development Code. For subdivisions and major partitions the hearing shall be held in conjunction with the hearing held on the subdivision or partition request.

D. Decision.

The Planning Commission shall make a decision on the variance request in accordance with Section 9.030 of the Development Code.

E. Appeal.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

13.710. VARIANCE CRITERIA.

Variations to the requirements of this ordinance may be granted where the criteria in Section 12.010 are met.

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13.720. FILING FEES.

It shall be the responsibility of the applicant to pay for the full cost of processing permit applications. Such fees shall not be refundable. The applicant shall be billed for costs incurred at the conclusion of the City action on the permit request. However, in no case shall the actual cost exceed the cost to the City. Fees shall not include the cost of preparing transcripts for appeals. Fees for preparation of written transcripts shall not exceed the actual cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

13.730. SEVERABILITY.

The provisions of this ordinance are severable. Should any section, clause, or provision of the ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

13.740. PENALTIES FOR VIOLATION.

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not more than 100 days, or both. A violation of the ordinance shall be considered a separate offense for each day the violation continues.

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MH: MARITIME HERITAGE ZONE

14.040. PURPOSE.

The purpose of the Maritime Heritage Zone is to provide visitor-oriented facilities that will support tourist-oriented use of the existing Columbia River Maritime Museum, Clatsop County Historical Society Museum, the adjacent Aquatics Center, and other uses.

14.045. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an MH Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.055 through 14.070, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Eating and drinking establishment without drive-through facility.
2. Home occupation, which satisfies requirements in Section 3.095.
3. Museum.
4. Park.
5. Restaurant as an accessory use to an Inn which has been approved as a Conditional Use. See Section 3.230.
6. Retail sales establishment.

14.050. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a MH Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.055 through 14.070, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and craft studio.
2. Bed and breakfast, inn, or other tourist lodging facility
3. Commercial off-street parking lot.
4. Family day care center.

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5. Indoor family entertainment or recreation establishment.
6. Public or semi-public uses.
7. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
8. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
9. Single-family, two-family, and multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
10. Temporary use meeting the requirements of Section 3.240.

14.055. LOT COVERAGE.

Buildings will not cover more than 90% of the lot area.

14.060. LANDSCAPED OPEN AREA.

A minimum of 10% of the total lot area will be maintained as a landscaped open area.

14.065. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

14.070. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.

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7. Signs will comply with requirements in Article 8 and the specific regulations of the C-4 Zone in Section 8.180.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

FA: FAMILY ACTIVITIES ZONE

14.075. PURPOSE.

The purpose of the Family Activities Zone is to provide family-oriented uses to complement the Aquatics Center and adjacent museums.

14.080. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an FA Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.090 through 14.105, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Aquatics center.
2. Eating and drinking establishment without drive-through facility.
3. Home occupation, which satisfies requirements in Section 3.095.
4. Museum.
5. Park.
6. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
7. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
8. Single-family, two-family, and multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
9. Retail sales establishment.
10. Theater.

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14.085. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a FA Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.090 through 14.105, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Commercial off-street parking lot.
3. Day care center.
4. Family day care center.
5. Indoor family entertainment or recreation establishment not otherwise permitted as an outright use.
6. Professional service establishment.
7. Public or semi-public use.
8. Temporary use meeting the requirements of Section 3.240.

14.090. LOT COVERAGE.

Buildings will not cover more than 90% of the lot area.

14.095. LANDSCAPED OPEN AREA.

A minimum of 10% of the total lot area will be maintained as a landscaped open area.

14.100. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

14.105. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.

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3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

AH-HC: ATTACHED HOUSING/HEALTH CARE ZONE

14.110. PURPOSE.

The purpose of the Attached Housing/Health Care Zone is to develop the area as an attached and senior housing area at a minimum density of 13 units per acre, with medical uses allowed with appropriate buffers. It is intended to be a residential neighborhood in scale and character.

14.115. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an AH-HC Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.125 through 14.150, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Congregate care facility.
2. Family day care center.
3. Heliport associated with a hospital.
4. Home occupation which satisfies the requirements in Section 3.095.
5. Nursing home.
6. Medical or health care service establishments.
7. Multi-family dwelling.
8. Residential facility.
9. Residential home.
10. Single-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
11. Two-family dwelling.

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14.120. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a AH-HC Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.125 through 14.150, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Business service establishment.
3. Day care center.
4. Educational service establishment.
5. Personal service establishment.
6. Public or semi-public use.
7. Retail sales establishment not exceeding 3,000 square feet gross floor area.
8. Temporary use meeting the requirements of Section 3.240.

14.125. YARDS.

The minimum yard requirements in an AH-HC Zone will be as follows:

1. The minimum front yard will be 10 feet. However, the minimum front yard for porches, bay windows, and stairways will be 6 feet.
2. The minimum rear yard will be 5 feet.

14.130. DENSITY.

Residential uses will have a minimum density of 13 units per acre.

14.135. LOT COVERAGE.

Buildings will not cover more than 80% of the lot area.

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14.140. LANDSCAPED OPEN AREA.

A minimum of 20% of the total lot area will be maintained as a landscaped open area.

14.145. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

14.150. OTHER APPLICABLE USE STANDARDS.

1. All uses except single-family and two family dwellings shall meet the landscaping requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

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12. A buffer of 100' shall be maintained between residential uses and non-residential uses within the boundaries of the AH-HC Zone. The buffer area shall not include structures, but may include parking and landscaped open space.
13. The western 100' of land along the 20th Street right-of-way shall be reserved for medical and health care facilities.
14. When a commercial use in an AH-HC Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.
15. Outdoor lighting in the residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.

HC: HEALTH CARE ZONE

14.155. **PURPOSE.**

The purpose of the Health Care Zone is for continued use and expansion of hospital and medical offices. It is also appropriate for residential uses.

14.160. **USES PERMITTED OUTRIGHT.**

The following uses and their accessory uses are permitted in an HC Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.170 through 14.185, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Congregate care.
2. Heliport associated with a hospital.
3. Hospital.
4. Nursing home.
5. Medical or health care service establishment.

14.165. **CONDITIONAL USES PERMITTED.**

The following uses and their accessory uses are permitted in a HC Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.170 through 14.185, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Day care center.
3. Educational service establishment.
4. Personal service establishment.
5. Professional service establishment.
6. Public or semi-public use.

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7. Residential facility.
8. Retail sales establishment not exceeding 3,000 square feet gross floor area.
9. Temporary use meeting the requirements of Section 3.240.

14.170. LOT COVERAGE.

Buildings will not cover more than 90% of the lot area.

14.175. LANDSCAPED OPEN AREA.

A minimum of 10% of the total lot area will be maintained as a landscaped open area.

14.180. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

14.185. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.

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9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.
12. When a commercial use in an HC Zone abuts a lot in a residential zone there will be an attractively designed and maintained buffer of at least five (5) feet in width, which can be in the form of hedges, fencing, or walls.

CA: EDUCATION/RESEARCH/HEALTH CARE CAMPUS ZONE

14.190. PURPOSE:

The purpose of the Education/Research/Health Care Campus Zone is to develop a “university-like” character. The Oregon State University Seafood Lab and Duncan K. Law Seafood Consumer and Education Center will set the tone for new developments in the zone, with emphasis on the development of green spaces, plazas, and other pedestrian facilities.

14.195. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an CA Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.205 through 14.225, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Educational or research service establishment.
2. Home occupation which satisfies the requirements of Section 3.095.
3. Medical or health care service establishment.
4. Retail sales establishment not exceeding 3,000 square feet gross floor area.
5. Seafood processing in association with an educational or research service establishment.

14.200. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a CA Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.205 through 14.225, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Commercial off-street parking lot.
2. Communication service establishment.
3. Day care center.
4. Hospital.
5. Public or semi-public use.

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6. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
7. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
8. Retail sales establishment exceeding 3,000 square feet gross floor area.
9. Single-family, two-family, and multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
10. Temporary use meeting the requirements of Section 3.240.

14.205. LOT SIZE.

The minimum lot size requirements in the CA Zone will be 5,000 square feet.

14.210. LOT COVERAGE.

Buildings will not cover more than 60% of the lot area.

14.215. LANDSCAPED OPEN AREA.

A minimum of 20% of the total lot area will be maintained as a landscaped open area.

14.220. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade.

14.225. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.

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6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

HR: HOSPITALITY/RECREATION

14.230. PURPOSE.

The purpose of the Hospitality/Recreation Zone is to foster a quality regional destination-oriented hotel and associated uses. Uses are intended to relate to the museum, historic train station, and the historic character of Astoria as a whole. There should be easy pedestrian access to the surrounding uses.

14.235. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an HR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.245 through 14.260, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Eating and drinking establishment without drive-through facility.
2. Home occupation, which satisfies requirements in Section 3.095.
3. Hotel, motel, bed and breakfast, inn and other tourist lodging facilities.
4. Park.
5. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
6. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
7. Restaurant as an accessory use to an Inn. See Section 3.230.
8. Retail sales establishment.
9. Single-family, two-family, and multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.

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14.240. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the HR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.245 through 14.260, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Commercial off-street parking lot.
2. Day care center.
3. Family day care center.
4. Indoor family entertainment or recreation establishment.
5. Museum.
6. Personal service establishment.
7. Public or semi-public use.
8. Temporary use meeting the requirements of Section 3.095.

14.245. LOT COVERAGE.

Buildings will not cover more than 90% of the lot area.

14.250. LANDSCAPED OPEN AREA.

A minimum of 10% of the total lot area will be maintained as a landscaped open area.

14.255. HEIGHT OF STRUCTURES.

No structure will exceed a height of 45 feet above grade, except that a hotel will not exceed 60 feet above grade.

14.260. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.

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3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
11. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

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LS: LOCAL SERVICE

14.265. PURPOSE.

The purpose of the Local Service Zone is for those uses that may be of a more vehicular oriented nature, such as gasoline service stations, mini-marts, and other neighborhood commercial uses.

14.270. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an LS Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.280 through 14.295, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Bed and breakfast or inn.
2. Home occupation, which satisfies requirements in Section 3.095.
3. Personal service establishment.
4. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
5. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
6. Retail sales establishment.
7. Repair service establishment not exceeding 3,000 square feet gross floor area.
8. Single-family, two-family, and multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.

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14.275. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a LS Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.280 through 14.295, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Business service establishment.
2. Day care center.
3. Eating and drinking establishment without drive-through facility.
4. Family day care center.
5. Gasoline service station
6. Public or semi-public use.
7. Restaurant as an accessory use to an Inn. See Section 3.230.
8. Temporary use meeting the requirements of Section 3.240.
9. Transportation service establishment.

14.280. LOT COVERAGE.

Buildings will not cover more than 80% of the lot area.

14.285. LANDSCAPED OPEN AREA.

A minimum of 20% of the total lot area will be maintained as a landscaped open area.

14.290. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade.

14.295. OTHER APPLICABLE USE STANDARDS.

1. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.

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3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.

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AH-MP: ATTACHED HOUSING/MILL POND

14.300. PURPOSE.

The purpose of the Attached Housing/Mill Pond Zone is to provide an area of intensively developed mixed uses, incorporating housing, limited commercial uses, recreation, and open space with a strong orientation to the Mill Pond and the Columbia River. Residential development shall have a minimum density of 18 units per net acre.

(Section 14.300 amended by Ordinance 99-19, 9-21-99)

14.305. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in an AH-MP Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 14.315 through 14.340, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and crafts studio.
2. Family day care center.
3. Home occupation, which satisfies the requirements of Section 3.095.
4. Single-family dwelling. *(Section 14.305(4) amended by Ordinance 99-19, 9-21-99)*
5. Two-family dwelling.
6. Multi-family dwelling.
7. Personal service establishment.
8. Professional service establishment.
9. Residential home.
10. Residential facility.

(Section 14.305(4 to 10) renumbered by Ordinance 99-19, 9-21-99)

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14.310. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in a AH-MP Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 14.315 through 14.340, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Bed and breakfast or inn.
2. Day care center.
3. Eating and drinking establishment without drive-through facility.
4. Public or semi-public use.
5. Restaurant as an accessory use to an Inn which has been approved as a Conditional Use. See Section 3.230.
6. Retail sales establishment not exceeding 6,000 square feet gross floor area.
7. Temporary use meeting the requirements of Section 3.240.

14.315. YARDS.

There shall be no minimum yard requirements in the AH-MP Zone.

(Section 14.315 amended by Ordinance 99-19, 9-21-99)

14.320. DENSITY.

Residential development shall have a minimum density of 18 units per net acre.

(Section 14.320 amended by Ordinance 99-19, 9-21-99)

14.325. LOT COVERAGE.

There shall be no lot coverage standards in the AH-MP Zone.

(Section 14.325 amended by Ordinance 99-19, 9-21-99)

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14.330. LANDSCAPED OPEN AREA.

A minimum of 20% of the total area within the AH-MP Zone will be maintained as a landscaped open area. Also, a minimum of 10% of the total area of lots with frontage on Marine Drive and of Lot 47 in Mill Pond Village Subdivision, having frontage on 29th and Waterfront Streets, will be maintained as a landscaped open area. All landscaping shall meet the requirements of Sections 3.105 through 3.120.

(Section 14.330 amended by Ordinance 99-19, 9-21-99)

14.335. HEIGHT OF STRUCTURES.

No structure will exceed a height of 35 feet above grade, with exception of structures on lots with frontage on Marine Drive and on Lot 47 in Mill Pond Village Subdivision, having frontage on 29th and Waterfront Streets, which are limited to a maximum height of 45 feet above grade.

(Section 14.335 amended by Ordinance 99-19, 9-21-99)

14.340. OTHER APPLICABLE USE STANDARDS.

1. Each lot or parcel shall abut a street, alley, or access easement for a width of at least 25 feet. *(Section 14.340(1) added by Ordinance 99-19, 9-21-99)*
2. Outdoor storage areas will be enclosed by appropriate vegetation, fencing, or walls. This requirement does not apply to outdoor retail sales areas.
3. Where feasible, joint access points and parking facilities for more than one use should be established. This standard does not apply to multi-family residential developments.
4. Access drives and parking areas should, where possible, be located on side streets or non-arterial streets in order to minimize congestion on Marine Drive.
5. All uses will comply with access, parking, and loading standards in Article 7.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, commercial uses will comply with the specific regulations of the C-4 Zone in Section 8.180, and residential uses will comply with the specific regulations of the R-3 Zone in Section 8.160.

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8. All structures will have storm drainage facilities that are channeled into the public storm drainage system or a natural drainage system approved by the City Engineer. Developments affecting natural drainage shall be approved by the City Engineer.
9. Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans.
10. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.
11. Outdoor lighting in the residential areas shall be designed and placed so as not to cast glare into adjacent residential properties. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent residences.
12. Development may be located around the Mill Pond provided that public access locations are developed and maintained at intervals around the Mill Pond.
13. A public view corridor, having a minimum width of 25', shall be provided from Marine Drive to the Columbia River; however, a width of 75 feet is recommended.
14. Residential development shall be designed so that front doors will not be located along the 29th Street right-of-way. (*Section 14.340(14) added by Ordinance 99-19, 9-21-99*)

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ARTICLE 15

WIRELESS COMMUNICATION SERVICE FACILITIES

15.010. PURPOSE.

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

1. Provide a process and uniform comprehensive standards for the development and regulation of Wireless Communication Service Facilities.
2. Enhance the ability to provide communications services to City residents, businesses and visitors.
3. Protect the City's scenic, natural, cultural and historical resources, and visual environment from the potential adverse physical and visual effects of Wireless Communication Service Facilities, through careful design and siting standards.

15.015. CONSISTENCY STATEMENT.

These standards and regulations shall be construed to be consistent with any Federal or State standards regulating Wireless Communication Service Facilities which pre-empt or take precedence over the standards and regulations herein. In the event that either the Federal or State government adopt mandatory standards or regulations more stringent than those described herein, the more stringent standards or regulations shall govern.

15.020. APPLICABILITY.

- A. All Wireless Communication Service Facilities located within the City of Astoria, whether upon private, public, or City-owned lands, shall comply with the requirements of Article 15.

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- B. The provisions of this Article do not apply to the following:
1. Antennas owned and operated by Federally-licensed amateur (ham) radio station operators;
 2. Any antenna support structure or antenna lawfully in existence within the City on the effective date of this Article; or
 3. Emergency Communications Facilities and Temporary Communications Facilities for emergency communications operated by public officials.

15.025. DEFINITIONS.

The following definitions shall apply:

ALTERNATIVE ANTENNA SUPPORT STRUCTURES: Roofs of buildings, church steeples, utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar human-made structures and devices that extend vertically from the adjacent grade to a sufficient height, to be at least 30 feet from adjacent grade, to accommodate the attachment of antennas for wireless communications signal transmission and reception.

ANALOG: In radiotelephony, a process where voice messages are electronically replicated and amplified as they are carried from the transmitting antenna to the receiving antenna.

ANTENNA: A specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency (RF) signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by this Article include, but are not limited to: Omni-directional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communications technologies.

ANTENNA ARRAY: Two or more antenna as defined within this Section, above.

ANTENNA SUPPORT STRUCTURE: “Support Structure”: A structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennas at a height, altitude, or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:

LATTICE TOWER: A vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided.

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

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MONOPOLE: A vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube, or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

AVOIDANCE AREA: Locations in the City of Astoria where Wireless Communication Service facilities should not be located, as a substantial adverse impact may result, and where there are reasonably feasible alternative locations for the facilities. An avoidance area is NOT a "prohibited area" since there are conditions under which Wireless Communication Service facilities may be located in an avoidance area.

CAMOUFLAGE: A way of painting and mounting an antenna and antenna support structure, resulting in the antenna and antenna support structure being reasonably difficult for the naked eye to detect or observe.

CARRIER: A company which holds a current Federal Communications Commission (FCC) license to provide Wireless Communications Services under the FCC/1996 Telecommunications Act. Also referred to as a "Wireless Communications Service Provider".

CELLULAR: A mobile telephone service operating in the 800 MHz spectrum.

COLLOCATION (CO-LOCATION): The use of a Wireless Communication Service Facility or site by two or more Wireless Communication Service providers or by one Wireless Communication Service providers for more than one type of communications technology and/or placement of two or more Wireless Communication Service Facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one Wireless Communication Service provider.

CONCEALMENT TECHNOLOGY: The use of technology through which a Wireless Communication Service Facility is enclosed within a natural or man-made feature, or to design a Wireless Communication Service Facility resulting in the antenna being either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it.

DESIGN: The appearance of Wireless Communication Service Facilities including but not limited to: materials, colors, and shape.

DIGITAL: Digital technology converts voice messages into digits (zeros and ones) that represent sound intensities. Because natural pauses in the conversation are eliminated, more call capacity is realized than with analog, and background noise is minimized. Digital is not the same as Personal Communications Services (PCS), as Cellular can be digital also.

DISGUISE: A Wireless Communication Service Facility designed to appear to be something other than a Personal Wireless Service facility.

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ENHANCED SPECIALIZED MOBILE RADIOS (ESMR): Private land mobile radio with telephone services.

EQUIPMENT ENCLOSURE: A structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

ESMR: Enhanced Specialized Mobile Radios.

FCC: Federal Communications Commission.

FCC GUIDELINES: Includes the Radio Frequency (RF) Performance Standards set forth by the FCC" OET (Office of Engineering and Technology) Bulletin 65, "*Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*", as referenced in "*A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*" Guidebook, dated June 2, 2000, or a subsequent FCC publication delineating required radio frequency performance standards.

MAINTENANCE: Emergency or routine repairs or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual appearance, visual impact or an increase in radio frequency emissions.

MAST: A type of mount that is thinner and shorter than a monopole.

MICROCELL: A low power facility used to provide increased capacity to telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility.

MITIGATION: Reduction or elimination of visual impacts by the use of one or more methods such as concealment, camouflage, or disguise.

MODIFICATION: The changing of any portion of a Wireless Communication Service Facility from its description in a previously approved permit.

MOUNT: The structure or surface upon which antennas are placed including but not limited to:

ROOF MOUNTED: Mounted on the roof of a structure.

SIDE-MOUNTED: Mounted on the side of a structure including a tower.

GROUND MOUNTED: Mounted on the ground.

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NIER: Non-Ionizing Electromagnetic Radiation.

NON-RESIDENTIALLY UTILIZED PROPERTY: Property within a residential, neighborhood commercial, or attached-housing zone that is not used for residential purposes. Such property includes, but is not limited to, schools, churches, public parks, public safety facilities, and streets and highways. A public or privately owned vacant lot in a residential zone shall be not be considered non-residentially utilized property as the capacity for residential use exists.

RADIO FREQUENCY (RF) ENGINEER: A professional engineer, licensed in the State of Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.

RF: Radio Frequency.

PCS: Personal Communications Services.

SITE: A portion of a subject property.

SITING: The method and form of placement of a use or development on a specific area of a subject property.

SMR: Specialized Mobile Radio.

SPECIALIZED MOBILE RADIO (SMR): A form of data transmission, dispatch or two-way communications used by companies that rent space or time from the high mount of a SMR carrier. Used primarily for sending information, for services such as delivery vans, truckers, or taxis within a small, definable geographic areas, the signal is not “handed off” to another cell as in Cellular, PCS, or ESMR.

SPECULATION (“SPEC”) TOWER: An antenna support structure designed for the purpose of providing location mounts for Wireless Communication Service Facilities without a binding commitment or option to lease a location upon the tower by a licensed service provider at the time of initial application.

STEALTH: A term meaning “hidden” or “undetectable.” The state of being furtive or unobtrusive.

SUBSTANTIAL ADVERSE IMPACT: (Also see “Avoidance Area”) An impact caused by a proposed project which would produce an end result which:

- a. Is out of character with the scenic, natural, historic, or cultural resources affected, including existing buildings, structures, and features within the vicinity; and/or

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- b. Would diminish the scenic, natural, historic, or cultural value of the vicinity.

WCSF: Wireless Communication Service Facility.

WIRELESS COMMUNICATION SERVICE: Includes, but not limited to Federal Communications Commission (FCC) licensed “commercial mobile services”, (mobile services that are for-profit, are available to the public or a substantial portion of the public, and provide subscribers with the ability to access or receive calls from the public switched telephone network, including Cellular, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), and Enhanced Specialized Mobile Radio (ESMR), *as well as*, “unlicensed wireless services” (services that are not licensed by the FCC, but are deployed through equipment that is authorized by the FCC), and “common carrier wireless exchange access services” (offerings designed as competitive alternatives to traditional wireline local exchange providers).

WIRELESS COMMUNICATION SERVICE FACILITY (WCSF): All equipment and property associated with the construction of antenna support structures, antenna arrays, and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, buildings and similar structures and installations, used for the provision of Wireless Communication Services. A facility for the provision of Wireless Communication Services, as defined by Section 704 of the Telecommunications Act.

WIRELESS COMMUNICATIONS SERVICE PROVIDER: A company which holds a current FCC license to provide Wireless Communication Services under the FCC/1996 Telecommunications Act. Also commonly referred to as a “Carrier.”

15.035. PERMITTED LOCATIONS OF WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Zones.

Wireless Communication Service Facilities, including antenna, antenna arrays, and antenna support structures are permitted with administrative or conditional use review in the zones as provided below:

1. Permitted Zones.

Wireless Communication Service Facilities are permitted in the following zones through the Administrative or Conditional Use process in accordance with Astoria Development Code Article 9:

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- a. A-1 (Aquatic One Development)
- b. A-2 (Aquatic Two Development)
- c. C-3 (General Commercial)
- d. C-4 (Central Commercial)
- e. GI (General Industrial)
- f. IN (Institutional)
- g. LR (Land Reserve)
- h. S-1 (Marine Industrial Shoreland)
- i. S-2 (General Development Shoreland)
- j. Non-Residentially Utilized Properties within the following zones:
 - 1) AH-HC (Attached Housing - Health Care)
 - 2) AH-MP (Attached Housing - Mill Pond)
 - 3) C-1 (Neighborhood Commercial)
 - 4) R-1 (Low Density Residential)
 - 5) R-2 (Medium Density Residential)
 - 6) R-3 (High Density Residential)

2. Avoidance Areas.

The following zones, and areas within zones, are “AVOIDANCE AREAS”.
Wireless Communication Service Facilities are permitted in the following areas
through the Conditional Use process in accordance with Astoria Development Code
Article 9:

- a. A-2A (Aquatic Two A Development)
- b. A-3 (Aquatic Conservation)
- c. A-4 (Aquatic Natural)
- d. C-2 (Tourist Commercial)
- e. CA (Campus)
- f. FA (Family Activity)
- g. HC (Health Care)
- h. HR (Hospitality Recreation)
- i. LS (Local Service)
- j. MH (Maritime Heritage)
- k. PD (Planned Development)
- l. S-2A (Tourist Oriented Shoreland)
- m. S-5 (Natural Shoreland)
- n. Within 150 feet (150') of the Columbia River, Youngs River, and Youngs Bay.

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B. Preferred Location, Siting, and Designs in Priority Order.

1. Administrative Review.

a. Existing Structures

1) Location on Existing Support Structure or Existing Alternative Support Structure; *and*

2) Camouflaged/Concealed Design

2. Conditional Use Review.

a. Location on New Antenna Support Structure

b. Location within AVOIDANCE AREAS

15.045. COLLOCATION AND USE OF ALTERNATIVE ANTENNA SUPPORT STRUCTURES FOR WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Collocation Design Required.

All antenna support structures shall be designed and constructed so as to not preclude collocation.

B. Collocation Required.

Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR
2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR

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3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR
4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR
5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

C. Standards Required of Collocation Applicant.

As deemed necessary by the Community Development Director, compliance with location, siting, and design standards described in this Article may be required of a co-locating applicant during review of the application.

D. Technical Expert Review.

In the event collocation is represented to be infeasible, the City may retain a technical expert in the field of telecommunications engineering to verify if collocation at the site is not feasible, or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant.

E. Good Faith Effort to Collocate.

A Wireless Communications Service provider shall exercise good faith in collocating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide Wireless Communications Service.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.
2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.

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3. Copy of the carrier's current FCC license for the proposed coverage area.
4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.
5. An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.
6. Readily discernible map of the proposed area of coverage.
7. Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.
8. Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.
9. Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.
10. Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.
11. A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.

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12. Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.
13. Payment of fees.
14. All such additional information as the Community Development Director may identify as being relevant to the permitting process.
15. The Community Development Director may release an applicant from the requirement to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

15.065. STANDARDS AND REVIEW CRITERIA.

All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities.

The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

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2. Environmental and Historic Resource Protection.

All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;
- b. Alteration or disturbance of natural vegetation and topography shall be minimized;

3. Noise.

No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

4. Permits Required.

- a. A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.
- b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.

5. Prohibited Structures.

Lattice and guyed wire towers and support structures and speculation (“spec”) support structures are prohibited in all zones.

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6. Radio Frequency Standards.

- a. The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit.

7. Security.

The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.

8. Technical Expert Support.

The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order.

See Section 15.035.B of this Code.

2. Adverse Impact.

WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.

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- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
- c. The amount of vegetative screening.
- d. The distance of the proposed facility from the impacted resource or vicinity.
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

3. Use of Concealment Technology.

All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

4. Access Driveways and Parking.

All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.
- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.
- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors

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matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.

- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.

6. Height.

In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.
- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.
- c. In reviewing Variance requests to the above described height limits, the following shall be considered:
 - 1) The proposed structure and facility uses concealment technology; *and*
 - 2) It is demonstrated that a greater height is required to provide the necessary service.
- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.
- e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.

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7. Landscape and Screening.

All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.
- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
- c. Planted vegetation shall be of the evergreen variety.
- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
- e. The fence shall be a maximum of six (6) feet in height.
- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.
- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.
- h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
- i. Chain link fences shall be painted or coated with a non-reflective color.
- j. Electric, barbed wire, and concertina wire fences are prohibited.

8. Lighting.

- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal

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requirements. Documentation from such State and Federal agencies describing required compliance measures is required.

- b. Exterior lighting shall not glare onto adjacent properties.
- c. Strobe lights are prohibited.

9. Setback.

- a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of “worst-case scenarios”, as recommended in the FCC “*A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*” Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC “*A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*” Guidebook, dated June 2, 2000.
- b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.
- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
 - 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

10. Signs.

The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

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11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.
- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.

15.070. MONITORING AND MAINTENANCE.

A. Testing For Compliance.

All Wireless Communication Service Facilities shall comply with all Federal, State and local regulations. The City at any time may require evidence of testing of a WCSF to determine if the facility is in compliance with all applicable Federal, State, and local regulations. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet the standards of FCC Regulations.

All testing shall be at the cost of the Wireless Communication Service providers. Failure to cooperate with the City in performing such testing shall be adequate basis for revocation of the permit.

B. Maintenance.

The applicant and co-applicant shall maintain the Wireless Communication Service Facility. Such maintenance shall include, but shall not be limited to painting/coating, maintaining structural integrity, and landscaping. In the event the applicant or co-applicant fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, the City of Astoria may undertake the maintenance at the expense of the applicant or underlying property owner.

C. Tree Trimming.

On publicly owned property, trees may be trimmed, but shall be trimmed only upon the issuance by the City of a Tree-Trimming Permit. All tree trimming on private property shall comply at all times with the conditions of the Conditional Use permit, or with the approval

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of the Community Development Director if the level of review under Section 15.035.B was Administrative. Tree-trimming which is disallowed under the conditions of a permit approval shall be adequate grounds for permit revocation.

D. Revocation of Permit.

Any Wireless Communication Service Facility not in compliance with all applicable Federal, State, and local regulations shall be removed, upon failure to bring the facility into compliance after thirty (30) days advance written notice.

15.075. ABANDONMENT.

A. Notice of Abandonment.

At such time that a licensed carrier other than a co-location tenant plans to abandon or discontinue, or is required to discontinue the operation of a Wireless Communication Service Facility, such carrier will notify the City of Astoria Community Development Department by Certified U.S. Postal Service mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

B. Failure to Provide Notice of Abandonment.

In the event that such licensed carrier fails to give such notice, the Wireless Communication Service Facility shall be considered abandoned if the antenna or support structure is not operated for a continuous period of six (6) months. The City may request evidence of continuous operation of the Wireless Communication Service Facility. The date of abandonment shall be determined to be the date of written request of such evidence given by the City to the owner of the subject property. Such request of evidence shall be in writing and sent by Certified U.S. Postal Service mail.

C. Removal of Abandoned Facility.

Upon abandonment or discontinuation of use, the carrier shall physically remove the Wireless Communication Service Facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennae, mounts, equipment cabinets, security barriers, and foundations including entirety of depth of the foundation located below ground surface.

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2. Restoring the location of the Wireless Communication Service Facility to a condition acceptable to the Community Development Director, except any remaining landscaping and grading.

During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Community Development Director or Building Official shall determine.

D. Failure to Remove Abandoned Facility.

If such structure and equipment enclosure are not so removed, as indicated in Section 15.075, the City may seek and obtain a court order directing such removal and impose a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal.

E. Abandonment of Highest Location on Antenna Support Structure.

When abandonment of the highest usable location on an antenna support structure occurs, the owner of the support structure shall have twelve (12) months from the date of abandonment to collocate another service on the support structure. If another service provider is not added to the support structure within that time period, the owner shall dismantle and remove that portion of the support structure which exceeds the point at which the highest antenna is mounted, but only if such dismantling does not affect the structural integrity of the support structure.

F. Penalties.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored support structures, failure to remove an abandoned facility as required by this Sub-Section shall constitute a violation and be subject to the penalties prescribed in Astoria City Code "Penalty" Sections 1.008 to 1.015.

15.080. APPEALS.

A decision of the Approval Authority made pursuant to this Article may be appealed in accordance with Astoria Development Code Article 9.

15.085. FEES.

Applicant shall pay the filing fee at the time of submission of an application. Actual costs incurred in processing the application shall be billed from the filing fee. Upon final decision on an application, and after all expenses have been determined, any remaining filing fee shall be returned to the applicant.

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15.090. PROCEDURES.

A. Administrative Permit.

Prior to submittal of the application, a preapplication conference with the Community Development Director or the Associate Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

1. Application for Administrative Permit.

Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.

2. Notice.

a. Mailed Notice.

Public notice shall be mailed to property owners of record within 500 feet of the subject property in accordance with Article 9, at least twenty (20) days prior to the issuance of a permit for the WCSF. Notice shall also be sent to those parties noted in Section 15.090.C "Notice to Other Agencies".

b. Published Notice.

In addition to the required public notice per Article 9, the City shall publish a display ad of no less than four (4) square inches in a newspaper of general circulation in the City of Astoria at the expense of the applicant. The notice shall set forth the required information pertinent to the application.

3. Decision.

A decision shall be made by the Community Development Director after the notice period and after findings of fact are made that the requirements of Article 15 have been met.

A decision of the Community Development Director may be appealed to the Planning Commission in accordance with Article 9.

B. Conditional Use.

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Prior to submittal of the application, a preapplication conference with the Community Development Director or the Associate Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

1. Application for Conditional Use.

Applicant shall submit three (3) copies of a complete Conditional Use application and plans, in accordance with Article 11; the fee; and other required information, in accordance with Article 15.

2. Notice.

a. Mailed Notice.

Public Notice shall be mailed to property owners within 500 feet of the proposed location described within the application. Notice shall also be sent to those parties noted in Section 15.090.C "Notice to Other Agencies".

b. Published Notice.

In addition to the required public notice per Article 9, the City shall publish a display ad of no less than four (4) square inches in a newspaper of general circulation in the City of Astoria at the expense of the applicant. The notice shall set forth the standards required and other information pertinent to the application.

3. Decision.

A decision shall be made in Accordance with Article 11, Conditional Use, and after findings of fact are made that the requirements of Article 15 have been met.

A decision of the Planning Commission may be appealed to the City Council in accordance with Article 9.

C. Notice to Other Agencies.

Public Notice to other agencies shall be given to the City of Astoria Public Works Director, Clatsop County Planning Department, Clatsop County Assessment and Taxation Department, U.S. Coast Guard, Port of Astoria, Oregon Department of Aviation, FAA, Regional 911 Coordinator, US Fish and Wildlife, and any special districts and local, State, or Federal agency that may have an interest in the proposed application. Written comments will be incorporated into the record of the public hearing.

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D. Notice of Decision.

In addition to the requirements of Article 9, written notice of the decision shall be provided to the Regional 911 Coordinator, U.S. Coast Guard, Port of Astoria, Oregon Department of Aviation, and Clatsop County Assessment and Taxation Department.