



AGENDA

ASTORIA CITY COUNCIL

Monday, November 7, 2022
7:00 PM
2nd Floor Council Chambers
1095 Duane Street, Astoria OR

REGULAR COUNCIL MEETING

Public meetings will be conducted in the Council Chambers and video live-streamed. Go to https://www.astoria.or.us/LIVE_STREAM.aspx for connection instructions.

1. CALL TO ORDER

2. ROLL CALL

3. REPORTS OF COUNCILORS

4. CHANGES TO AGENDA

5. CONSENT CALENDAR

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

5.a [City Council Meeting Minutes for October 3, 2022](#)

The minutes of the City Council meeting are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

5.b [Planning Commission Meeting Minutes- June 28, 2022; July 26, 2022; September 27, 2022](#)

Approved Planning Commission minutes for the review of the City Council.

5.c [Library Advisory Board Draft Meeting Minutes - October 4, 2022](#)

Draft meeting minutes from the 10/4/22 Library Advisory Board meeting are attached for informational purposes.

5.d [Parks Advisory Board Draft Meeting Minutes - September 28 2022](#)

Draft meeting minutes from the September 28 Parks Advisory Board Meeting are attached for informational purposes

5.e [Authorization to Change Monday Meeting Dates That Fall on a Holiday to the Following Day in 2023](#)

Authorization to move City Council meeting dates that fall on a Monday in 2023 to another date.

5.f [Waiver of Fees for Holiday Downtown Parking](#)

The Astoria Downtown Historic Association (ADHDA) is requesting that the City Council implement a waiver of overtime parking for the upcoming holiday season.

5.g [Consideration of Bowpicker Fish & Chips, LLC Lease Renewal](#)

Owners of Bowpicker Fish & Chips, LLC, have requested the renewal of their lease located at the northwest corner of 17th and Duane Streets for another 10-year term.

5.h [Consideration of License to Occupy for Use of Portion of Riverwalk for Garbage Container Enclosure for Astoria Food Hub \(1152 Marine Dr.\)](#)

This is a license to occupy for the Astoria Food Hub to utilize a portion of the right-of-way of the Riverwalk to locate an enclosure for the building's dumpsters adjacent to parking spaces on the north side of the building.

6. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

6.a [WCT MARINE & CONSTRUCTION INC. ENTERPRISE ZONE AGREEMENT](#)

WCT Marine has submitted an application for the Long-term tax incentive and the application has been processed by the Enterprise Zone Manger. With the aid of tax incentives from the four enterprise zone sponsors, WCT Marine & Construction Inc. intends to lease new and redeveloped property from Hyak Tongue Point LLC (Hyak), and within the boundaries of the Clatsop County Enterprise Zone. The anticipated investment is approximately \$22,000,000, with a projected in-service date of August 1, 2024. Following approval of the agreement, resolutions would be brought to the Astoria City Council and Clatsop County Commission for the final ratification.

6.b [Second Reading and Consideration of Adoption of Camping Ordinance Pertaining to Place](#)

A draft ordinance addressing “Place”, portion of the “Time, Place and Manner” requirements of HB 3115 regarding areas that are available to homeless individuals for sleeping and camping.

6.c [Public Hearing and Second Reading of Proposed Development Code Amendment \(A22-01\) Related to the Expansion of Housing Opportunities in Response to the Recent State Law Requirements and Regional Housing Study Recommendations](#)

City staff is proposing an amendment to the Astoria Development Code intended to satisfy new state legislation, newly enacted administrative rules, as well as the County’s recommendations while incorporating the requirements of HB2001 and SB458. Also included in the proposed amendment are several adjustments which are intended to clarify the development review process. A First Reading and public hearing was held with City Council on September 19, 2022. The City Council closed the public hearing and voted to hold a first reading for the amendment. A second public hearing and second reading was held on October 17, 2022 with the decision to extend the hearing and reading to the November 7, 2022 City Council Meeting.

6.d [Public Hearing and First Reading of Ordinance Relating to the Astoria Fire Code and Automatic Fire Alarm](#)

To conform with state and national standards, as well as to update the Astoria Fire Code to meet current practices, staff has prepared an ordinance proposal for the City Council.

6.e [Consideration to Approve a Grant Application for Oregon Department of Parks and Recreation's Recreational Trails Program Grant for the Richard Fencsak Cathedral Tree Trail Improvements and Enhancements](#)

Approval by City Council for the Parks and Recreation Department to apply for Oregon Department of Parks and Recreation's Recreational Trails Program grant opportunity.

6.f [Public Works Shops Roof Replacement - Phase 2 - Authorization to Award Goods and Services Contract](#)

The main building at the Public Works Shop has a metal roof that is in need of replacement. Public Works staff recently solicited quotes for the work. Dr. Roof Inc. provided the lowest responsive quote of \$113,002.00. This is within the \$120,000 budgeted for the project this fiscal year. Dr. Roof completed the lower section of the roof earlier this year, and Staff was pleased with their work.

6.g [14th Street Park Pier Repair Project - Authorization to Award Professional Services Contract for Construction Services](#)

Several years ago a structural inspection of the 14th Street Park Pier identified numerous critical repairs that need to be completed for continued use of the structure. DOWL provided a proposal for construction services for this project. These services include construction management and inspection to ensure that their design plans are implemented appropriately. The total estimated not-to-exceed cost of these services is \$62,191.

6.h [Acquisition of Real Property for Future Irving Avenue at 33rd Street Bridge Replacement](#)

The Irving Avenue Bridge is showing signs of deterioration, is load-limited, the roadway width and railing do not meet current standards, and is the last remaining bridge to be replaced in the Astoria City limits. There is a need to increase the radius of the bridge alignment to provide a safer curve on the proposed replacement bridge was identified. To do so, staff can make a formal request to the County to transfer two parcels of the land to the City.

7. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

8. EXECUTIVE SESSION

8.a [ORS 192.660\(2\)\(a\) Employment of a Public Officer and \(d\) Labor Negotiations](#)

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022
TO: MAYOR AND CITY COUNCIL
FROM: PAUL BENOIT, INTERIM CITY MANAGER
SUBJECT: CITY COUNCIL MEETING MINUTES FOR OCTOBER 3, 2022

DISCUSSION / ANALYSIS:

The minutes of the City Council meeting are enclosed for review.

RECOMMENDATION:

Unless there are corrections, it is recommended that the City Council approve these minutes.

BY: RYAN QUIGLEY, EXECUTIVE ASSISTANT

ATTACHMENTS:

[ACC Oct 3 2022 Final.doc](#)

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Rocka, Herman, and Mayor Jones.

Councilors Excused: Brownson and Hilton.

Staff Present: Interim City Manager Benoit, [Parks and Recreation Director Dart-McLean](#), [Community Development Director Leatherman](#), [Finance Director Brooks](#), [Fire Chief Crutchfield](#), [Police Chief Kelly](#), [Public Works Director Harrington](#), [Interim Library Director Harold](#), and [City Attorney Henningsgaard](#). The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

PRESENTATIONS

Item 3(a): Officer Madyson Hanna Swearing In and Introduction to City Council

Chief Kelly introduced Officer Madyson Hanna, noting her personal and professional backgrounds.

Mayor Jones conducted the swearing in of Officer Hanna.

PROCLAMATIONS

Item 4(a): Domestic Violence Awareness Month

Mayor Jones read the proclamation declaring October 2022 to be Domestic Violence Awareness Month in Astoria.

[Mia, \[12:38\]](#) The Harbor, provided information about The Harbor's services and programs, and statistics about domestic violence.

Item 4(b): Great Oregon Shakeout Proclamation

Mayor Jones read the proclamation declaring October 20, 2022 to be The Great Oregon Shakeout Day in Astoria. He encouraged everyone to take steps to be prepared for natural disasters.

REPORTS OF COUNCILORS

Item 5(a): Councilor Rocka reported that the Staff reports were included in this meeting's agenda packet. He encouraged everyone to read the reports to find out what each department was doing.

Item 5(b): Councilor Herman reported that library would be celebrating its 55th birthday on Saturday between 5:00 pm and 8:00 pm. The birthday party is open to the public. Tours will be given and cake will be served. If the bond passes in the general election this November, the basement and other parts of the library would be remodeled and made accessible. She also reported that Reach Break Brewing would be hosting a benefit for the Library Foundation [several days later \[18:38\]](#) from 5:00 pm to 8:00 pm. One dollar for every beer sold will be donated to the Foundation. She thanked Staff for the quarterly reports. She never ceased to be amazed at how much the small city does. She noted that Chief Kelly had an idea to create a community maintenance team, a group of City employees from various departments who would confer on chronic Code compliance issues. She hoped that before too long, the city would have a Code compliance officer to address the problems. She thanked the Police Department for placing extra patrols along the Riverwalk and downtown on busy days. The department is stretched thin, so she appreciated their occasional presence along the Riverwalk because she hated to hear citizens say they do not feel safe there.

Item 5(c): Mayor Jones had no reports.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7(a) Department Head Status Updates: October 2022
- 7(b) Liquor License Application from River Barrel Brewing, Inc., doing business as Buoy Beer Company, located at 1152 Marine Drive, for a Full On-Premises Commercial Sales License
- 7(c) Liquor License Application from Do Cool Thinks LLC, doing business as Obelisk Beer Co., at 598 Bond Street for a Brewery Public House Primary Location Sales License
- 7(d) Parks Advisory Board Meeting Minutes of August 24, 2022
- 7(e) Maritime Memorial Committee Meeting Minutes of August 18, 2022
- 7(f) City Council Meeting Minutes of September 6, 2022

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Herman, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Herman, Rocka, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 8(a): Consideration to Approve the Intergovernmental Agreement between Astoria, Seaside, and Warrenton Regarding Libraries

The intergovernmental agreement (IGA) between the cities of Astoria, Seaside and Warrenton regarding libraries was signed in 2019 and is up for renewal. Astoria Public Library benefits from the IGA in multiple ways. Through the IGA, the libraries created the Northwest Library Cooperative, formalizing cooperation among the three libraries, standardizing fees and procedures, creating a shared online catalog, and hiring a courier service to transport materials between libraries. The IGA has resulted in cost savings on the courier service, online catalog system, and the purchase of digital e-books and audiobooks. Staff has updated the 2019 IGA (details below) and recommends that the agreement be renewed for five more years.

Changes to the IGA:

- The IGA extends for a period of five years (2022-27) rather than three.
- Language has been updated to reflect new shared library catalog system, SirsiDynix Integrated Library System (ILS).
- Language has been updated to include the Northwest Library Cooperative, created in 2020.
- Inclusion of Libraries ROCC (Reading Outreach in Clatsop County). In the past, the city has signed a separate IGA with Seaside and Warrenton with regards to Libraries ROCC, a 501(c)3 organization that provides no fee library cards to rural youth in Clatsop County, coordinates the countywide summer Reading program, and began the courier service between the libraries and schools in Jewell and Knappa. Libraries ROCC is key to how the libraries of Seaside, Astoria and Warrenton work together through the Northwest Library Cooperative and has been folded into this IGA.

The IGA has been considered and approved by the City Councils of Seaside and Warrenton and is attached. The City Attorney has reviewed the IGA and approved it as to form. Staff recommends that Council consider the renewal of the intergovernmental agreement (IGA) between the cities of Astoria, Seaside and Warrenton through 2027.

Director Harold provided a brief history of how this agreement came about, noting that it has been routinely renewed.

Jessica Jacobson, 81234 Polar Ridge Rd., Warrenton, Libraries ROCC Coordinator, thanked the City Council for their support of the IGA, noting that the program would not be successful without collaboration among the three libraries. She provided information about grant funding that supported the program and the services that the program provides.

Councilor Herman confirmed that all children in the county could check out books for free, regardless of where they live in the county.

Councilor Rocka said this agreement expands what each library is able to offer.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, to renew the intergovernmental agreement (IGA) between the cities of Astoria, Seaside and Warrenton through 2027. Motion carried unanimously. Ayes: Councilors Herman, Rocka, and Mayor Jones; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Councilor Rocka said he believed the City's goal should be to provide beds and a place for people to part their vehicles. He requested that the City Council discuss the potential appointment of a Council sub-group to explore the possibility of getting enough shelter beds for the homeless population and find locations with trash disposal and portable restrooms where homeless people with vehicles can park overnight. These facilities would solve some of the issues in the community.

Mayor Jones responded that the Owens-Adair project seemed to be moving forward so far. The project would include 25 units for seniors coming out of homelessness. He and Interim City Manager Benoit met with the County that morning to discuss options for getting beds in Astoria, but he had nothing to report yet.

Trudy VanDusen [Citovic, \[33:22\]](#) 636 14th St., Astoria, said her family had been in Astoria since 1848 and she cared deeply about the long-term future of the town. In 2018, she and her husband restored the top floor of the Uppertown Firefighters Museum by turning it into a yoga studio. They then purchased the former Rosebriar convent and restored it. She, her brother, and her father purchased 1681 Franklin and restored the house, which was built by her great-great-grandparents in the 1880s. The housing opportunities discussed at the last meeting included many wonderful things for the community. All of the Code changes recommended by the State, the County Housing Study, and Staff would be good changes that would lead to additional housing. However, she did ask the Council to consider how making hotels and motels a conditional use in the C-3 zone would make the restoration of historic properties more difficult. She believed that would limit the new construction of hotels and motels in those zones, which she fully supported. She recommended an exception for historic buildings in the C-3 zones. One example is the building at 2903 Marine Drive, which is in extreme disrepair. There is no foot traffic in that area so it is not a good place to put a retail establishment and would require a large investment to renovate it into anything. The potential to put three to five short term rentals in the back of that building and turn the front into something economically viable would make the entire investment more palatable. The exception for historic buildings in C-3 zones would not take away any housing opportunities but would give investors a way to get reliable income from buildings that require a lot of investment.

Mayor Jones responded that Ms. Citovic's suggestion was worth thinking about. He would be more in favor of incentivizing housing in historic buildings rather than allowing short-term rentals outright.

[Bob McGee, no address stated, \[39:20\]](#) said he and his wife had been working on old buildings to return them to their original condition, which is expensive. He would not be able to do that without the ability to have short-term rentals in C-3 zones.

Councilor Rocka asked how a conditional use would create extra barriers.

Ms. Citovic responded that making an investment with the risk of a conditional use permit being denied, as opposed to knowing she would have an outright potential to have short-term rental, would make the difference between her being interested in making an offer on a building or not.

Councilor Herman stated that the conditional use permit was added to give the public the opportunity to speak out about a big hotel project. She believed the city should do whatever it could to incentivize the preservation of historic buildings, but she also supported giving the public the opportunity to speak out against a hotel project.

The City Council recessed into Executive Session at 7:39 pm. [42:59]

[Audio Ends Here at 44:01]

EXECUTIVE SESSION

Item 10(a): ORS192.660(2)(e) – Consideration of City Manager Employment

The City Council will meet in executive session to discuss hiring a City Manager.

ADJOURNMENT

There being no further business, the meeting was adjourned at ??? pm.

ATTEST:

APPROVED:

Finance Director

City Manager

DRAFT



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: PLANNING COMMISSION MEETING MINUTES- JUNE 28, 2022;
JULY 26, 2022; SEPTEMBER 27, 2022

DISCUSSION / ANALYSIS:

The meeting minutes from the Astoria Planning Commission are attached for informational purposes.

RECOMMENDATION:

BY: TIFFANY TAYLOR, ASSOCIATE PLANNER

ATTACHMENTS:

[6-28-22 APC min_approved_signed.pdf](#)

[7-26-22 APC min_approved_signed.pdf](#)

[9-27-22 APC min_draft for review.pdf](#)

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
June 28, 2022

CALL TO ORDER:

President Moore called the meeting to order at 5:33 pm.

ROLL CALL:

Commissioners Present: Daryl Moore, Sean Fitzpatrick, Patrick Corcoran, Cindy Price. Brookley Henri arrived at 5:39 pm.

Commissioners Excused: Chris Womack and David Kroening.

Staff Present: Community Development Director Meg Leatherman and Associate Planner Tiffany Taylor. The meeting is recorded and will be transcribed by ABC Transcription Services, LLC.

APPROVAL OF MINUTES:

President Moore called for approval of the May 24, 2022 minutes. Commissioner Fitzpatrick noted the following correction needed to be made:

- Page 2, Paragraph 7 – “Dave Bellard **Pollard**, 1676 Jerome Avenue, Astoria stated he had lived in his home for about 32 years.”

Commissioner Corcoran moved to approve the minutes of May 24, 2022 as corrected; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

A22-01 Amendment Request (A22-01) by Community Development Director, to Amend the City of Astoria Development Code sections to apply the same standards to a two-family dwelling use as a single family dwelling use throughout the entirety of the Development Code, clarify cottage cluster development standards, clarify residential use types, clarify group living use types, reduce lot size, lot width, and remove lot coverage requirements, and add maximum lot size for the R-1, R-2, R-3 zones, remove homestay from the R-1 zone, add cottage cluster to the R-1 zone as a conditional use, change multifamily use to permitted outright in the R-2 zone, change cottage cluster to permitted outright in the R-2 and R-3 zones amend homestay to be a conditional use in the R-2 zone, add cottage cluster and group living facility to permitted outright in the R-3 zone, add cottage cluster development as permitted outright in the C-1 zone, change transient lodging to a conditional use in the C-2 and C-3 zones, add cottage cluster development as permitted outright in the C-3 zone, amend residential facility to permitted outright in the C-4 zone, amend multi-family to be permitted outright in the S2-A zone, change the height standard for the S2-A zone, remove permit requirement for accessory dwelling units, remove requirement for landscaping with a change of use, modify expansion of non-conforming structure criteria, amend minimum parking standards for residential structure types and group living, add middle housing land division.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. He explained that public input would be taken, but the Commission would not be voting on this amendment at this hearing. The hearing would be left open until the next meeting in July.

Commissioner Henri arrived at 5:39 pm.

President Moore asked Staff to present the Staff report.

Director Leatherman reviewed the written Staff report via PowerPoint. Her presentation included an overview of all of the public comments received to date and a high-level summary of the amendments. She asked that Commissioners send Staff their comments prior to July 15th.

Commissioner Price confirmed that Staff would be adding the public testimony received after the Agenda packet was published to the public record. She asked if emergency services had any say about parking requirements. Director Leatherman explained that emergency services require a minimum road width for maneuverability. Commissioner Corcoran added that in previous discussions, it was noted that emergency services also needed adequate ingress and egress at dwelling units.

Commissioner Price asked if the amendment needed to reflect that the State defines recreational vehicles (RVs) and tents as housing. Director Leatherman said the City Council would be meeting on July 18th to discuss where camping would be allowed and prohibited.

Commissioner Corcoran asked if family related terms were being removed. Director Leatherman said Staff was working to address the language in the amendments.

President Moore opened the public hearing and called for public testimony.

Kevin Leahy, Executive Director, Small Business Development Center (SBDC) and Clatsop Economic Development Resources (CEDR), 1759 5th Avenue, Astoria, said he had been working with Director Leatherman and her team throughout this entire process. He also participated in the 2019 Clatsop County Housing Study and read through all of the notes from the listening sessions. Astoria needs housing and it was so important to protect the integrity of the neighborhoods. Every day, the businesses that work with CEDR and SBDC say that housing is their number one issue. The lack of housing is impeding economic development. He appreciated that the business community was able to provide input.

Christine Yeigh 84 W. Duane, Astoria, said she just recently purchased her home. She asked if the new zoning laws were the ramifications of Oregon's eminent domain laws. She did not understand how duplexes and fourplexes would fit into neighborhoods without someone giving up their land. There is not a lot of room to build in Astoria. She asked if the historic buildings would continue to be protected.

Director Leatherman stated that the design requirements for historic buildings and districts would remain in place. She clarified that eminent domain was not driving these amendments. House Bill 2001 requires more duplexes and Senate Bill 458 requires more subdivisions. The 2019 County Housing recommendations were also being incorporated. The intent is to allow more housing options.

Ms. Yeigh asked how many homes the City wanted to add.

Director Leatherman explained that the City would start an analysis next year because Astoria is required to update the Buildable Lands Inventory. After that, Staff would consider Astoria's housing needs and determine how much housing could fit on the available land.

Ms. Yeigh asked where the funding from this work would come from.

Director Leatherman said the City had received grant funding.

Commissioner Corcoran added that the City would not be forcing property owners to add additional dwelling units to their properties through eminent domain. The amendments would allow property owners more options for developing their properties.

Mike Francis, 783 Glasgow, said he was surprised to see that lot coverage minimums would be eliminated. He asked if there would be a way to examine individual requests to determine if erosion or infrastructure would be affected.

Director Leatherman explained that the building permit and conditional use permit processes would still apply. She added that setbacks would guide the buildable area of individual properties. Addressing utilities would require coordination with other departments. However, this amendment would not add the potential for so much more effluent that problems would occur which would require the City to address infrastructure anytime soon.

Richard Balkins, 1243 Franklin Ave., Astoria, asked how the proposed maximum lot size affected properties that currently exceeded that requirement.

Director Leatherman stated that lots which are currently out of compliance are considered non-conforming. Staff made an effort to propose numbers that would not create additional non-conforming lots in the future. Non-conforming lots have the same rights as lots that are in compliance as long as no substantial construction is done.

Mr. Balkins stated he supported the proposed amendments. If something does not work, the City can make more adjustments in the future.

Randy Stemper, P.O. Box 1417, Astoria, said he wanted the Commission to take a hard look at the proposed minimum 2,500 square foot lot size for the R-1 zone. The cost of construction is escalating out of control. The R-1 zone is typically a family-oriented neighborhood and he wanted the cost of housing to come down in those neighborhoods. Lots at 5,000 square feet could have a duplex, which would have 2,500 square feet per unit. If an owner is allowed to split the lot, the result is a townhouse situation. Protecting the residential neighborhoods in R-1 zones is very important. Over time, houses have become larger and larger. However, a nice house can be built on a 2,500 square foot lot. He believed the reduction of required parking in neighborhoods should not be approved. Astoria has narrow streets and the residential character should be preserved. He believed the City should require at least two parking spots per residence.

Commissioner Corcoran responded saying that others had commented about 2,500 square feet was the minimum in today's market.

Commissioner Price said in California, in order to split a property in an R-1 zone, the lot must be split evenly. She asked if Oregon had the same requirement.

Director Leatherman explained that the middle housing subdivision proposal was just for middle housing types and does not require lots to be split in any particular way. However, she could consider such a requirement if it would be helpful to Astoria.

Commissioner Price said a lot of houses in Astoria have been built in what has not been identified as potential slide areas. She asked if these houses were allowed to add accessory dwelling units (ADUs).

Director Leatherman stated most of the land left to be built on is in a slide zone. If adequate engineering is done, ADUs could be built in those areas.

Commissioner Price said the engineering requirements for slide zones could inhibit the development of ADUs.

Denise Sladek, 369 W. Lexington Ave., Astoria, said she was concerned about living next to an RV or a tent. She asked how that would be managed.

President Moore stated the City Council would be addressing that on July 18th.

Donna Geertz, 1725 8th St., Astoria, asked if parking for middle housing types had been addressed in the amendment.

Director Leatherman stated that the proposal is for 0.65 parking spaces per bedroom, which will result in more parking.

Ms. Geertz asked for an explanation of what that would look like. She understood that parking space was being required but not covered parking or garages. Unkempt cars are unsightly.

Director Leatherman explained that the requirement is for off-street parking. Many of the homes in Astoria do not have enough extra land to add a parking area, so the parking space would have to be built into the house structure in some way.

Commissioner Price asked how Staff determined that 0.65 spaces per bedroom was appropriate. She also wanted to know how Staff would use that requirement.

Director Leatherman explained that rounding errors would be reduced.

President Moore further explained that a 2-bedroom unit would be required to have 1.3 parking spaces, which would be rounded up to two parking spaces.

Commissioner Corcoran stated that the comments from builders and developers were very helpful. Preserving the integrity of residential neighborhoods was key. Lots have changed over the years and the quality of life and residential character has been maintained while evolving. The June 17th discussion on Portland moving away from mandates that link new housing to more parking spaces was a good dialogue. Most Americans will continue to drive to most places, but alternatives needed to be made available to more people at an affordable price. Circumstances lead to the prioritization of parking below housing for the first time since World War II. Each parking space costs \$20,000 and could be developed into a bedroom. It is difficult to implement other strategies for more affordable housing without densification and transit for residential areas. Portland's code changes resulted in 170 properties being developed that could not have been developed without the code changes. Astoria's code changes would result in slow and gradual development. The codes could be changed again as well.

Commissioner Price said she did not believe Astoria should be compared to Portland. She thanked the builders and housing providers for submitting input. She also appreciated the Agenda packet.

Commissioner Fitzpatrick stated that he agreed parking was important. As a housing provider, he noticed that there were diverging trends. Twenty years ago, his tenants averaged one car per household. Today, tenants have multiple cars. He appreciated Director Leatherman's comments about Astoria's buildable lands. He believed there was a lot of land in Astoria that was not buildable. Until there is a realistic estimate of what is buildable in Astoria, the Buildable Lands Inventory is not helpful.

Commissioner Henri said she agreed that the Buildable Lands Inventory needed to be updated. However, she was concerned about the order of operations because the proposed code amendments might result in developers attempting to build in questionable areas. She also believed the definition of a qualified professional should be added. The code should also make sure that City engineering is involved in development projects. It was also important to consider what construction could do to a neighboring parcel. The code should address the land slides and geohazard issues. Parking is definitely an issue and it could be problematic when homeowners or business patrons cannot find parking. However, there is a belief that single-use vehicles would begin to decline or get smaller. She preferred that the code require less off-street parking. She liked the idea of prohibiting multi-family dwellings in R-1 zones, allowing them as a conditional use in R-2 zones, and allowing them outright in R-3 zones. She noted that the code used the word family in two different ways. The code defines a family as one or more people and up to but not more than four unrelated people when it talks about single-family and multi-family dwellings. The other use was in uses for buildings, as in a family daycare or family entertainment. People keep mentioning the way the word family is used and some seem to be confused. Therefore, she suggested some clarification be added to the code.

President Moore thanked everyone for participating and said the comments made tonight would be part of the public record. People could continue to submit comments to the Community Development Department until July 26th, but he encouraged people to submit comments by July 15th so that the Commissioners could consider them prior to the next meeting. The Commission's role is to make sure that Staff's recommendations meet the goals in the Comprehensive Plan and make a recommendation to City Council. The City Council will enact the amendments into law. The public will also be able to submit comments during City Council's public hearing on these amendments.

Commissioner Fitzpatrick moved to continue the hearing of Amendment Request A22-01 by Community Development Director to July 26, 2022, at 5:30 pm in City Hall Council Chambers; seconded by Commissioner Price. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick reported that he spoke with several general contractors over the last week and learned that there is a shortage of people working in their trade and in ancillary companies that provide products and services to contractors. Until more people are working in those companies and in the trades, the housing shortage would continue regardless of code changes.

STAFF UPDATES/STATUS REPORTS:

Save the Date

- Next APC + TSAC Meeting – Tuesday, July 26, 2022 @ 5:30 pm

PUBLIC COMMENTS:


There were no public comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:55 pm.

APPROVED:

[at the July 26, 2022 APC meeting / no changes]



Community Development Director

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

July 26, 2022

CALL TO ORDER:

President Moore called the meeting to order at 5:33 pm.

ROLL CALL:

Commissioners Present: Daryl Moore, David Kroening, Patrick Corcoran, and Chris Womack.

Commissioners Excused: Sean Fitzpatrick, Cindy Price, and Brookley Henri.

Staff Present: Community Development Director Leatherman. The meeting is recorded and will be transcribed by ABC Transcription Services, LLC.

APPROVAL OF MINUTES:

The minutes of the June 28, 2022 meeting were approved as presented by unanimous consent.

PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

A22-01 *Continued from the June 28, 2022 meeting* - Amendment Request (A22-01) by Community Development Director, to Amend the City of Astoria Development Code sections to apply the same standards to a two-family dwelling use as a single-family dwelling use throughout the entirety of the Development Code, clarify cottage cluster development standards, clarify residential use types, clarify group living use types, reduce lot size, lot width, and remove lot coverage requirements, and add maximum lot size for the R-1, R-2, R-3 zones, remove homestay from the R-1 zone, add cottage cluster to the R-1 zone as a conditional use, change multifamily use to permitted outright in the R-2 zone, change cottage cluster to permitted outright in the R-2 and R-3 zones amend homestay to be a conditional use in the R-2 zone, add cottage cluster and group living facility to permitted outright in the R-3 zone, add cottage cluster development as permitted outright in the C-1 zone, change transient lodging to a conditional use in the C-2 and C-3 zones, add cottage cluster development as permitted outright in the C-3 zone, amend residential facility to permitted outright in the C-4 zone, amend multifamily to be permitted outright in the S2-A zone, change the height standard for the S2-A zone, remove permit requirement for accessory dwelling units, remove requirement for landscaping with a change of use, modify expansion of non-conforming structure criteria, amend minimum parking standards for residential structure types and group living, add middle housing land division.

President Moore noted this hearing remained open from the June meeting and asked Staff to present the Staff report.

Director Leatherman reviewed the most recent changes made to the Code amendments via PowerPoint. The changes were based on State legislation, the County Housing Study, public input, and feedback provided by Commissioners. Typographical errors had also been corrected in the Code amendments.

President Moore called for public testimony.

Nathan Phillips, 206 Bristol St., Astoria, requested the Commission review height restrictions for transient lodging in the C-3 zone between the bridge and the high school, which was eagle habitat. He was concerned about large

structures would impact erosion and runoff controls that were put in 10 years ago. He also wanted to maintain the view.

Director Leatherman confirmed that the height limit in the C-3 zone was 45 feet above grade. No changes to the height limits had been proposed as part of this Code amendment.

President Moore suggested that Mr. Phillips make his request to the City Council.

Commissioners reviewed and discussed the proposed Code amendments, asked clarifying questions of Staff, and recommended changes with the following key comments:

Maximum lot sizes in residential zones

- Director Leatherman confirmed for Commissioner Womack that the maximum lot sizes had been added to ensure that developers would not buy up multiple lots on the same street and build a large development. The maximums were based off of Astoria's existing lot sizes. Commissioner Corcoran added that the intent was to prevent single family homes where higher density housing could be built.
- Commissioner Womack and President Moore expressed concern about the proposed language. Astoria had several vacant lots that were already larger than the maximum and they did not want the new Code provision to prevent or limit future development on those lots.
 - Director Leatherman explained that those lots would become nonconforming and the section of the Code covering nonconforming lots would allow those lots to be developed. However, she would ask the City Attorney to review the proposed language to ensure it effectively conveyed the intent and that the Code would be applied correctly.
 - Director Leatherman added that the amendment would not allow variances to be granted for density and maximum buildable area or use restrictions. This would also ensure that development could occur on a lot larger than the maximum, which was meant to encourage density without increasing height limits.
- President Moore confirmed that he understood the goal of the maximum lot size; however, there were large vacant lots adjacent to other large lots with homes on them and he did not want the Code language to limit or prevent development of those vacant lots.
 - Director Leatherman stated she would talk to the City Attorney to make sure the section of Code on nonconforming lots would protect those large vacant lots.

Lot dimensions and lot size minimums

- Commissioner Womack pointed out that some of the required lot dimensions resulted in lots larger than the minimum lot size. Director Leatherman confirmed she would make sure the dimensions equaled the lot sizes.
- Commissioner Womack expressed concern about the how the dimensions and lot sizes would impact the irregularly shaped lots in Astoria, which under the current Code had resulted in a lot of variance requests.
 - Director Leatherman noted that the setbacks would still apply. She recommended keeping the recommended lot width and depth to control density.
 - President Moore suggested reducing the numbers to equal what is required for a building permit.

Setbacks

- Commissioner Womack was concerned that the setback requirements would render a lot of the smaller lots unable to be developed. Currently, several lots already had structures built at the property line or in the right-of-way.
 - Director Leatherman stated she had received a lot of public comments citing the same concern. She would think about how to resolve that issue.

Short-term rentals (STR) and homestay lodgings

- Commissioner Corcoran asked if a distinction could be made between homeowners who needed to run an STR in order to afford their home and a homeowner who was not local but had an STR.
 - President Moore explained that the Code required STRs to be owner occupied and STRs were not allowed in residential zones. He noted that there was no evidence indicating that removing homestay lodgings from R-1 zones would have any impact on the housing supply. Homestay lodgings generated extra revenue for homeowners and the Comprehensive Plan encourages the Commission to promote

home occupations. He believed homestay lodgings should be allowed as conditional uses in the R-1 and R-2 zones.

- Director Leatherman said the language about homestay lodgings in the R-1 zones was added to the proposed amendment because the public had expressed concern about maintain the residential character of neighborhoods.

Cottage clusters

- Director Leatherman confirmed for Commissioners that the proposed amendments for cottage cluster developments were based on public input. The proposed height limit was meant to control the look and feel of the developments. The off-street parking requirements already existed; however, she recommended that one parking space per bedroom be required to remain consistent with other residential parking requirements.
 - President Moore was concerned about the requirement that parking areas be located at least 20 feet from any property line. He believed that would be difficult to do and recommended 10 feet.

Historic review requirement

- Commissioner Kroening noted that the amended Code language did not specify how close a building or development needed to be to a historic structure to trigger a Historic Landmarks Commission (HLC) review. The current Code requires an HLC review for any project that is visible within three blocks.
 - Director Leatherman clarified that the new language would not replace the three-block rule and the trigger for an HLC review would be discretionary and subjective.

Director Leatherman confirmed she had clear and concise direction from the Commission about how to update the Code amendment.

President Moore closed the public hearing.

Commissioner Corcoran moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Amendment Request A22-01 by Community Development Director, as amended with the changes discussed; seconded by Commissioner Kroening. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

No reports.

STAFF UPDATES/STATUS REPORTS:

Item 6 (a): Transient Lodging

Director Leatherman stated the transient lodging report would be given at a future meeting.

Item 6(b): Save the Date: next APC meeting, Tuesday, August 23, 2022 @ 5:30 pm

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:50 pm.

APPROVED:

[at the September 27, 2022 APC meeting / no changes]



Community Development Director

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
September 27, 2022

CALL TO ORDER:

President Moore called the meeting to order at 5:30 pm.

ROLL CALL:

Commissioners Present: Daryl Moore, Sean Fitzpatrick, David Kroening, Patrick Corcoran, Chris Womack, and Brookley Henri.

Commissioners Excused: Cindy Price.

Staff Present: Community Development Director Meg Leatherman and Associate Planner Tiffany Taylor. The meeting is recorded and will be transcribed by ABC Transcription Services, LLC.

APPROVAL OF MINUTES:

President Moore confirmed there were no corrections to the July 26, 2022 minutes and the minutes were approved by unanimous consent.

PUBLIC HEARINGS:

President Moore explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU22-04 Conditional Use Request (CU22-04) by Caitlin Contreras to locate and operate "escape rooms" as indoor family entertainment in an existing commercial structure at 1154 Commercial in the C-4 (Central Commercial) and UCO (Urban Core Overlay) Zones.

President Moore asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. He asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. There were none. President Moore asked Staff to present the Staff report.

Planner Taylor reviewed the written Staff report via PowerPoint. The Astoria Downtown Historic District Association (ADHDA) submitted comments after the Staff report was published. The Applicant has discussed the proposal with the ADHDA, and gave a presentation as well at a recent ADHDA meeting. The ADHDA was concerned about safety and trash pickup; however, both of these items have been addressed by the Applicant and are noted in the Staff report. Staff recommended approval of the request.

President Moore opened the public hearing and called for a presentation by the Applicant.

Caitlin Contreras, 427 Lake St., Ilwaco, WA, said she wanted to open Escape Astoria in downtown. Escape Astoria is a one-hour themed experience for groups of two to six to immerse themselves in a room. There are three rooms. Each room is individually themed to solve a series of puzzles, riddles, and clues to escape the room. However, no one is locked in the room and participants are fully monitored and able to leave at any time. She had already started to create the website. Booking will be done in advance. Since submitting the application, she has modified the hours of operation. She proposed to start at 11:00 am Thursdays through Tuesdays. On Thursdays, Fridays, and Saturdays, the last booking would be at about 9:30 pm. The last booking would be at 8:30 pm on the other days. There is a 30-minute window in between each group so there will be very little overlap. There would be nine booking spots on Thursdays, Fridays, and Saturdays and seven booking spots on the other days. Being by appointment only allows her to control flow and access. The business will not

accommodate walk-ins. She was excited to be able to add to downtown and create another family friendly event that is year-round and not weather dependent. She hoped this would be embraced by locals and would create an additional tourist draw. The closest escape room is in Cannon Beach. They are very popular in other markets, so she wanted to bring it to Astoria.

President Moore called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, he called for closing comments of Staff. There were none. He closed the public hearing and called for Commission discussion and deliberation.

Commissioner Kroening said he supported the application as proposed.

Vice President Fitzpatrick stated he was in favor of approval. The use and location are appropriate. The location has been underutilized for years.

Commissioner Womack said he was also in favor of the application, which fulfilled all of the requirements.

Commissioner Corcoran stated the request met all of the review criteria and it was a creative use of underused space downtown. He was inclined to support the application.

Commissioner Henri said she also supported the application. She agreed with the findings in the Staff report and believed the escape room would be perfect for downtown.

Commissioner Henri moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use Request CU22-04 by Caitlin Contreras; seconded by Vice President Fitzpatrick. Motion passed unanimously.

President Moore read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

No reports.

STAFF UPDATES/STATUS REPORTS:

Item 6(a): Transient Lodging

President Moore noted that a spreadsheet had been emailed to the Commissioners.

Planner Taylor added that the spreadsheet provided a current overview of advertised transient lodging facilities. Presently, there are about 119 properties advertised on the three major sites: Airbnb, VRBO, and Expedia. The number fluctuates daily with an average of 100 advertisements/day. There are 25 active home stay lodging permits included in the spreadsheet, with most of them up for renewal in January 2023. About 45 home stay lodging applications have been process since the 2019 HSL Code change. Staff receives inquiries daily about transient lodging and their allowed uses in various zones. There are 16 properties on the list that are not in compliance and four are actively being pursued through Code Enforcement. Due to Staff constraints, the Department is focusing on the issues that need to be addressed immediately.

Director Leatherman said an internal team was focused on Code compliance. The team helps her department strategize with the Police Department, Public Works, and Parks and Recreation. The team currently meets weekly and progress has already been made with some legal issues. She and Planner Taylor answered clarifying questions from Commissioners about Code enforcement procedures, consequences of Code violations, staffing issues that have impacted the ability to enforce Codes, and statics on the various listing platforms.

President Moore reported that the second reading of Code amendments A22-01 by the City Council would be on October 17, 2022. He confirmed with Staff that the Council did not make any revisions to the proposed amendments.

Item 6(b): Save the Date – next APC + TSAC meeting Tuesday, October 25, 2022 @ 5:30 pm

Planner Taylor noted that the October meeting would be cancelled because no applications had been received.

PUBLIC COMMENTS:

No comments.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:18 pm.

APPROVED:

Community Development Director

DRAFT



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022
TO: MAYOR AND CITY COUNCIL
FROM: PAUL BENOIT, INTERIM CITY MANAGER
SUBJECT: LIBRARY ADVISORY BOARD DRAFT MEETING MINUTES -
OCTOBER 4, 2022

DISCUSSION / ANALYSIS:

The minutes of the Library Advisory Board meeting are enclosed for review.

RECOMMENDATION:

Unless there are no corrections, it is recommended that Council approve these minutes.

BY: SUZANNE HAROLD, INTERIM LIBRARY DIRECTOR

ATTACHMENTS:

[Library Board draft minutes-10.4.22.pdf](#)

Astoria Library Board Meeting

Astoria Public Library

October 4, 2022

5:30 pm.

Present: Library Board members Susan Stein, Kimberley Chaput, Dan McClure, and Rose Lewin. Staff Interim Library Director Suzanne Harold

Excused: Laura Parker

Call to Order: Chair Susan Stein called the meeting to order at 5:30 pm.

Changes to the Agenda: There were no changes and the agenda was approved as presented.

Approval of Minutes: Director Harold noted that Kimberley Chaput's name had been misspelled. The minutes of September 6, 2022 were approved as corrected.

Community Engagement: Dan McClure reported that he had been attending events that promoted the bond measure. He and Director Harold were also on KMUN. He participated in the postcard signing as well. He announced an event called Ales and Ideas would be held at Fort George Brewery in November. A press release would be published once the details had been finalized.

Rose Lewin reported that she had been speaking to people about the bond measure. She had heard that some people believed a brand-new library would be built.

Chair Stein reported that she would be on the radio on Wednesday. She also participated in the postcard event. She announced that the next library bond political action committee (PAC) meeting would be on Thursday at 6:00 pm at the middle school library. Meetings would continue every Thursday until the election and board members were invited to attend. She said people had been asking her questions about how much the bond would cost taxpayers. Her neighbor had said he would try to explain to others that they would be voting on behalf of future generations.

Director Harold reported that the radio show being recorded on Wednesday would be aired on October 10 at 9:30 am. It would also be published as a podcast on the station's website.

Staff Report: Director Harold presented her director's report. A copy of the report was included in the Agenda Packet. Her report included an overview of programs and services, efforts to share information about the bond, and staffing levels. She requested feedback on what kinds of statistics the Board would like to see. She also answered questions about Staff's workload and the Library's ROCC agreement.

New Business: Director Harold noted that the Collection Development Policy was not scheduled for review by the Board until October 2023. However, nationally there has been a significant increase in book challenges. She asked if the Board wanted to review the existing policy. Currently, the policy allows people to fill out a form to request that a title be reconsidered. She would find out if the form was limited to Astoria residents or library cardholders. The Board could review all challenged titles and make a recommendation. No books had been challenged in Astoria, but she recommended the Board discuss the topic at their December meeting and the Board agreed.

Old Business:

- Item 7(a): Shall Board recommend that City Council amend the Library Advisory Board Bylaws to allow more than two consecutive terms?

Chair Stein briefly reviewed the discussion the Board had at the last meeting about allowing more than two consecutive terms to bring the Board's bylaws in line with the other City boards and commissions. Since that meeting, Director Harold looked over the bylaws of some of the other committees, then sent her recommended bylaw changes to City Attorney Henningsgaard for review. The City Attorney drafted a resolution for the Board to consider recommending to the City Council.

The Board and Staff briefly reviewed and discussed the proposed resolution. Director Harold answered clarifying questions about the Board's role and authority. She also said she would confirm whether the correct name of the Board and the library had been used in the resolution.

The Board unanimously voted to approve the proposed resolution and recommend adoption by the City Council.

Public Comments: There were no comments.

Adjournment: There being no further business, the meeting was adjourned at 6:06 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, LLC.

DRAFT



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: PARKS ADVISORY BOARD DRAFT MEETING MINUTES -
SEPTEMBER 28 2022

DISCUSSION / ANALYSIS:

Draft minutes from the September 28 2022 Parks Advisory Board meeting are attached for informational purposes

RECOMMENDATION:

BY: JONAH DART-MCLEAN, PARKS DIRECTOR

ATTACHMENTS:

[APB Sept 28 2022 DRAFT.pdf](#)

**Astoria Parks and Recreation
Advisory Board Meeting Minutes
September 28, 2022**

Chairperson Norma Hernandez called meeting to order at 6:47 am.

Present- Norma Hernandez, Jessica Schleif, Andrew Fick, Jim Holen, Britta Herwig, and Howard Rub.

Absent- Carla Oja, Eric Halverson, and Michele Tompkins.

Staff- Jonah Dart-McLean.

Public comments

1. George (Mick) Hague, stated that wheelchair ramps at the intersections were needed in order to access the 9th Street Park. Additionally, he wanted to know if someone would be willing to install chess or checkerboards at the 9th Street Park if he were able to get public and private donations for them. He also believed the park should have displays that pointed out other areas of interest like the Column, as well as a small free library. Four or five years ago, the city paid for a temporary restroom at the 9th Street Park but he did not know if a permanent one would be installed now that a hotel was there. However, the tourists who walk up and down the Riverwalk still need a restroom at that site. And several years ago, he handed out information about how to convert a tennis court to a pickle ball court with very little effort. With the rise if pickle ball, he was surprised the city had not done more.

Director Dart-McLean responded that Staff was already working with a local pickle ball group to covert a tennis court at Lindstrom Park. He also noted that Staff could consider the chess, checkers, and free library, but the wheelchair ramps would have to be reviewed and coordinated by Public Works and the restroom would have to be approved by City Council.

Approval of Minutes

- A. Jessica Schleif noted the following correction:
 - What do you hear, 2nd sentence: "~~Jessica Schleif~~ **Michele Tompkins** added that the Armstrong's flags..."

The August 2022 minutes were unanimously approved as corrected.

President Hernandez

- A. What do you hear- Jessica Schleif said she heard a compliment about Charlie doing maintenance and speaking with people on the Shively Loop about the history of the park. She also noticed recently that the City's former Community Outreach Officer was hosting tours. The tour guides were using amplifiers and sometimes gave inaccurate information. Additionally, the tours involved the parks. She asked if the city required a permit to give the tours. Directly Dart-McLean responded that the noise ordinance was pretty lenient. He explained that the Community Development Department handled business permits, but the Parks Departments was not granting permission to tour companies.

President Hernandez heard that Shively was beautiful and she could not wait to see the inside of the hall. Director Dart-McLean noted there were color photographs in the Staff report. He provided details about the renovation work done to the interior and said the outside had been painted as well.

Britta Herwig heard many positive comments on the bollard lights on the Riverwalk. Director Dart-McLean said the city had installed the first shipment of bollards and the second shipment had been sent.

Britta Herwig asked for an update on staffing at the Aquatic Center. She heard concerns that people were leaving and not coming back, and that Staff was suffering. People wanted to know if anything could be done. Director Dart-McLean stated that high turnover of lifeguards was typical. However, there is also a shortage of labor available for part time work for low wages and odd hours. In response, City Council just approved a new full time head lifeguard position, which would be filled internally.

Howard Rub said he believed the youth football program looked great. He also believed that Tyler was working on a youth wrestling program, as well as youth basketball.

Jim Holen stated he appreciated the hours that the pool was open. It seemed like the recreation pool was full all the time and people really liked the hot tub.

President Hernandez said she loved the new Instagram campaign.

Employee and Volunteer Recognition

- A. Director Dart-McLean recognized Gabby Morrill as the employee of the month.

Astoria Parks and Recreation & Community Foundation Update

- A. Jim Holen thanked Ms. Herwig for volunteering to take his place in the Foundation.

Staff Reports and Upcoming Events

- A. Director Dart-McLean updated the Board on the Community Survey. Staff has delayed the release of the survey until late fall due to staffing challenges. He noted that President Hernandez had translated the survey to Spanish, so it would be published in both Spanish and English and confirmed that the City did not have a translator on Staff or on contract. Staff and Board members briefly discussed the need for translators and interpreters of multiple languages.
- B. Staff Reports for July, August, and September were presented to the Board as part of the agenda packet. Director Dart-McLean reviewed highlights of the Rip City Rally event, the Aquatic Center recreation programs, community events, and maintenance work. Board members complimented Staff for keeping the restrooms clean and making the mulch look great at Fort Astoria Park.

Future Meetings

- October 26, 2022 at 6:45 am in City Hall, Council Chambers and livestreamed

Non-Agenda/Miscellaneous Business

1. Jessica Schleif asked if the Parks Department had an agreement with Fort George Brewery to maintain the mural that faces Fort George Park. Director Dart-McLean stated there was no agreement, but the mural was on the brewery's building.

2. Jessica Schleif thanked Mr. Holen for voicing his concerns about Cathedral Tree trail being a shared use trail. She described her experience on a shared use trail at Fort Stevens where bikes had come up on her group quite quickly, which spooked her. She recommended signage be installed on Cathedral Tree trail notifying people that it was a shared use trail. Mr. Holen said he wanted to see the report of the trail survey. He did not believe bikes were an issue on that trail and noted that only one section of the trail was difficult. However, the trail should be shared because it is narrow and making it a shared trail would be expensive to develop. Director Dart-McLean responded that best practices could be implemented as part of the trail's maintenance. Staff was seeking grant funds to implement the recommendations made as a result of the survey, one of which was to add some alternate bike-only routes around certain sections of the trail.
3. Andrew Fick requested an update on the reopening of the Riverwalk. Director Dart-McLean said Buoy Beer had applied for building permits to add supports to the south façade of their building. Staff estimated the Riverwalk might be open in October.
4. President Hernandez asked if the Board wanted to combine the November and December meetings into one meeting in early December. Staff listed available dates for a combined meeting and the Board agreed to schedule their November/December meeting on December 14, 2022.

There being no further business, the meeting was adjourned at 7:33 am.



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: AUTHORIZATION TO CHANGE MONDAY MEETING DATES THAT FALL ON A HOLIDAY TO THE FOLLOWING DAY IN 2023

DISCUSSION / ANALYSIS:

Astoria City Hall will be closed on Monday January 2nd to observe New Years Day 2023; Monday, January 16, 2023 for Martin Luther King, Jr., Day; Monday, February 20, 2023 for Presidents' Day; Monday June 19th for Juneteenth Day, and Monday, September 4, 2023 for Labor Day; therefore, the meeting dates will need to be changed. In years prior it has been the tradition to hold City Council meetings on the following day.

RECOMMENDATION:

It is recommended that Council set alternate meeting dates for the holidays noted above and that meetings be set for the following day of the respective holiday.

BY: RYAN QUIGLEY, EXECUTIVE ASSISTANT

ATTACHMENTS:



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022
TO: MAYOR AND CITY COUNCIL
FROM: PAUL BENOIT, INTERIM CITY MANAGER
SUBJECT: WAIVER OF FEES FOR HOLIDAY DOWNTOWN PARKING

DISCUSSION / ANALYSIS:

The Astoria Downtown Historic Association (ADHDA) is requesting that the City Council implement a waiver of overtime parking within the Downtown Parking District for the upcoming holiday season from Friday, November 25, 2022 through Sunday, January 1, 2023. The intention is for no enforcement of overtime parking in the downtown, which includes the Heritage Square parking lot, as well as on-street parking; however, tickets will still be written for other violations in the Parking District, including parking by downtown employees within the District. The City of Astoria has approved this request of ADHDA for several consecutive years; therefore, it is recommended that Council approve this request.

RECOMMENDATION:

It is recommended that Council approve the ADHDA's request to waive overtime parking fees.

BY: RYAN QUIGLEY, EXECUTIVE ASSISTANT

ATTACHMENTS:



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: CONSIDERATION OF BOWPICKER FISH & CHIPS, LLC LEASE RENEWAL

DISCUSSION / ANALYSIS:

The City was recently contacted by Ron and Linda Ford, owners of Bowpicker Fish & Chips, LLC, to request the renewal of their lease located at the northwest corner of 17th and Duane Streets for another 10-year term. The business was started in 2000 and has been located at this site since its establishment. The City obtained this property in 2014 and has continued its lease to allow the business to remain on-site.

The original lease provisions have remained unchanged, with the exception of the rental rate and lease term. The rental rate is consistent with the current rate of \$7,600.62 per year and will be paid on July 1st of each year. Each year, beginning in July of 2023, the rent rate will increase by 3% for the term of the lease. The lease term will be 10 years from the date of execution. The attached exhibit map shows the lease area. The attached lease agreement has been approved by City Attorney Blair Henningsgaard.

RECOMMENDATION:

It is recommended that City Council approve the renewal of Lease Agreement between the City and the Bowpicker Fish & Chips LLC.

BY: JEFF HARRINGTON, PUBLIC WORKS DIRECTOR

ATTACHMENTS:

[Bowpicker Lease - Attorney Approved.pdf](#)

LEASE AGREEMENT

Date: _____, 2022

Between:

City of Astoria ("Landlord")
1095 Duane, Astoria, OR 97103

and:

Bowpicker Fish & Chips, LLC ("Tenant")
138 West Lexington
Astoria, OR 97103

Landlord leases to Tenant and Tenant leases from Landlord the following described bare ground (the "Premises") on the terms and conditions stated below:

A 1,200 square foot parcel at the northwest corner of 17th and Duane Streets in Astoria and consisting of the southern 15 feet of lot 1 and the eastern 30 feet of the southern 15 feet of lot 2, Block 133, Shively's Astoria.

SECTION 1. OCCUPANCY

1.1 Original Term. The term of this lease shall commence December 1, 2022 and continue through December 1, 2032 unless sooner terminated as hereinafter provided.

1.2 Possession. Tenant's rights and obligations under the lease shall commence December 1, 2022.

1.3 Termination. Either Landlord or Tenant may terminate this lease upon thirty (30) days written notice without penalty or cost to the other. In the event of termination by Landlord, Tenant shall remove all alterations and improvements from the site at Tenant's own expense within 60 days of termination by Landlord and, in that case, rent will be pro-rated and any excess advance payment refunded to Tenant.

SECTION 2. RENT

2.1 Base Rent. During the original term, Tenant shall pay to Landlord as base rent the sum of \$7,600.62 per year. Rent is payable on the first day of July each year in advance at such place as may be designated by Landlord.

2.2 Additional Rent. All taxes, insurance costs, utility charges that Tenant is required to pay by this lease, and any other sum that Tenant is required to pay to Landlord or third parties shall be additional rent.

2.3 Escalation. Each year, beginning in 2023, the base rent shall increase by 3% over the rent due for the previous year.

SECTION 3. USE OF THE PREMISES

3.1 Permitted Use. The Premises shall be used as the moorage for a former gillnet boat and used as a dining establishment and for no other purpose.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to applicable laws and regulations affecting the premises and the use, and correct at Tenant's expense any failure of compliance created by reason of Tenant's use.
- (2) Refrain from any use that would be reasonably offensive to owners or users of neighboring premises or that would tend to create a nuisance.
- (3) Refrain from parking in and advise all customers that the improved parking area adjacent to the Premises is leased exclusively to the United States Coast Guard.
- (4) Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises.

SECTION 4. REPAIRS AND MAINTENANCE

4.1 Landlord's Obligations. Landlord shall be under no obligation to make or perform repairs, maintenance, replacements, alterations, or improvements on the Premises.

4.2 Tenant's Obligations. Tenant, at its expense, shall keep the Premises in first class repair and appearance. All garbage and litter shall be collected and removed from the Premises daily.

SECTION 5. ALTERATIONS

Tenant shall make no alterations to the Premises without Landlord's written consent. All alterations shall be made in a workmanlike manner, and in compliance with applicable laws and building codes.

SECTION 6. INSURANCE

Tenant shall procure and during the term of the lease continue to carry at Tenant's cost comprehensive general liability insurance in a responsible company with limits of not less than the limitations on liability of local public bodies described in ORS 30.272 and 30.273. Such insurance shall name Landlord as an additional insured. Certificates evidencing such insurance and bearing endorsements requiring 10 days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord within 10 days after execution of this agreement.

SECTION 7. TAXES; UTILITIES

7.1 Property Taxes. As a result of this agreement, the Premises becomes taxable pursuant to ORS 307.110. Tenant shall advise the Clatsop County Tax Assessor's office at 820 Exchange Street, Astoria Oregon of this lease and take all necessary steps to ensure that the Premises are included on the annual tax role. Tenant shall pay all taxes levied against the Premises as additional rent.

7.2 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that Tenant's interest in the Premises will be foreclosed for nonpayment.

7.3 Payment of Utilities Charges. Tenant shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises.

SECTION 8. INDEMNITY

Tenant shall indemnify and defend Landlord from any claim or liability related to any activity of Tenant on the Premises or any condition of the Premises, including any claim that may be caused or contributed to by Landlord's negligence. Landlord shall have no liability to Tenant for any injury, loss, or damage caused by third parties, or by any condition of the Premises.

SECTION 9. QUIET ENJOYMENT; MORTGAGE PRIORITY

Landlord warrants that it is the owner of the Premises subject only to its agreement with the US Coast Guard to provide parking for the crews of vessels berthed at the 17th Street Dock.

SECTION 10. ASSIGNMENT AND SUBLETTING

No part of the Premises may be assigned, or subleased, nor may a right of use of any portion of the property be conferred on any third person without Landlord's prior written consent. This provision shall also apply to any transfer of a majority voting interest in the ownership interest of Bowpicker Fish & Chips, LLC. Landlord may withhold or condition consent in its sole and arbitrary discretion.

SECTION 11. DEFAULT

The following shall be events of default:

11.1 Default in Rent. Failure of Tenant to pay rent or other charge within 10 days after it is due.

11.2 Default in Other Covenants. Failure of Tenant to fulfill any obligation of the lease, other than rent, within 20 days after written notice by Landlord. If the default is of such a nature that it cannot be completely remedied within the 20-day period, this provision shall be complied with if Tenant begins correction of the default within the 20-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

11.3 Insolvency. Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant.

11.4 Abandonment. Failure of Tenant for 15 days or more to occupy the Premises for the purposes permitted under this lease, unless Landlord excuses such failure.

SECTION 12. REMEDIES ON DEFAULT

12.1 Termination. In the event of a default the lease may be terminated at the option of Landlord by written notice to Tenant.

12.2 Reletting. Following reentry Landlord may relet the Premises and may make suitable alterations.

12.3 Damages. In the event of default, Landlord shall be entitled to recover immediately, without waiting until the due date of any current or future rent, reasonable costs of reentry and reletting including without limitation the cost of any cleanup, refurbishing, removal of Tenant's property and fixtures, or any other expense occasioned by Tenant's default including but not limited to, any repair costs, attorney fees, court costs, broker commissions, and advertising costs.

12.4 Remedies Cumulative. The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

SECTION 13. SURRENDER AT EXPIRATION

Upon expiration of the lease term or earlier termination on account of default, Tenant shall surrender the Premises in first class condition. Alterations and improvements constructed by Tenant shall be removed at Tenant's expense prior to expiration or termination unless otherwise provided herein.

SECTION 14. FIRST RIGHT OF REFUSAL TO LEASE

14.1 Unless this lease has been terminated pursuant to section 12.1 or by tenant pursuant to section 1.3, during the ten year period described in Section 1.1, Landlord agrees not to lease the Premises to a Third-Party, without first offering the Premises to Tenant on the terms and conditions as are offered to that Third-Party.

14.2 When Tenant receives a notice from Landlord describing the terms and conditions offered to the third party, Tenant shall have the prior and preferential right to lease the Premises at the same rent and on the same terms and conditions as are contained in the Offer.

14.3 Tenant shall have 30 days from the date Tenant receives the notice to notify Landlord whether Tenant elects to lease the Premises pursuant to the terms described in the notice. If Tenant elects to exercise its right to lease the Property, then, in addition to giving Landlord written notice of its election within the 30-day period, Tenant also shall tender an amount equal

to the first month rental payment, if any, specified in the notice, which will be held and used in accordance with the terms of the proposed lease.

14.4 If Tenant fails to timely exercise its right to lease the Property pursuant to the terms of this Agreement, then Landlord shall be entitled to lease the Property to the Third-Party according to the terms of the notice provided to Tenant.

14.5 If Tenant fails to timely exercise its right to lease the Property pursuant to the terms of this Agreement, and for any reason Landlord shall not lease or convey the Property to the Third-Party within six months of Tenant's election not to lease, then Landlord must resubmit a new notice to Tenant before leasing the Property, and any such offer to lease to a Third-Party shall be subject to Tenant's right of first refusal under this Agreement.

SECTION 15. MISCELLANEOUS

15.1 Non-waiver. Waiver by either party of strict performance of any provision of this lease shall not be a waiver of the party's right to require strict performance of the same provision in the future.

15.2 Attorney Fees. If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to costs such sum as the court may adjudge reasonable as attorney fees at trial, on petition for review, and on appeal.

15.3 Notices. Any notice required or permitted under this lease shall be given when actually delivered or 48 hours after deposited in United States mail as certified mail addressed to the address first given in this lease or to such other address as may be specified from time to time by either of the parties in writing.

15.4 Recordation. This agreement may not be recorded without the written consent of Landlord.

15.5 Time of Essence. Time is of the essence of the performance of each of Tenant's obligations under this lease.

Landlord:

By: Paul Benoit, City Manager Pro-Tem

By: Bruce Jones, Mayor

Tenant:

Bowpicker Fish & Chips, LLC,
by Ronald Ford, Manager

Approved as to form
Oct 27, 2022



Personal Guarantee

In consideration of the execution of this lease by the City of Astoria, Ronald Ford and Linda Ford individually guarantee the performance by Bowpicker Fish & Chips, LLC of each obligation undertaken by Tenant in this lease. This guaranty is a continuing one and shall terminate only upon the satisfaction of each and every obligation of Tenant under this lease.

Ronald Ford

Linda Ford

BOWPICKER

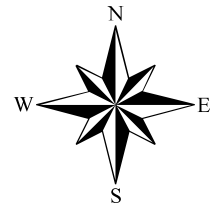
Proposed Lease Renewal Area

15' x 80' (1200 sq. ft.)

Southerly 15' x 50' lot 1,

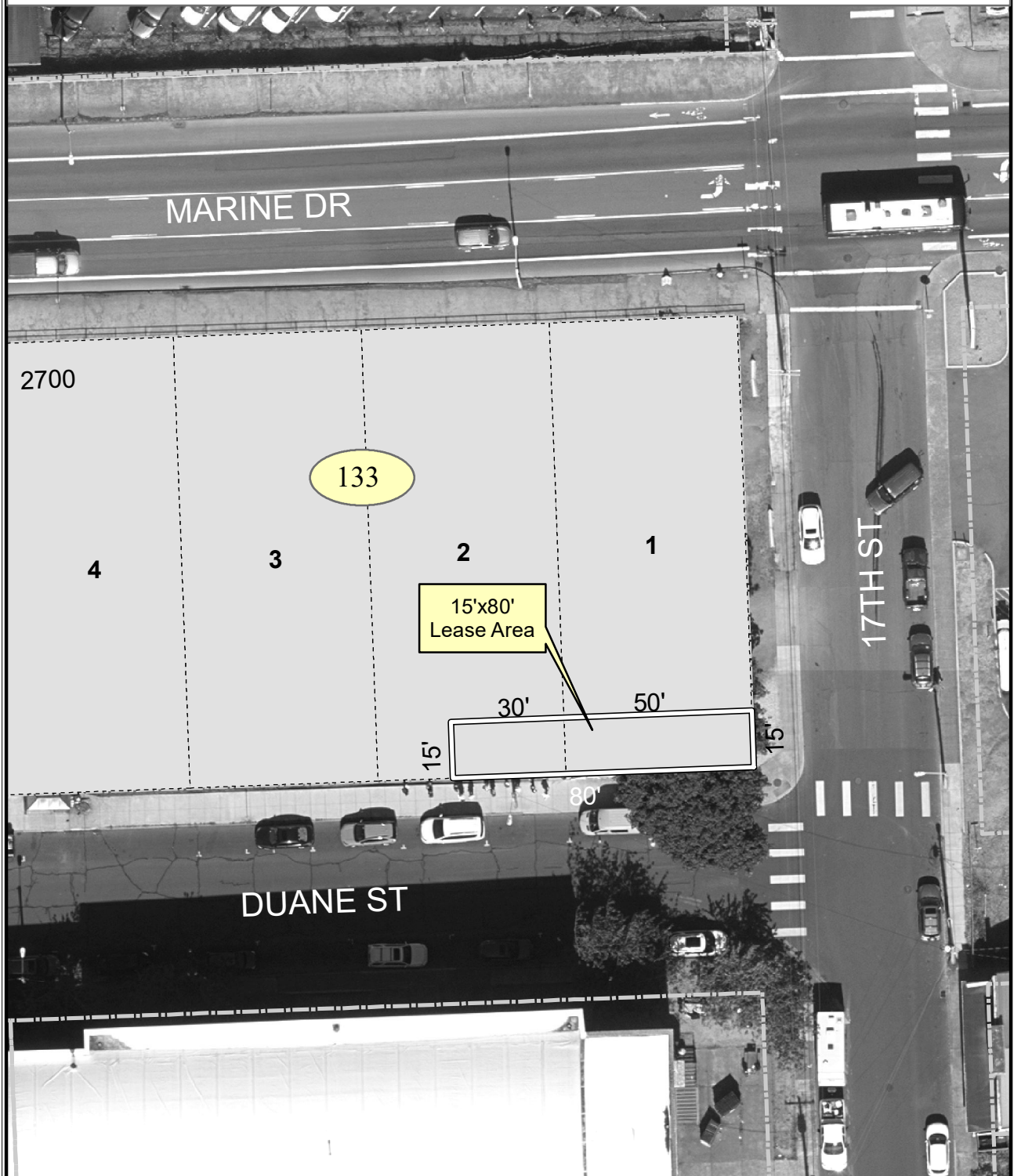
South Easterly 15'x30' lot 2,

Taxlot 2700, Block 133, Shively's



1"=40'

Date: 10-25-2022





CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: CONSIDERATION OF LICENSE TO OCCUPY FOR USE OF PORTION OF RIVERWALK FOR GARBAGE CONTAINER ENCLOSURE FOR ASTORIA FOOD HUB (1152 MARINE DR.)

DISCUSSION / ANALYSIS:

The Astoria Food Hub has reached out to the Parks and Recreation Department to inquire about using part of the railbanked 50' wide right-of-way adjacent to their building located at 1152 Marine Drive to situate an enclosure for dumpsters and waste disposal. The Food Hub has also pursued approval for the enclosure through the Historic Landmarks Commission since the area of work is within a registered Historic District. The enclosure will be placed next to the existing power transformer on the north side of the building and will not restrict or alter any of the existing parking spaces being used by tenants along the Riverwalk. The license may be revoked by the City for any reason with sixty days' written notice and is similar to infrastructure placements that other breweries and businesses along the Riverwalk have enacted with the City. Because this is a smaller and less impactful item a license to occupy is being used instead of a lease agreement.

The agreement follows all requirements of the City's railbanking agreement with Burlington Northern Railroad and the Astoria Food Hub will coordinate with Recology to ensure that garbage pick-ups do not impact Riverwalk users.

The agreement has been approved to form by the City Attorney

RECOMMENDATION:

It is recommended that City Council consider approving the license to occupy with the Astoria Food Hub to construct and maintain an enclosure for garbage containers within the Riverwalk Right of Way.

BY: JONAH DART-MCLEAN, PARKS DIRECTOR

ATTACHMENTS:

[LICENSE AGREEMENT - Astoria Food Hub BLAIR APPROVED.pdf](#)

After recording, return to:
City of Astoria Parks and Recreation Department
1997 Marine Dr.
Astoria, OR 97103

LICENSE

AN AGREEMENT, made and entered into this ____ day of _____, 20__ between the CITY OF ASTORIA, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and Astoria Food Hub LLC, an Oregon Corporation located at 1152 Marine Dr. Astoria OR 97103, hereinafter referred to as "Licensee"

WITNESSETH:

WHEREAS, Licensee is the owner of certain real property in Astoria, Oregon, hereinafter referred to as "the Licensee property", and the area to be used is described as: A portion of the former railroad right-of-way currently railbanked to the City of Astoria, approximately 340 square feet of portion of Map T8N-R9W Section 8CB, immediately north of Tax Lot 22411, the real property being north of the existing commercial structure located at 1152 Marine Drive; Map T8N-R9W Section 8CA, Tax Lot 22414, in the City of Astoria, County of Clatsop and State of Oregon, and

WHEREAS, City is the owner of a public right-of-way adjacent to and abutting the Licensee property, hereinafter referred to as "Riverwalk right-of-way", and

WHEREAS, Licensee wants to construct a garbage enclosure, hereinafter referred to as "the enclosure" on a portion of the Astoria Riverwalk, as it abuts the Licensee property, and

WHEREAS, Licensee has requested from City the right to locate the enclosure on the Astoria Riverwalk, as shown on the attached sketch.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- 1) City grants permission to Licensee and Licensee accepts City's permission to construct the enclosure adjacent to, and partially within, the Astoria Riverwalk's right of way as shown on attached sketch.
- 2) Licensee's use of the Astoria Riverwalk is not "adverse" or contrary to the City in any way.
- 3) Neither Licensee nor any subsequent owner or occupant of the enclosure will acquire any prescriptive rights in the Astoria Riverwalk right of way.
- 4) City may revoke its permission for Licensee's continued use of the enclosure on the Astoria Riverwalk right of way for any reason upon sixty days prior written notice to Licensee. Upon such notice, Licensee or subsequent owner will remove the enclosure forthwith from the Astoria Riverwalk at his sole expense and restore right-of-way to a condition acceptable to the City.
- 5) Licensee or his successor shall forever defend, indemnify and hold City harmless from any and all claim, loss or liability arising out of or in any way connected with his use of the Astoria Riverwalk, his

conduct with respect to the same, or any condition thereof. In the event of any litigation or proceeding brought against City arising out of or in any way connected with any of the foregoing events or claims, Licensee or his successor shall, upon notice from City, vigorously resist and defend against such actions or proceedings through legal counsel reasonably satisfactory to City.

6) The provision, covenants and agreements of this license shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and permissible assigns of the parties hereto.

7) In the event suit or action is instituted to enforce any of the terms of this license agreement, the prevailing party shall be entitled to recover from the other party such sum as the Court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

8) Fences must comply with the provisions of the Astoria Development Code with respect to fence height, location and other factors.

CITY OF ASTORIA, a
municipal corporation of
the State of Oregon,

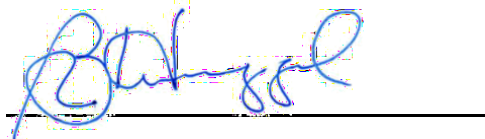
CITY:

By: _____
Mayor

Attest: _____
City Manager

Ryan Anderson
Astoria Food Hub

APPROVED AS TO FORM:



Blair Henningsgaard, City Attorney



Site

Railroad

Marine Dr

11th St

12th St

Marine



11-1

11-2

X

Site

X

11-4

11-5

location



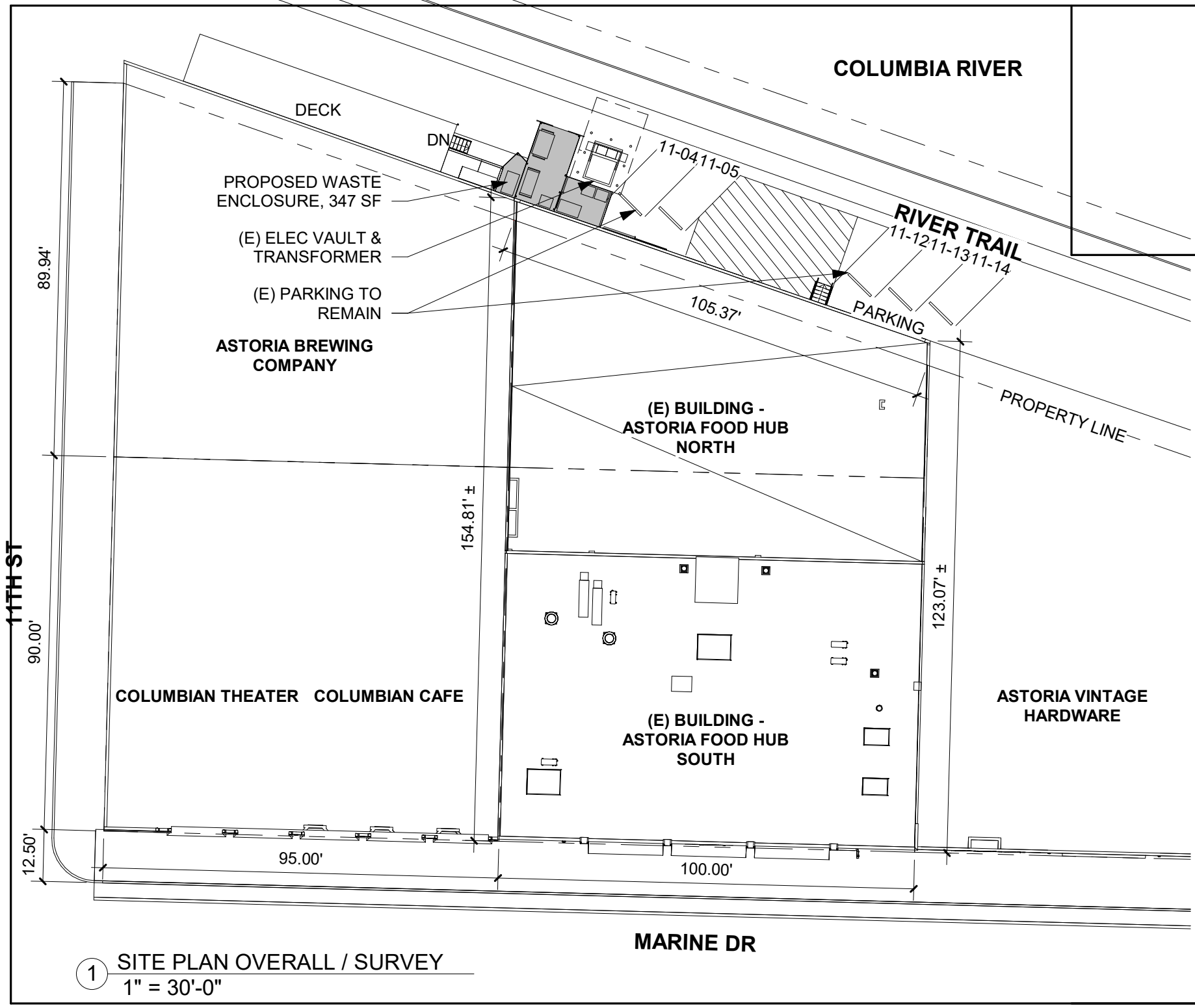


Proposed Trash Enclosure

Existing Transformer

Railroad

20 ft



COLUMBIA RIVER

DECK

PROPOSED WASTE ENCLOSURE, 347 SF

(E) ELEC VAULT & TRANSFORMER

(E) PARKING TO REMAIN

ASTORIA BREWING COMPANY

(E) BUILDING - ASTORIA FOOD HUB NORTH

(E) BUILDING - ASTORIA FOOD HUB SOUTH

ASTORIA VINTAGE HARDWARE

COLUMBIAN THEATER COLUMBIAN CAFE

RIVER TRAIL
11-1211-1311-14

PARKING

PROPERTY LINE

11TH ST

MARINE DR

89.94'

90.00'

12.50'

95.00'

100.00'

154.81' ±

123.07' ±

105.37'

11-0411-05

1 SITE PLAN OVERALL / SURVEY
1" = 30'-0"

EMA
Architecture, LLC

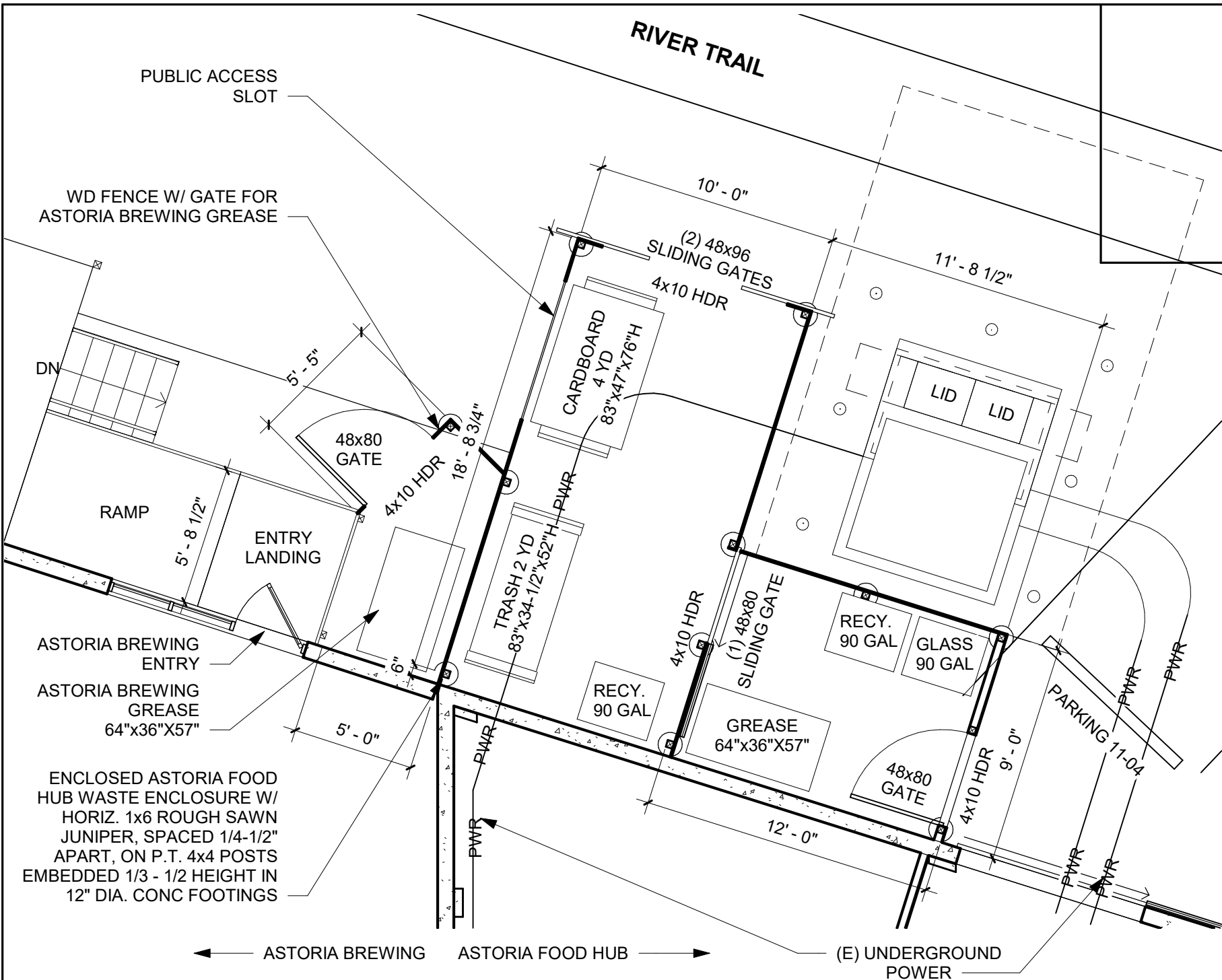
721 NW 9th Ave, Suite 280
Portland, Oregon 97209
(503) 224-1282
www.EMAarchitecture.com

ASTORIA FOOD HUB

1136-1152 Marine Dr
Astoria OR

09/29/22

L-1



EMA
Architecture, LLC

721 NW 9th Ave, Suite 280
Portland, Oregon 97209
(503) 224-1282
www.EMAarchitecture.com

ASTORIA FOOD HUB

1136-1152 Marine Dr
Astoria OR

09/29/22

L-2

1 WASTE ENCLOSURE PLAN
3/16" = 1'-0"

← ASTORIA BREWING ASTORIA FOOD HUB → (E) UNDERGROUND POWER



DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: WCT MARINE & CONSTRUCTION INC. ENTERPRISE ZONE AGREEMENT

DISCUSSION / ANALYSIS:

On October 6th, Clatsop Economic Development Resources (CEDR) held a work session to provide an overview for interested parties on the history, governing rules, and benefits of the Clatsop Enterprise Zone. Representatives from Hyak Maritime, WCT Marine, Business Oregon and the Clatsop County Tax Assessor's office participated in the work session. Attached to this memorandum are materials presented at the work session which, in addition to a general overview of Enterprise Zones, includes a detailed description of the plans and economic impact of the Hyak Tongue Point project. Page 12 of the attachment includes a table summarizing the estimated exempt taxes that would accrue over the 15 year exemption period.

As anticipated, WCT Marine submitted an application for the Long-Term Tax Incentive for the proposed redevelopment of North Tongue Point. The application has been processed by the Enterprise Zone Manger (CEDR Executive Director, Kevin Leahy) . With the aid of tax incentives from the four enterprise zone sponsors, WCT Marine & Construction Inc. intends to lease property from Hyak Tongue Point LLC (Hyak), located at 300 Railroad Way, in Astoria. The anticipated investment is approximately \$22,000,000, with a projected in-service date of August 1, 2024.

Also attached to this memorandum, for Council consideration, is the "Draft Agreement for a Rural Enterprise Zone Tax Abatement" between the four Clatsop County Enterprise Zone sponsors and WCT Marine & Construction, LLC. City Attorney Blair Henningsgaard has reviewed and approved the agreement as to form. The Clatsop County Commission approved the draft at their October 26th Commission meeting. All jurisdictions must consider and approve the same agreement document before the Tax Incentive can be implemented.

Following approval by the City of Astoria, Clatsop County, Port of Astoria and City of Warrenton, Resolutions would be brought to the Astoria City Council and Clatsop County Commission for the final ratification.

Bob Dorn from Hyak, Willie Toristoja from WCT Marine, Enterprise Zone Manager Kevin

Leahy, Melanie Olson from Business Oregon and Suzanne Johnson and Chris Leader from the Clatsop County Tax Assessor's office will be present at the Council meeting to respond to questions.

RECOMMENDATION:

It is recommended that the Council adopt the Resolution approving the Rural Enterprise Zone Abatement agreement with WCT Marine & Construction, LLC.

BY: PAUL BENOIT, INTERIM CITY MANAGER

ATTACHMENTS:

[Resolution_Approving_Enterprise_Zone_Agreement__1__Astoria_110722__1_\(4\).docx](#)
[CLATSOP_ENTERPRISE_ZONE_SPONSOR_WORK_SESSION_20221006 \(1\).pptx](#)

RESOLUTION NO. 22-36

IN CITY COUNCIL

FOR CITY OF ASTORIA, OREGON

APPROVING LONG-TERM RURAL)
ENTERPRISE ZONE ABATEMENT AGREEMENT) RESOLUTION AND ORDER

WHEREAS, City of Astoria, Clatsop County, Port of Astoria and City of Warrenton are JOINT Zone Sponsors of the Clatsop County Enterprise Zone; and

WHEREAS, WCT Marine & Construction Inc. has applied for a 15-year Long Term Rural Enterprise Zone Tax Abatement from the Zone Sponsors; and

WHEREAS, the Astoria City Council has considered the benefits of the minimum of 50 new jobs and investment of at least \$22,000,000 that WCT Marine & Construction Inc. will spend in developing the 34-acre shipyard facility at Hyak Tongue Point which includes the purchase and operation of a high-capacity all-electric mobile lift. Now therefore, it is hereby:

RESOLVED AND ORDERED:

The Agreement for Long-Term Rural Enterprise Zone Abatement for WCT Marine & Construction Inc. is hereby approved.

Dated this 7th day of November, 2022

City of Astoria

Bruce Jones, Mayor



CLATSOP ENTERPRISE ZONE SPONSOR WORK SESSION

LONG-TERM RURAL ENTERPRISE ZONE BENEFIT.

OCTOBER 6, 2022

Standard Enterprise Zone

- Enterprise zones were formed in 1986 to help foster employment opportunities and increase local competitiveness. These zones offer tax relief on new private capital in exchange for investing and hiring in the enterprise zone. Qualifying businesses receive exemption from local property taxes on new plant and equipment for three years (but up to five years) in the standard program.
- The Clatsop Enterprise Zone was created in 2015, with four sponsors: Clatsop County, City of Astoria, City of Warrenton and Port of Astoria.
- There are currently 76 enterprise zones across Oregon: 58 rural and 18 urban. Local governments are responsible for creating, amending, managing, and renewing most of these zones, until June 30, 2025.
- CEDR is Clatsop County's zone manager.

Business Eligibility

-New buildings/structures, structural modifications or additions, or newly installed machinery and equipment located in the zone qualify for the tax exemption. Only the increase in assessed value attributable to the additions or modifications is exempt in the case of a building or structure.

-Eligible businesses include manufacturers, processors, shippers and a variety of operations that serve other organizations, as well as call center and headquarter-type facilities. Hotel/resort businesses also are eligible in some of the enterprise zones, with local approval (City of Astoria does not currently allow hotel/resorts enterprise zone benefits). Otherwise, retail, construction, financial and certain other defined activities are ineligible.

Qualified Property

Land, previously used property value, and other miscellaneous personal property do not qualify.

Criteria for Qualifying Projects

For the basic, three-year enterprise zone exemption period, the business needs to:

- increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10% (or less with special-case local sponsor waivers);
- generally have no concurrent job losses outside the zone boundary inside Oregon;
- maintain minimum employment level during the exemption period;
- enter into a first-source agreement with local job training providers.

Employment to Qualify

Oregon's enterprise zones are intended to create new jobs, for which there are two basic requirements that an authorized business must satisfy to receive the standard exemption on property.

Increase by First Year of Initial Exemption (gateway requirement)

- Authorized business must increase its employment within the enterprise zone by the greater of one person or 10%.

Maintain Increased Employment Level

- For each assessment (calendar) year of the exemption period, the business' annual average employment must likewise be at least 110% of (and one job more than) the pre-application annual average.

Jobs That Are Counted

Persons working full-time—employed more than 32 hours per week (not full-time equivalents or part-time employees).

- Permanent/year-round positions, and thus not anyone hired temporarily, seasonally, or solely to construct/install property.
- Employees working mostly (anywhere) inside the enterprise zone.
- Jobs that primarily perform or support eligible operations/activities.

May include contract or leased employees.

NOTE: When an Enterprise Zone expires, those businesses that are already qualified will continue to receive the exemption until their qualified term expires.

Extended Enterprise Zone

For the four or five year exemption period, the business must satisfy the above criteria for the three-year period and:

- receive special local approval “Before authorization application is approved” in the form of a written agreement between the business and local zone sponsors, and:
- the average of new employees' compensation (including benefits), needs to be at or above 130% or 150% (In Clatsop County it is 130%) of the county average wage as set at the time of authorization.
- wages must be equal to or greater than the current county average wage in that fourth/fifth year.
- All other requirements of standard enterprise zone apply.

Long-term Rural Enterprise Zone Facilities

Available in most rural enterprise zones, the long-term zone program offers a property tax abatement of 7–15 years, compared to the standard 3 to 5 years.

There are few opportunities in rural Oregon to use long-term enterprise zone benefits because special criteria limit the use based on the size of the investment in terms of minimum investment costs and minimum number of new hires by the company.

Incentives

7 to 15 consecutive years of full relief from property taxes on new facility property, starting in the year after it is permitted for use and occupancy.

Qualifying Projects

The facility must meet the following three criteria:

1. In Clatsop County the minimum investment is \$12.5 million.
2. Within 3 years of commencing operations, the business must hire TBD new, full-time employees to work at the facility, and must be maintained during the tax abatement period.
3. By the fifth year after the year when new facility operations commenced, average annual compensation (including benefits) for all workers at the facility must be at least 130% the county average annual wage, based on the latest, final figure, and then for every subsequent calendar year over the rest of the exemption period:
 - Average compensation needs to be at least that high relative to the county wage when first met.
 - The average wages (taxable income) received by those workers also must equal or exceed the latest year's figure for the county average wage.

Certification Process

Prior to beginning construction, improvements, or hiring at the facility, a business must submit an application to the local enterprise zone manager and county assessor, who will approve the business for certification pursuant to the following two steps:

Step 1: The business and all local government sponsors of the enterprise zone enter into a written agreement, for which Business Oregon will provide documentation of concurrent county eligibility. This local agreement determines the exemption period (7 to 15 years) and may specify additional requirements to be met by the business/facility.

Step 2: The county board of commissioners (and the city council, if within city limits) specifically adopts a resolution approving the property tax exemption.

Impacts of an enterprise zone

-Combined with upgrading local capacity (e.g., infrastructure, industrial sites), an Oregon enterprise zone is meant to induce additional private-sector investment and jobs by signaling a receptive business climate, primarily through a significant but short-term infusion for the project's cash flow, in order to:

- encourage homegrown entrepreneurs and businesses to start up and grow
- prompt bigger re/investment than might otherwise occur
- accelerate investments and hiring compared to an ordinary rate
- expand employment (business must increase full-time, year-round jobs in the zone)
- help regions overcome economic dislocations and structural deficiencies
- retain and attract operations that would move or locate elsewhere
- buttress the early success of traded-sector business projects, and
- stimulate higher levels of employee compensation with the 5-year abatement.

Enterprise zone exemptions do not necessarily affect available resources for local public services, depending on statewide equalization of school funding and prevailing limitations on tax rates and levies that pertain to new industrial property in particular tax codes. Enterprise zone incentives can even enlarge the local tax base, which under the current property tax system would increase future revenues, due to the introduction of new property that is taxable for many years after the period of exemption.

WCT Marine – Hyak Maritime, Tax Estimates for 15 Year Enterprise Zone Exemption

Tongue Point Existing Property and Projected Tax Collection (15 Year Period)			
Billing Rate per Thousand of AV \$19.3767			
		1st Year Taxes	Cumulative Taxes
		\$84,668.78	\$1,395,387.19
City of Astoria	\$34,969.18		\$576,310.96
4H & Ext Svc	\$228.53		\$3,766.31
Clatsop County	\$7,262.74		\$119,693.91
Clatsop County Local Option	\$305.87		\$5,040.96
Port of Astoria	\$537.46		\$8,857.68
Clatsop Care Center	\$754.63		\$12,436.76
Clatsop Care Center Local Option	\$1,005.01		\$16,563.14
Clatsop Comm College	\$3,936.15		\$64,869.91
NW ESD	\$658.06		\$10,845.26
School 1	\$32,848.17		\$541,355.53
Sunset Transportation	\$693.46		\$11,428.57
Astor East Urban Renewal	\$1,469.50		\$24,218.20
		\$84,668.78	\$1,395,387.19

Tongue Point New Property and Estimated Exempt Taxes (15 Year Period)

Billing Rate per Thousand of AV \$19.3767

	1st Year Taxes \$425,298.94	Cumulative Taxes \$5,416,011.46
--	--------------------------------	------------------------------------

City of Astoria	\$175,653.35		\$2,236,875.04
4H & Ext Svc	\$1,147.93		\$14,618.45
Clatsop County	\$36,481.41		\$464,576.15
Clatsop County Local Option	\$1,536.43		\$19,565.81
Port of Astoria	\$2,699.73		\$34,379.92
Clatsop Care Center	\$3,790.59		\$48,271.64
Clatsop Care Center Local Option	\$5,048.27		\$64,287.66
Clatsop Comm College	\$19,771.65		\$251,784.00
NW ESD	\$3,305.52		\$42,094.44
School 1	\$164,999.31		\$2,101,200.13
Sunset Transportation	\$3,483.30		\$44,358.48
Astor East Urban Renewal	\$7,381.44		\$93,999.73

\$425,298.94

\$5,416,011.46



HYAK TONGUE POINT ASTORIA, OREGON

WORLD'S LARGEST
ALL-ELECTRIC MOBILE LIFT

COMING
SUMMER 2024

MOBILE LIFT CAPABILITIES

- Vessels weighing up to 1500 metric tons
- Vessels up to 300' long x 65' wide, including:
 - All U.S. and Canadian offshore and river commercial tugboats up to and including the Crowley 'Legacy' 750 Class ATB tugboats
 - All Columbia River freight and grain barges
 - All large offshore commercial fishing vessels
 - All USCG patrol vessels and buoy tenders up to and including the 210' 'Reliance' class cutters
 - Offshore deck barges to 300' long x 65' wide
 - American Cruise Lines' new 'Project Blue' passenger vessels



ADDITIONAL YARD FEATURES

- New vessel construction: tugboats; fishing boats; deck barges
- 100 tons floating barge crane service and 150 tons land crane service
- 450 tons capacity vessel haul-outs with boat trailer on 60' wide boat ramp
- Barge loading bulkhead, accommodating 120' wide deck barges
- Covered work pads to 80' wide, 200' long, with 60' air height
- Uplands work pad area able to work on up to 12 vessels at a time
- Properly credentialed employees of our customers are allowed to work on their vessels while on site
- 120,000 square feet of covered hangar space
- 12,000 linear feet of barge mooring space
- Past Site Projects: North Slope Oilfield modules and Vandenberg AFB/SpaceX Rocket Gantries



ECONOMIC IMPACT

of 1500 Ton All-Electric Mobile Lift at Hyak Tongue Point

Hyak Tongue Point (Hyak) is a 34-acre shipyard facility along the Columbia River in Astoria, Oregon, and a key provider of maritime services in the area providing haul-out services, repairs, construction as well as porting and moorage to customers in the Pacific Northwest. Hyak is looking to expand its service offerings with the purchase of a 1500 ton all-electric Cimolai Mobile Lift.

The lift's all-electric function allows it to operate with a net-zero carbon footprint, positioning Hyak to be the first to employ this technology in North America and invest directly in environmentally conscientious capital. Proactive investment in environmentally compliant infrastructure supports high environmental standards within the regional maritime industry and incorporates sustainable operations at Hyak, and consequently, their users.

Economic Impact

The purchase and operation of a high-capacity all-electric mobile lift poses significant economic impacts to the maritime economy in the region:

- Total site investment of \$35M at Tongue Point.
- Upfront operational investment in the mobile lift will generate \$14.4M in local business spending.
- Total construction employment is estimated at 175 jobs with an estimated \$9.5M in short-term Clatsop County labor income.
- An additional 51 full-time jobs at Hyak with annual average salaries of \$78,400, resulting in \$6,086,340 in total payroll. By year five, on-site workforce is expected to grow to 126 jobs equating to \$11.3M in total payroll.
- Local and state annual tax revenue collection will increase by close to \$400,000 in 2025 and by nearly \$700,000 in 2030.
- By year five, total employment is expected to increase by more than 300 regional jobs and \$21M in wages and benefits.

Oregon and Washington have seen 16 shipyards cease operations within the last 15 years. Several factors have contributed to shipyard closures including bankruptcy, high costs, company consolidation/acquisitions and surrounding land development pressures. Nearly every year for the past decade and a half has marked the loss of a small to medium-size shipyard.

Hyak contracted with Columbia Pacific Economic Development District (CPEDD) for an independent, third-party analysis of the economic impacts of the proposed mobile lift and upland environmentally secure workpads.



(DRAFT) Enterprise Zone Work Session
October 6, 2022
Potential 'Public Benefit' Bullet Points

- 51+ new trades jobs will be created immediately at WCT by the Big Top Tent and the Mobile Lift Project
- 126 new trades jobs will be created by WCT by 2029
- Additional local jobs created by supporting businesses to WCT; the site has potential for new tenant companies providing engine repair, hydraulic repair, machine shop, and similar services
- Will partner with the adjacent Tongue Point Job Corps and Clatsop County MERTS Campus to train and hire their students
- Will provide training opportunities and develop additional programs for area High School students
- Will be able to lift and service all local USCG vessels—including the cutters 'Alert' and 'Steadfast'—as well as the new Fast Response Cutters sited at the new CG base next door
- Will be able to lift and service all the Job Corps and MERTS training vessels



ECONOMIC IMPACT OF

Hyak Tongue Point

1500 Metric Ton All-Electric Mobile Lift

Project Background

Hyak Tongue Point (Hyak) is a 34-acre shipyard facility along the Columbia River in Astoria. Since the purchase of the site in 2017, Hyak and its tenants at the site, WCT Marine & Construction, Bergerson Construction and American Cruise Lines, have collectively invested nearly \$4.5 million into site improvements.

Hyak is a key provider of maritime services in the Astoria area providing haul-out, repairs, construction as well as porting and moorage to customers in the Pacific Northwest. With ongoing relationships with the Coast Guard, the Tongue Point Job Corps, Clatsop Community College Marine and Environmental Research and Training Station (MERTS) and the PNW maritime industry, Hyak is looking to expand its services by the purchase of a 1500 metric ton all-electric Cimolai Mobile Lift.

The investment in a mobile lift of this size would be an unprecedented purchase both in terms of environmental stewardship and scale of operations for a private enterprise in the Pacific Northwest. The lift's all-electric function allows it to operate with a net-zero carbon footprint, positioning Hyak to be the first to employ this technology in North America and invest so directly in environmentally conscientious capital. Moreover, this investment comes at a time when shipyards and accompanying maritime support are critically low, not only along the Columbia River but throughout the Pacific Northwest.

The purchase and operation of a high-capacity mobile lift poses significant economic impacts to the maritime economy in the region':

- Total site investment of \$35 million at Tongue Point.
- Hyak is committed to using local suppliers and contractors for construction and materials. Upfront and operational investment in the mobile lift will generate \$19 million in local business spending, equating to 76% of total lift investment/expenditure being local suppliers/services.
- Temporary construction employment estimated at 135 on-site jobs with indirect and induced jobs totaling an additional 40 jobs. Total construction employment is estimated at 175 jobs with an estimated \$9.5 million in short-term Clatsop County labor income.
- An additional 51 full-time jobs at Hyak with annual average salaries of \$78,400, resulting in \$6,086,340 in total payroll. By year five, the on-site workforce is expected to grow to 126 jobs (equating to \$11.3 million in total payroll).
- Local and state annual tax revenue collection will increase by close to \$400,000 in 2025 and by nearly \$700,000 in 2030.
- Indirect and induced employment in Clatsop County is expected to result in 90 additional employees equating to \$4.6 million in total annual payroll.
- Indirect and induced employment in other counties in Oregon and Washington is expected to increase by as much as 100 additional employees as a result of the project within the five years after installation.
- Due to indirect and induced employment, local and state annual tax revenue collection will increase by more than \$900,000 by 2030.
- By year five, total employment is expected to increase by more than 300 regional jobs and \$21 million in wages and benefits.

Within the first year of mobile lift operation, Hyak will be able to provide haul-out services to 13% of Oregon and Washington's tugboat fleet every year and by 2030 it will be able to provide haul-out to 25% of the fleet every year. Given new requirements for towing vessels to be hauled-out every 2.5 years for Coast Guard mandated inspection, this service will be critical to the region's fleet. Hyak's mobile lift would primarily serve the 488 tugboats and push boats located in the Pacific Northwest, but could provide service to the other small and medium commercial vessels, including Coast Guard, commercial fishing, and passenger vessels too large for existing lifts.² Currently, any vessels larger than 660-tons must either seek limited haul-out services in California, Washington, Canada or beyond or must experience several months of repair delays, forcing fleets to change their regular operating schedules.

Hyak's proposed mobile lift reintroduces foundational maritime infrastructure to the Pacific Northwest and thereby brings much needed capacity and services to commercial vessels in the PNW. With greater operational capacity and state-of-the-art infrastructure, the mobile lift will also contribute to the resiliency of the region's supply chains, emergency management and national security.



Given the economic benefits expected in the region from the purchase of the mobile lift, there is a demonstrable and imperative need for public investment. *In a statement prepared for a 2019 hearing on the U.S. Maritime and Shipbuilding Industries "Strategies to Improve Regulation, Economic Opportunities and Competitiveness", it was noted that significant public/government subsidies are crucial in shipyard profitability and a key reason for international shipyard advantage.* In addition to financial necessity, public investment signals an important dimension of community investment. The maritime industry is a mainstay of the North Coast and the greater Pacific Northwest economy and public investment in shipyard operations, particularly those that promote new and more efficient technologies and allow for greater environmental standards, not only supports local businesses, but also lays the foundation for sustainability and innovation development in the region's maritime economy.

Shipyards & Services

SHIPYARD:

Ships are built and repaired.

DRY DOCK:

Narrow basin or vessel that is flooded to allow a load to be floated, then drained to allow load to come to rest on a dry platform. Only one vessel can be accommodated within a dry dock.

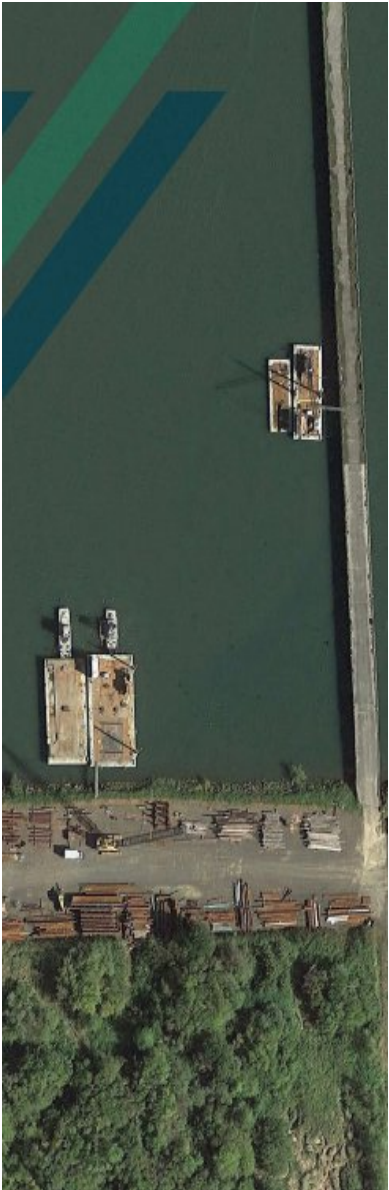
HAUL-OUT WITHOUT MOBILE LIFT:

Boat hauled out with a trailer that backs into the water. Boat is secured onto the trailer and pulled out of the water. Typically requires eight people, one day of prep, ½ day to haul and ½ day to return boat to water.

HAUL-OUT WITH MOBILE LIFT:

Boat is secured to hoist system, lifted out of water and transported to work area. Typically requires three people and one hour.





Industry Overview

The U.S. transportation system is comprised of a delicate balance between roads, rail, air and maritime, four sectors that serve both industrial/commercial freight traffic as well as household and tourist travel. Maritime transportation, the network of infrastructure and services that allow for the movement of goods and people through waterborne transportation, is the least visible to most U.S. residents but just as critical as roads, rail and air transportation. For perspective, more than 70% of total end to end international supply chain transportation occurs over water.

Nearly every U.S. industrial sector is dependent on maritime services for the flow of materials and goods to and from their operations. Domestically, maritime services along the nation's navigable waterways, including rivers and coastal routes, are responsible for the survival of our energy, farm and food, and construction sectors. The Pacific Northwest's coastal routes and the Columbia River, the only significant navigable waterway on the west coast, play a significant part in our regional and national economy. Over 56 million tons of freight pass through the Columbia every year carrying products such as energy, food and farm, building materials, machinery and finished goods.³ The Columbia River alone facilitates over \$21 billion of economic activity from foreign trade on an annual basis.⁴

Not only is maritime transportation the most cost-effective mode of transportation for large volumes and long distances, but it is also the safest and most fuel-efficient means of freight transportation. For every nearly 700 injuries from trucking accidents, there is only one in maritime travel. Similarly, for every one tow and barge carrying goods, over 500 trucks are not required to travel on our highways.⁵

The maritime industry and its continued existence is completely dependent on shipbuilding and repair services located at private shipyards and public ports. The typical shipyard activities include ship construction, repair, conversion, alteration, regulatory inspections, as well as the production of prefabricated ship and barge sections and other specialized services. Shipyards depend on manufacturing and other facilities outside of the shipyard, which provide parts and services for shipbuilding activities within a shipyard.⁶

From data recorded in 2019, the nation's 154 private shipyards still capable of building ships, located on the east and west coasts as well as along major navigable waterways, provide more than 107,000 jobs and contribute \$9.9 billion in labor income to the national economy. On a nationwide basis – including direct, indirect, and induced impacts – the industry supports 393,390 jobs, \$28.1 billion in labor income, and \$42.4 billion in GDP.⁷ *In Oregon, Washington and Alaska, there are twelve shipyards capable of building ships.⁸ Shipyards in the Pacific Northwest employ nearly 4,500 and contribute \$440 million in labor income and are responsible for \$1.2 billion in direct, indirect, and induced labor income.⁹*

The most common customers of shipyards are the U.S. Navy, U.S. Army, and U.S. Coast Guard, commercial vessels, yachts as well as other larger recreational boats. The U.S. Navy accounts for the majority of demand for shipbuilding industry products. Moreover, approximately

76.7% of the maritime industry's revenues were derived from the routine repairs and maintenance of maritime vessels.

Given the importance of maritime transportation and the critical role of shipyard services, the current trajectory of closures and consolidation poses significant risk to local and national economic activity. For example, between 1953 and 2016, the number of major U.S. shipyards declined from thirty to six.¹⁰ This astounding collapse was years in the making, but many in the industry point to the removal in 1981 by President Ronald Reagan of a long-standing federal program which provided direct construction subsidies without a complementary demand that Asia and Europe also remove their extensive shipbuilding subsidies.¹¹ Since that time, the U.S. shipbuilding and ship repair industries have been competing with subsidized foreign companies.



As a result, tens of thousands of skilled and high paying American jobs have been lost. U.S. commercial shipbuilders, once the world's leaders, now account for less than one percent of the global market.¹²

A 2018 interagency task force formed by the White House found that there are numerous challenges to what's left of the shipbuilding sector, including boom-and-bust demand cycles, skill shortages and a fragile supply chain. For instance, only one domestic forge remains that can make large propeller shafts for oceangoing vessels.¹³

What the industry is facing is indicative of what has unfolded in many domestic, often natural resource based, industries with exposure to competition from global trade, under investment in public infrastructure and to our shifting perspective on environmental stewardship. Today, the shipbuilding and repair industry is still confronting a trajectory of decline and atrophy and attempts to compete with low-cost foreign competitors (including heavily subsidized, state-owned fleet operators) has led to countless shipyard mergers, acquisitions, and closures.¹⁴

The Pacific Northwest maritime industry has not been immune to these larger industry trends. Oregon and Washington have seen 16 shipyards cease operations within the last 15 years. Several factors have contributed to shipyard closures including bankruptcy, high costs, company consolidation/acquisitions and surrounding land development pressures. Nearly every year for the past decade and a half has marked the loss of a small to medium-size shipyard.

Environmental Regulations

Alongside competitive pressures, the costly nature of increasing environmental regulations is changing the financial incentives of ship operators to seek more regular servicing involving either haul-out services or dry docking.

Environmental regulations applicable to the maritime industry are increasingly requiring more stringent and specialized inspections and demanding vessel and equipment alterations. The U.S. Coast Guard's implementation of Subchapter M has had significant impact on the commercial towing vessel industry, requiring vessels to be hauled out of water for inspections and maintenance no more than every 30 months.¹⁵

However, due to the decline in shipyards in recent decades, current shipyard dock availability cannot accommodate the increase in mandatory haul-out service on top of already backlogged emergency service requests. The issue is no different for the Pacific Northwest, only six facilities in the region have the capacity to service haul-out needs with lifts ranging from 330 to 750-ton capacity. There is zero capacity for boats needing haul-out capacity above 700 tons, forcing larger vessels to go elsewhere or absorb long-wait times. Both scenarios are leading to increased business risk, lower production and higher costs.

Other federal and state regulations to limit emissions and reduce environmental impacts are or will be impacting the maritime industry's demand for haul-out service. Regulations, such as the EPA and California Air Resources Board's Tier 4 or Zero-Emission measures, are likely to become standard for vessels traversing U.S. coasts or inland waterways. Tier 4 standards provide a comprehensive national program to reduce emissions from nonroad diesel engines by integrating engine and fuel controls as a system to gain the greatest emission reductions.¹⁶ To meet these Tier 4 emission standards, engine manufacturers will produce new engines with advanced emission control technologies applicable to new engines found in off-road equipment including construction, mining and agriculture equipment, *marine vessels and workboats*, locomotives and stationary engines.

Maritime industry insiders expect that the U.S. Coast Guard will implement additional regulation on vessels in the next five years, spurring even more demand for dock space and expert trades to perform specific maintenance review requirements. Vessel owners and operators acknowledge how the new regulation is driving out older technology and prompting growth opportunities for the new shipbuilding markets – a source of growth that would support and be facilitated by Hyak.

Case Study

Impacts on Trucking Industry due to new Environmental Regulation

In the last two years, California, Oregon, Washington, New Jersey and Massachusetts have approved rules requiring new trucks sold to be zero-emission starting in 2025. These six states cite achieving zero-emission technology in the transportation sector as one of their highest policy priorities. These rules are already being established for vessels traveling in coastal and inland waterways.

IMPACTS

- Demand for truckyard/shipyard services
- New engine technologies & demand for new skills in workforce
- Demand for renewable fuels
- Demand for engine alterations/conversions in older engines

Oregon Maritime Industry Opportunity: Hyak

The Pacific Northwest maritime industry is defined by the extensive network of transportation vessels along the Columbia River and traversing the Pacific Ocean, comprising Coast Guard boats, tug and barge vessels, cruise ships and commercial fishing vessels.

Clatsop County, positioned at the mouth of the Columbia River where inflow and outflow vessel traffic is consistent and valuable, is an ideal geographic location for maritime services.¹⁷ Despite the high volume of vessels and economic activity, there are currently only six Oregon shipyard facilities that can perform haul-out services and none that can accommodate vessels greater than 660 tons. The region's lack of shipyard services capable of accommodating the tug and tow fleet, numbering at 488 in the Pacific Northwest, poses a significant reduction and loss of economic activity for Oregon's shipyards.

Until its closure in 2017, vessels in the region could be serviced by Astoria Marine Construction Company (AMCCO). However, indicative of shipyard operations across the Pacific Northwest, the company closed its doors due to higher costs, the burden of a changing environmental landscape and shifting market forces within the industry. According to industry insiders, the closure of AMCCO marked a momentous shift in Oregon's maritime economic landscape, signaling a decline in shipyard capacity and jeopardizing the prominent role Astoria had in the shipbuilding and repair industry.

Interviews with regional fleet owners revealed that ships traversing and ported in Oregon and Washington are now forced to travel considerable distances, including to Alaska, and in some cases Canada, due to the lack of robust servicing options in the immediate Columbia River region. Faced with long servicing wait times and the continued closures of regional shipyards, vessel owners and repair businesses are facing higher costs associated with the travel time spent and fuel used to accommodate trips to farther shipyards would be significantly reduced and would be recaptured by Hyak and other local vendors. This phenomenon of "economic leakage" of the regional maritime customer base is a considerable missed opportunity for local vessel owners, for shipyards and for the complementary maritime businesses providing materials and services.

In the immediate future, just a decade or less, the shipyard industry points towards one of continued business consolidation and shrinking service diversification. As described by a PNW-based cruise line operator, the Northwest shipyard market is comprised of a variety of vessel types that each require a different scale, intensity and frequency of shipyard services. As shipyard operations consolidate and consequently reduce the number and array of shipyard services and infrastructure available, small to medium vessels will be pushed further out of the market and the Northwest will continue to lose critical local and diversified businesses. Larger shipyards will continue to capitalize on the shrinking options for vessels of all sizes, without having to amend their pricing model.

In the Pacific Northwest, dry docks remain the primary haul-out option, often characterized by their aging quality and inherent lack of environmental compliance with no option but to dispose of refuse directly into the water.

While “clean” machinery is not yet an industry mandate, the proposed all-electric mobile lift with accompanying environmentally secure upland workpads at Hyak puts Oregon in an ideal position to support maritime compliance with environmental regulations. Given the pace of regulatory changes that has been observed in the trucking and shipping industry, the decision

to proactively invest in environmentally compliant infrastructure supports high environmental standards within the regional maritime industry and proactively incorporates sustainable operations at Hyak, and consequently, their lift users.

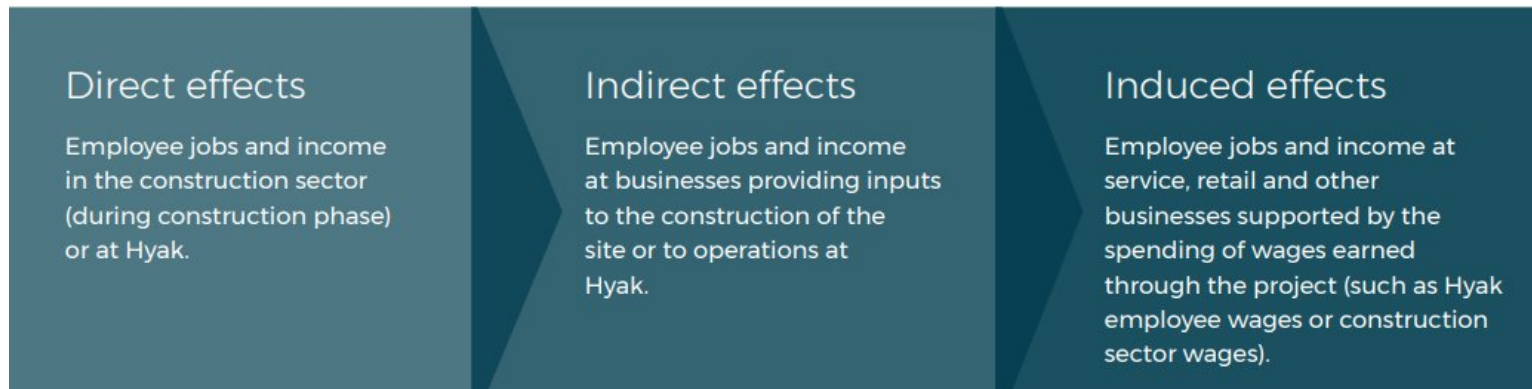
As environmentally conscientious technology is increasingly prioritized and required in the transportation and trade industry, Hyak’s proposal for an all-electric lift positions Oregon’s North Coast maritime industry overall to perform at a more sustainable and competitive level among users and in the long run.

¹⁷ Over \$21 billion in cargo value travels on the Columbia River. Columbia-Pacific EDD. “Kate Mickelson-Columbia Steamship Operators Association.” Interview. 4 Feb. 2022.

Potential Economic Impact of Hyak's All-Electric Mobile Lift

Among industry representatives interviewed for this study, the overwhelming opinion was that the installation of a 1500 metric ton mobile lift in Astoria, Oregon would add much needed shipyard repair capacity and contribute significantly to the regional economy through jobs created and local spending spurred by on-site operations.

This analysis estimates the annual total economic contribution, in terms of jobs and income supported, of the proposed project to the Clatsop County economy during both construction and at full operation. Total economic contribution includes not just the direct jobs and income at Hyak, but also jobs and income supported throughout other, linked sectors in the Clatsop County economy. Specifically, total economic contribution includes direct, indirect, and induced effects.



The total economic contribution of the project was estimated using a 2019 IMPLAN model of the Clatsop County economy, a standard economic model used for estimating economic contribution. While many jobs and income supported by the project are expected to be in Clatsop County, jobs and income are likely to also benefit residents of other nearby Oregon or Washington counties. Employment impacts presented below are full and part-time jobs supported by the project. Income impacts include total labor income supported by the project, including wages and benefits to employees and proprietors, expressed in 2022 dollars.

Total economic impacts expected during the next two years, by the time the mobile lift is operational and within five years after operation:

- Total site investment of \$35 million at Tongue Point.
- Hyak is committed to using local suppliers and contractors for construction and materials. Upfront and operational investment in the mobile lift will generate \$19 million in local business spending, equating to 76% of total lift investment/expenditure being local suppliers/services.
- Temporary construction employment estimated at 135 on-site jobs with indirect and induced jobs totaling an additional 40 jobs. Total construction employment is estimated at 175 jobs with an estimated \$9.5 million in short-term Clatsop County labor income.
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- Due to indirect and induced employment, local and state annual tax revenue collection will increase by more than \$900,000 by 2030.
- By year five, total employment is expected to increase by more than 300 regional jobs and \$21 million in wages and benefits.
- Within the first year of mobile lift operation, Hyak will be able to provide haul-out services to 13% of Oregon and Washington's tugboat fleet every year and by 2030 it will be able to provide haul-out to 25% of the fleet every year. Given new requirements for every 2.5 year haul-out for Coast Guard mandated inspection, this service will be critical to the region's fleet.

Thank you to our partners for their contribution to this study

American Cruise Lines
American Waterways Operators
Bill Cook
Business Oregon
Clatsop Economic Development Resources
Coast Diesel
Columbia River Pilots
Columbia Steamship Operators Association
Cook Inlet Tug & Barge
D Borders Diesel
Dave Harlan
Derecktor Shipyards

Englund Marine & Industrial Supply
Foss Maritime
Fred Wahl Marine Construction
U.S. Job Corps at Tongue Point
Pacific Northwest Waterways Association
Port of Astoria
Port of Toledo
Sause Bros.
Seaview Shipyard
Shaver Transportation
WCT Marine

PO Box 1535 St Helens Oregon 97051 | www.nworegon.org



Questions?

Scheduled Enterprise Zone Sponsor Meetings

City of Astoria – October 17th

Clatsop County – October 26th

Port of Astoria – November 1st

City of Warrenton – November 22nd



DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: SECOND READING AND CONSIDERATION OF ADOPTION OF CAMPING ORDINANCE PERTAINING TO PLACE

DISCUSSION / ANALYSIS:

The Oregon Legislature passed House Bill 3115 in 2021 requiring cities to adopt or modify any unlawful camping ordinances to address such requirements as the “Time, Place & Manner” where homeless individuals can sleep, rest and keep warm and dry. Specifically, any language that requires enforcement of unlawful camping shall be objectively reasonable as to the “Time” (specific period when sleeping or camping is permitted), the “Place” (identifying locations within the city where camping is permitted during the “Time” stated), and the “Manner” (what items are allowed such as a sleeping bag, tent, etc.).

On June 20, 2022, Council approved amendments to Astoria Code sections 5.002, 5.900, 5.924 & 5.925 adopting new language to address the requirements of HB 3115, as well as the 9th Circuit Court of Appeals decision in Martin v. Boise related to homeless individuals sleeping on public property. The recent Code amendments approved by Council addressed the “Time” and the “Manner” portions of the “Time, Place and Manner” requirements of HB 3115. The question of “Place” was not addressed at that time to ensure sufficient opportunity to obtain additional community input before a detailed proposal was considered by Council.

Subsequent to the June 20, 2022 Council meeting, on July 18, 2022, Staff gave a presentation on a substantially similar version of this amended ordinance proposal during a regular council meeting where public input was heard. The Astorian also published a front-page story on August 19, 2022 entitled [“Astoria hears feedback on homeless camping locations”](#) reporting on the council presentation. On September 29, 2022, members and guests of the Homeless Solutions Task Force (HOST) heard a staff presentation on this topic allowing another opportunity for public feedback.

Since the June meeting, staff has continued to develop this draft ordinance language to address “Place”. The proposed language provides guidance to individuals experiencing homelessness as to where they can lawfully rest or sleep. The draft ordinance identifies locations where sleeping or resting is not permitted, identifies public property where resting or sleeping is allowed, and also addresses opportunities, with conditions, for owners of certain non-residential properties to allow for camping. Under the draft ordinance, the following locations would be deemed unlawful for camping:

- All public parks;
- Sidewalks where a clear, continuous width to less than six feet cannot be maintained while camping is occurring;
- All city-owned or maintained parking lots;
- Areas underneath roadways or bridges that are not open to the public;
- Areas within ten feet of building entrances or exits, including stairs;
- All publicly owned or maintained restrooms; and
- Areas and rights-of-way located within certain residential zones.

The draft ordinance addressing “Place”, as well as an illustrative, draft map of the City identifying areas that are available to homeless individuals for sleeping and camping are attached to this memorandum. The map is available on the City’s website and in print form and will be provided for illustration purposes only, as the City Code will be the official document identifying available camping locations. Also, if City Council adopts this ordinance, staff will finalize plans to develop an informative, tri-fold brochure that will be available to the public and will be distributed through our social service partners and the APD Community Resource Officer.

In summary, the proposal addresses areas where homeless individuals can sleep or camp on public property. The proposal also addresses limited opportunities and conditions whereby camping could be allowed, with written permission of the owner, on certain classes of private property, such as parking lots associated with religious institutions, non-profit entities, and vacant or unoccupied commercial or industrial real property. Restrictions would place limitations on the number of individuals that may camp or sleep, and a requirement for the provision of sanitary facilities, garbage disposal services and storage area for personal property. Safeguards will be included in the language to revoke permissions in the event of Code violations or ongoing nuisances.

RECOMMENDATION:

It is recommended that Council hold a second reading and consider adoption of the ordinance amending City Codes 5.905 and 5.910 relating to "Place" restrictions as part of the "Time, Place and Manner" provisions to comply with House Bill 3115.

BY: RYAN QUIGLEY, EXECUTIVE ASSISTANT

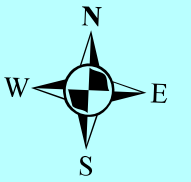
ATTACHMENTS:

[CampingSitesFinal.pdf](#)

[Camp_Place Ordinance Final Draft.pdf](#)

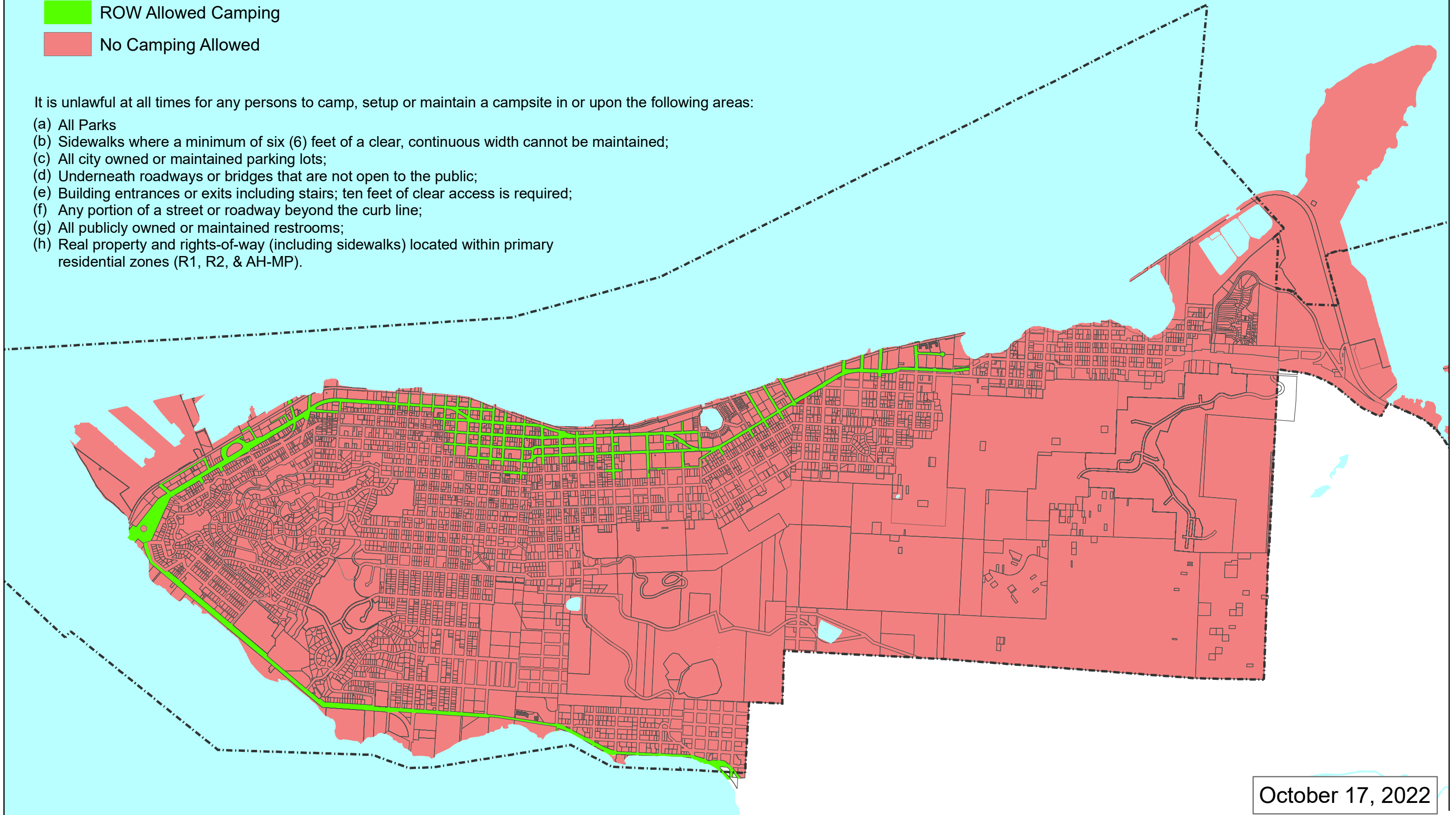
Legend

- City Limits
- █ ROW Allowed Camping
- █ No Camping Allowed



It is unlawful at all times for any persons to camp, setup or maintain a campsite in or upon the following areas:

- (a) All Parks
- (b) Sidewalks where a minimum of six (6) feet of a clear, continuous width cannot be maintained;
- (c) All city owned or maintained parking lots;
- (d) Underneath roadways or bridges that are not open to the public;
- (e) Building entrances or exits including stairs; ten feet of clear access is required;
- (f) Any portion of a street or roadway beyond the curb line;
- (g) All publicly owned or maintained restrooms;
- (h) Real property and rights-of-way (including sidewalks) located within primary residential zones (R1, R2, & AH-MP).



October 17, 2022

CITY OF ASTORIA
ORDINANCE NO. 22-14

AN ORDINANCE AMENDING CAMPING REGULATIONS RELATING TO "PLACE"
UNDER CHAPTER 5 OF THE CITY CODE

NOW THEREFORE, the City of Astoria does ordain as follows:

5.02 Definitions

For the purposes of this Chapter, the following definitions shall apply:

Abandoned Cart: means any shopping cart that has been removed from the owner's premises without written consent of the owner and which is located on either public or private property.

Abate or Abatement: Actions to remove, stop, prevent, correct, reduce, or otherwise take steps necessary, in such a manner and to such an extent as the applicable City department director or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community, to remove a condition deemed to constitute a violation of this ordinance or that has been deemed a nuisance.

Boarded Building: A vacant building or portion of a vacant building whose doors and/or windows have been covered with plywood or other material for the purpose of preventing entry into the vacant building by persons or animals.

Building Available for Sale, Lease, or Rent: A building that is in compliance with the minimum property maintenance standards and has an advertising or posting of contact information concerning its availability; and/or is listed with a certified agent for the sale, lease, or rent transaction.

Camp or Camping: Means to set up, use, maintain or to remain in or at a campsite.

Campsite: Means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.

Camp Facilities: Include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.

Camp Paraphernalia: Include, but are not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

Chronic Nuisance: Individual property on which multiple nuisance activities have occurred during a specified period; or nuisances which have occurred on multiple properties that are owned or controlled by a single person or entity.

Demolition by Neglect: The gradual deterioration of a historic building as a result of insufficient routine or major maintenance.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Inoperable Motor Vehicle: A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junk: All old motor vehicles, motor vehicle parts, abandoned motor vehicles, old machinery or machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County, or City as holding title to the property;

or otherwise having control of the property, including the conservator of the estate of any such person, and the personal representative of the estate of such person if ordered to take possession of real property by a court.

Owner, Junk: The registered owner of a vehicle or junk as described in this Chapter; a person having equity or a beneficial right, title, or interest in or to such vehicle or junk; a person having the right of temporary or permanent control of such vehicle or junk; a person who is the owner of real property on which such vehicle or junk is situated; or a person who is the lessee or in possession of property on which such vehicle or junk is situated.

Owner, Shopping Cart: means a person that, in connection with the operation of a business, makes a shopping cart available to a customer. **Person:** means a natural person, corporation, partnership, Limited Liability Company, limited liability partnership, co-operative, trust, or other entity in law or fact.

Person in Charge: Unless otherwise required by the context, shall be deemed to include a property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property or supervision of a construction project.

Person Responsible. The person responsible for abating a nuisance includes:

1. The owner.
2. The person in charge of property, as defined in this section.
3. The person who caused a nuisance or offense, as defined by this Chapter to come into or continue in existence.

Public Property: means all real property owned or leased, including land and buildings under the ownership, control or authority of the city, county, state or other government entity

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Shopping cart: means a basket that is mounted on wheels and used for the transportation of goods, or any other similar device, that is provided by an owner for use by a customer.

Vacant Building: A building/structure that appears to be empty of furnishings and/or merchandise and not otherwise legally occupied, or any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that a property or building is unoccupied. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars and/or flyers; disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded up windows and/or doors; the absence of merchandise consistent with retail sale; and statements by neighbors or government employees that the property or building is vacant. Portions of buildings with more than one section such as buildings with separate storefronts may be determined to be vacant even if other portions of the building are occupied.

Weeds and Noxious Growth: All grasses, annual plants, and vegetation, other than trees, shrubs, and cultivated flowers and gardens.

SECTION 1: AMENDEMENT “5.900” of the Astoria City Code is hereby *amended* as follows.

AMENDMENT

5.900 - Title And Purpose

Sections 5.900 – 5.925 shall be known as the Astoria Camping Code. The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, place and manner guidelines related to camping.

SECTION 2: AMENDEMENT “5.905” of the Astoria City Code is hereby *amended* as follows.

AMENDMENT

5.905 Prohibited Camping

1. Except as expressly authorized by the Astoria City Code, it shall be unlawful for any person to camp on any public property, ~~between the hours of 7:00 a.m. to 9:00 p.m.~~ Individuals experiencing homelessness may camp on public property from 9:00 p.m. to 7:00 a.m. subject to the place and manner restrictions outlined in section 1(a) and section 2 below.
 - a) During the permitted times and at the permitted places, individuals experiencing homelessness who are engaged in camping are allowed to use a sleeping bag, bedroll, or other material used for bedding purposes as well as materials used to keep warm and dry while sleeping, provided that any tent or tarpaulin used to keep warm and dry may not exceed 50 square feet in surface area. At no time may huts, temporary shelters, lean-tos, shacks, or any other structures be built or placed on public property by anyone other than the public entity that owns or controls the public property in question.
2. Except as expressly authorized by the Astoria City Code, it is unlawful at all times for any persons to camp, setup or maintain a campsite in or upon the following areas:
 - (a) All parks;
 - (b) Sidewalks where a minimum of six (6) feet of a clear, continuous width cannot be maintained;
 - (c) (c) All city owned or maintained parking lots;
 - (d) Underneath roadways, sidewalks or bridges that are not open to the public;
 - (e) Building entrances or exits including stairs; ten feet of clear access is required;
 - (f) (f) Any portion of a street or roadway beyond the curb line;
 - (g) All publicly owned or maintained restrooms, and
 - (h) Real property and rights-of way (including sidewalks) located within primary residential zones (R1, R2, R3 & AH-MP).
 - (i) Notwithstanding subsections (a) through (h), the Council may allow camping on certain identified public locations through a Council resolution. Should the City Council identify additional permissible locations on public property, the City will publish on its website the Resolution authorizing tent camping or vehicle camping on specific public properties. Camping or vehicle camping on such properties is lawful and permissible consistent with the time, place, and manner constraints contained within any such City Code or written and published City Resolution. This Resolution can only be amended by Council action.
 - (j) The City Manager may adopt administrative rules to designate certain locations as

prohibited locations for safety-related reasons. Any designated prohibited locations will be stated on the City's website and in related publications.

3. Notwithstanding the provisions of this Camping Code, including the prohibitions identified in subsections (1) and (2), the City Manager or his or her designee may temporarily authorize camping in the event of a natural disaster or other special circumstances.
4. The city manager may adopt administrative rules to implement any of the provisions of this Camping Code.

SECTION 3: AMENDMENT "5.910" of the Astoria City Code is hereby *amended* as follows.

AMENDMENT

AMENDMENT

5.910 ~~Reserved~~ Temporary Camping Program on Private Property

1. With written authorization of the property owner and written notice provided to the Community Development Department:
 - A. Up to six (6) persons and three (3) total passenger vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 1. Real property developed and owned by a religious institution, regardless of the zoning designation of the property. A religious institution is considered a religious institution for the purpose of this section if they are granted tax-exempt status under Section 501(c)(3) of the Internal Revenue Service Tax Code.
 2. Real property developed with one or more buildings occupied and used by any organization or business for nonprofit, commercial or industrial purposes.
 3. Vacant or unoccupied commercial or industrial real property. The city may require the site to be part of a supervised program.
2. A property owner who authorizes any person to camp on a property pursuant to subsection (1) of this section must:
 - A. Provide or make available sanitary facilities which include at least one toilet and one sink.
 - B. Provide garbage disposal services so that there is no accumulation of solid waste on the site.
 - C. Provide a storage area for campers to store any personal property so the personal property is not visible from any public street.
 - D. Not require or accept the payment of any monetary fee nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary and habitable conditions at the campsite.
- 3) For purposes of this section, a passenger vehicle is considered a passenger car, light truck, or SUV. A passenger vehicle does not include a recreational vehicle.
- 4) A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.

- 5) Notwithstanding any other provision of this chapter, the City Manager or their designee may revoke the right of any person to authorize camping on property described in subsection (1) of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.
- 6) Any person whose authorization to camp on property has been revoked pursuant to subsections (4) and (5) of this section must vacate and remove all personal property within four hours of receiving such notice unless additional time is required by law.
- 7) Any person whose authorization to camp on property has been revoked by the City Manager may appeal the decision pursuant to Section 1.070 of this Code.
For the purposes of this section, a person has received notice to vacate upon actual receipt of either oral or written notice from a property owner or written notice from the property manager. Written notice is deemed received upon personal delivery or upon other proof of having been received. In the situation where it can be shown a person refuses to accept personal delivery or is intentionally avoiding personal delivery, the written notice is deemed received on the date and time when it is affixed to the motor vehicle or tent being used for camping by the person in question.
- 8) All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees, or agents, with respect to any loss related to bodily injury (including death) or property damage.
- 9) The City Manager may adopt administrative rules to implement any of the provisions of this chapter.

EFFECTIVE DATE This ordinance shall be in full force and effect 30 days after the adoption by City Council according to law.

ADOPTED BY THE COMMON COUNCIL THIS _____ DAY OF NOVEMBER, 2022.

APPROVED BY THE MAYOR THIS _____ DAY OF NOVEMBER, 2022.

 Mayor

ATTEST:

 Paul Benoit, Interim City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Councillor	Rocka Herman Brownson Hilton
Mayor	Jone



DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: PUBLIC HEARING AND SECOND READING OF PROPOSED DEVELOPMENT CODE AMENDMENT (A22-01) RELATED TO THE EXPANSION OF HOUSING OPPORTUNITIES IN RESPONSE TO THE RECENT STATE LAW REQUIREMENTS AND REGIONAL HOUSING STUDY RECOMMENDATIONS

DISCUSSION / ANALYSIS:

City staff and the Astoria Planning Commission are proposing an amendment to the Astoria Development Code to satisfy new state legislation and administrative rules addressing the on-going housing crisis. In addition, the proposed amendments incorporate recommendations from the Clatsop County "Housing Strategies Summary Report" as well as several adjustments intended to clarify the development review process.

Following an extensive public engagement process to gather the thoughts and recommendations of Astoria residents, the Planning Commission (APC) held work sessions on March 29 and on June 28, 2022, and held a formal public hearing on July 28, 2022. On the basis of that work, the APC recommends that the City Council adopt the proposed amendments.

The proposed ordinance implementing the amendments has been reviewed and approved as to form by the City Attorney. A First Reading and public hearing was held by the City Council on September 19, 2022. Subsequently, a second public hearing was held on October 17, 2022. At that hearing public testimony, as well as Council comment, generally focused on the following three issues:

1. The extent to which Homestay Lodging should be "Permitted Outright" in the R-1, R-2, and R-3 zones;
2. Whether to allow "Multi-Family" as a permitted outright use in the C-3 zone without a requirement that it be in conjunction with a commercial use; and
3. Whether to allow "Transient Lodging" as permitted outright in the C-3 zone, provided that it is limited to 3 to 5 units within existing buildings, that the buildings are 50 or more years old, and provided that the transient lodging units are accessory and subordinate to the primary use of the structure.

Given the questions raised, the City Council continued the public hearing to its meeting of

November 7th in order to allow for further discussion and consideration.

Relative to Homestay Lodging within the R-1, R-2, and R-3 zones (see Sections 2.020-2.025 (page 5 & 52) 2.065-2.070 (page 7-8) and Sections 2.155-2.160 (page 10-11)) the current City Code allows the use as "Permitted Outright" in the R-2 and R-3, and as a "Conditional Use" in the R-1.

The proposed amendment allows Homestay Lodging as Permitted Outright only in the R-3 zone and shifts the use from Permitted Outright to Conditional in the R-2 zone. No change is proposed in the R-1 zone, where Homestay Lodging remains allowed as a Conditional Use. The proposed change was put forward in an effort to limit the future short-term rental supply of Home Stay Lodging in the R-2 zone. The majority of the public input received throughout the numerous public meetings held on the proposed Code amendments focused on the need to maintain Astoria's residential character. The Planning Commission felt that limiting the number of future Home Stays would reduce the chance of any negative impacts occurring and, as a consequence, would help maintain the City's residential character.

However, should the City Council decide to leave Home Stay Lodging as Permitted Outright in the R-2, it is unlikely that any significant negative impact would result. The Home Stay Lodging License requirements mandate owner occupancy, among other things. As long as the Community Development Department continues to expand its abilities to monitor and enforce Home Stay Lodging rentals, I do not see the supply of housing or the City's residential character diminishing due to this change.

Relative to Multi-Family in the C-3 Zone (See Sections 2.390 (page 16) and 2.395 (pages 56-57)), the current code allows Multi-Family dwellings as Permitted Outright. The proposed amendment retains Multi-Family as Permitted Outright but adds the condition that it has to be in conjunction with a Commercial use. This condition was included in the proposed amendment to further support street-facing commercial businesses and to align the language with the C-4 zone.

At its meeting of October 17th, the City Council received testimony requesting consideration to revert the language back to what it currently is today, without the Commercial component. Staff does not foresee any significant negative consequences should the Council support this request, mainly because the current Code language, which has been in effect for decades, has not resulted in any negative issues. In addition, we believe retaining the current language could positively impact housing supply.

There was also discussion about group living or dorm style living in the C-3 zone. The proposed amendment adds "Group Living Facility" as Permitted Outright in the C-3 zone. "Residential Facility" is currently Permitted Outright in the C-3 zone and is synonymous with "Group Living Facility". This change in language was likely the cause of some confusion relative to the comments made at the October 17th meeting. For clarification, "Group Living Facility" is defined as:

"A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses. Group Living is characterized by long-term (i.e., more than 30 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group

Living is divided into two subcategories based on whether or not residents receive any personal care, training, and/or treatment."

The amendment proposes discontinuing the use of the terms Nursing Home and Congregate Care and adopting the term Group Living Facility for facilities not operating under the direct authority of the state. Two types of Group Living Facilities are defined, Room and Board and Long-term Care. The Room and Board Group Living Facility type does not provide personal care. Examples include dormitories, fraternities, boarding houses, or convents. While the Long-term Care Group Living Facility type does provide personal care, or some form of assistance. Examples include nursing homes, congregate care, or hospice.

The group living types that operate under the direct authority of the state are defined as Residential Facility and Residential Home. Residential Facility provides personal care for 6-15 people and Residential Home provides personal care for 5 or less people under the direct authority of the state.

Relative to the third issue raised - "Transient Lodging in Existing Buildings" in the C-3 zone (see Sections 2.390 (page 16) and 2.395 (pages 56-57)), the existing code lists "Motel, hotel, bed and breakfast, inn and homestay lodging" (referred to below as Transient Lodging) as a Permitted Outright Use. The amendment proposes moving it to a Conditional Use to allow public review and provide site-specific mitigation measures prior to construction commencing.

The City Council received testimony requesting consideration to allow Transient Lodging in existing buildings to improve the economics associated with the high cost of renovating historic buildings. Should the Council wish to support this concept, staff proposes adding the following language in the C-3 zone as a Permitted Outright use:

"Motel, hotel, bed and breakfast, inn, and home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) of no more than three (3) units located in an existing structure that is 50 or more years old; the transient lodging use must be accessory and subordinate to the primary use of the structure; except structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and originally constructed as a residential dwelling unit, may not be converted to transient lodging."

Following any additional public testimony, continued deliberation on the proposed amendments, as well as giving consideration to the three issues raised at the last hearing, staff recommends that Council consider holding second reading and adopt the proposed ordinance, as may be further amended. If City Council desires to incorporate any of the changes suggested at your last meeting, it would need to include the changes in the motion. A possible form of motion is offered in the Recommendation section below.

RECOMMENDATION:

Staff recommends that the City Council take public testimony, then hold a second reading of the ordinance. If City Council desires to incorporate the changes from the previous public comments noted above, the following is a possible form of Motion:

"I move that the City Council approve Ordinance 22-13 and adopt the Findings of Fact with the following changes:

Add Permitted Use "W" to the C-3 zone in Section 2.390, which reads " Motel, hotel, bed and breakfast, inn, and home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) of no more than three (3) units located in an existing structure; the transient lodging use must be accessory and subordinate to the primary use of the structure; except structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and originally constructed as a residential dwelling unit, may not be converted to transient lodging.

and

Retain Multi-family Use as Permitted Outright (with no requirement for commercial use) in the C-3 zone in Section 2.390 and retain Home Stay Lodging as Permitted Outright in the R-2 zone in Section 2.065."

BY: MEG LEATHERMAN, COMMUNITY DEVELOPMENT DIRECTOR

ATTACHMENTS:

[2022-06-28_APC Agenda Packet - A22-01.pdf](#)

[Final Ord 22-13.pdf](#)



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Staff Report and Findings of Fact

Report Date: June 21, 2022

Hearing Date: June 28, 2022

To: Astoria Planning Commission

From: Megan Leatherman, Community Development Director

Subject: Development Code Amendment request (**A22-01**) to expand housing opportunities in response to recent state law requirements and other associated concerns throughout the City.

I. Summary

- A. Applicant: Megan Leatherman
Community Development Director
City of Astoria
1095 Duane St.
Astoria, OR 97103
- B. Location: City-Wide
- C. Proposal: Development Code Amendment Request (A22-01) by Community Development Director, to Amend the City of Astoria Development Code sections to apply the same standards to a two-family dwelling use as a single-family dwelling use throughout the entirety of the development code, clarify cottage cluster development standards, clarify residential use types, clarify group living use types, reduce lot size, lot width, and remove lot coverage requirements, and add maximum lot size for the R-1, R-2, R-3 zones, remove homestay from the R-1 zone, add cottage cluster to the R-1 zone as a conditional use, change multifamily use to permitted outright in the R-2 zone, change cottage cluster to permitted outright in the R-2 and R-3 zones,

amend homestay to be a conditional use in the R-2 zone, add cottage cluster and group living facility to permitted outright in the R-3 zone, add cottage cluster development as permitted outright in the C-1 zone, change transient lodging to a conditional use in the C-2 and C-3 zones, add cottage cluster development as permitted outright in the C-3 zone, amend residential facility to permitted outright in the C-4 zone, amend multi-family to be permitted outright in the S2-A zone, change the height standard for the S2-A zone, remove permit requirement for accessory dwelling units, remove requirement for landscaping with a change of use, modify expansion of non-conforming structure criteria, amend minimum parking standards for residential structure types and group living, add middle housing land division. Specific Development Code Sections proposed for amendment include: Definitions (Section 1.40), R-1: Low Density Residential Zone (Sections 2.015-2.050), R-2: Medium Density Residential Zone (Sections 2.060-2.095), R-3: High Density Residential Zone (Sections 2.150-2.185), CR: Compact Residential Zone (Sections 2.200-2.235), C-1: Neighborhood Commercial Zone (Sections: 2.300-2.335), C-2: Tourist Commercial Zone (Sections: 2.345-2.375), C3: General Commercial Zone (Sections: 2.385-2.415), C-4: Central Commercial Zone (Sections 2.425-2.445), GI: General Industrial Zone (Sections 2.470-2.485), A-2: Aquatic Two Development Zone (Sections 2.525-2.540), A-2A: Aquatic Two-A Development Zone (Sections 2.550-2.565), S-2: General Development Shorelands Zone (Sections 2.675-2.690), S-2A: Tourist-Oriented Shorelands Zone (Sections 2.700-2.715), IN: Institutional Zone (Sections 2.835-2.860), MH: Maritime Heritage Zone (Sections 2.890-2.902), FA: Family Activities Zone (Sections 2.904-2.916), AH-HC: Attached Housing/Health Care Zone (Sections 2.918-2.934), HC: Health Care Zone (Sections 2.936-2.948), CA: Education/Research/Health Care Campus Zone (Section 2.950-2.964), HR: Hospitality/Recreation (Sections: 2.966-2.972), LS: Local Service (Sections 2.975-2.981), Vehicular Access and Circulation (Section 3.008), Accessory Dwelling Units (Section 3.020), Accessory Structures (3.035), Cottage Cluster Development (Sections 3.090), Landscaping Required (3.110), Outdoor Storage Area Enclosures (Section 3.215), Non-Conforming Lots (Section 3.170), Non-Conforming Structures (Section 3.190), Columbia River Estuary and Shoreland Regional Standards, Residential, Commercial and Industrial Development (Section 4.160), Minimum Parking Space Requirements (Sections 7.100-7.110), Classification of Variances (Section 12.060), and Land Division Types (Section 13.040).

II. Public Review and Comment

City Staff held four listening sessions with the general public on April 21, 2022, May 4, 2022, and May 14, 2022. City staff took general notes and they are included in the attachments. City staff mailed a Measure 56 public notice to all property owners within Astoria City limits pursuant to ADC §9 and Oregon Revised Statutes (ORS) 227.126 on June 6, 2022. Email and web publishing also occurred on June 8, 2022. Staff published a notice of public hearing on *The Astorian* on June 18, 2022.

Staff has received one comment to date since the Measure 56 mailing was sent out. Any comments received will be made available at the Astoria Planning Commission meeting.

III. Background

A. Overview

This amendment proposes to incorporate the requirements of HB 2001, SB458 and the Clatsop County Housing Report recommendations. The overall intent is to expand housing options throughout Oregon and the County, with a specific focus on Middle Housing types (duplex, triplex, fourplex, townhomes, cottage cluster, bungalows).

These housing types can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large, detached house of their own. Cities will continue to be able to set reasonable siting and design requirements on all houses built in residential zones. They are also able to make sure that new housing is built with adequate infrastructure such as water, sewer, and roads. Cities are required to provide supporting infrastructure and the law directs DLCD to help cities figure out how to address their infrastructure gaps.

B. HB 2001

House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by the 2019 Oregon Legislature, expands the ability of property owners to build certain traditional housing types, like duplexes, in residential zones. These housing types already exist in Astoria but for the past several decades restrictions were put in place that have contributed to increased housing costs and fewer choices. House Bill 2001 requires updates to the development code provisions that currently limit the types of housing people can build.

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have, and are limited to renting or buying detached single-unit homes. At the same time, the composition of Oregon households is shifting; more than a quarter of

households today are a single person living alone. Throughout our lives, we experience many different housing needs. Think of a young adult who needs an affordable place to live or a retired person with a limited income. By creating more housing choice, these households have more options to remain in their neighborhoods and be near grandchildren, friends, caregivers, and services.

While the law allows more housing types, DLCD expects the transformation of housing choices to be gradual. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets, likely led by small-scale, local builders and contractors. DLCD also adopted a set of Oregon Administrative Rules that outlined the minimum standards medium-sized cities must apply to duplexes in order to comply with House Bill 2001. These “minimum compliance standards” can be viewed on the Oregon Secretary of State website ([OAR 660-046](#)). Medium-sized Cities may choose to regulate duplexes using the Medium Cities Middle Housing Model Code, the minimum compliance standards, or a combination of the two. Medium Cities must comply with House Bill 2001 and OAR 660-046.

It specifically requires that medium sized cities (population between 10,000-25,000) allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing prohibits local governments from allowing middle housing types in addition to duplexes.

Proposal: The amendment includes a new definition of two-family dwelling (or duplex), modifies density requirements and allows two-family dwelling as permitted outright in the residential zones.

C. SB 458

Senate Bill 458 was adopted by the Oregon Legislature in 2021. The bill allows lot divisions for middle housing that enable them to be sold or owned individually. Essentially, Senate Bill 458 allows for lot divisions of a “parent lot” solely for ownership opportunities of middle housing units. For example, if a side by side duplex used the lot division, you could purchase one side of the duplex and the land around it.

The bill provides a straightforward land division process that aligns with middle housing types. It will help increase supply of affordable, entry-level homes and deliver a broader spectrum of homeownership options that fit the budgets of more working families.

Proposal: The amendment includes a quicker process for subdividing middle housing types.

D. Clatsop County Housing Strategies

Clatsop County, in partnership with the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton, completed a comprehensive housing study, which profiled and analyzed the current countywide housing supply, examined housing and demographic trends and developed projections, reviewed existing plans and data and evaluated housing goals, policies and codes. The document includes proposals for initiatives that encourage more production of needed housing types, as well as recommendations on building partnerships and capacity-building strategies.

Portland consulting firm Johnson Economics led the project, with assistance from a 20-member advisory panel that included representatives from Clatsop County and the cities, Clatsop Economic Development Resources (CEDR), Northwest Oregon Housing Authority, Clatsop Community Action and the local construction industry. The report is intended to help policy-makers and officials understand the type, size, location and price of housing needed to meet current and future needs, as well as market forces, regulations and local barriers that impact housing development.

The report includes a variety of recommendations and they were broken out into five categories: Land Supply, Policy & Development Code, Development Incentives, Funding Tools & Uses, Regional Collaboration & Capacity Building. This amendment seeks to incorporate the nine (9) Strategies within the Policy & Development Code framework. The entirety of the study is included as an attachment. Below, a summary of each Development Code recommendation is provided with an explanation of the changes that are included in the proposed amendment.

Strategy # 1 Adopt Supportive and Inclusive Comprehensive Plan Policies – The Housing Element of local Comprehensive Plans establish the policies that guide residential development in each community.

Proposal: Astoria's Comprehensive Plan currently includes policies that align with the proposed amendment.

Strategy # 2 Establish Minimum Density Standards – The most direct way to ensure land is used efficiently is to adopt minimum density standards for each residential zone, which would prohibit residential developments that do not meet the intent of the zone. According to Astoria's Buildable Land Inventory, there is a sufficient supply of residential land but it is imperative that the remaining buildable land be used efficiently by developing at or near the maximum density.

Proposal: The majority of Astoria land is currently platted with lots that range in size from approximately 4500 square feet to 10,000 square feet. A significant portion of this land is developed or has an existing structure. This has led to staff having a stronger focus on aligning density standards with redevelopment rather than green field development.

While most of Astoria's existing zones allow for a type of residential use, the majority of residential land is zoned R-1, R-2, and R-3. These zones already have a density standard within their purpose statement. The proposal is to remove this from the purpose statement and add a maximum lot size standard for the R-1, R-2, and R-3 zones.

When actual housing development occurs at densities lower than the maximum of the zone, the net result is an underproduction of housing units and a failure to satisfy future housing needs. Development at densities less than the maximum value of a zone can happen for a variety of reasons. In Astoria, the amount of land for future housing development is extremely constrained. Anecdotal reports suggest that all of the easily developable land in Astoria has been developed, leaving (generally) only the challenging lots for future development. In spite of the challenges, there is a need for additional housing across the City. The Development Code’s options for encouraging existing development to densify are limited, however, and the existing Development Code provisions have failed to provide more housing. A new definition for buildable area and maximum lot size establishes a framework for calculating “buildable area” for each tract of land that responds to individual site conditions. The implementation provisions in the individual zones establish a maximum buildable area for new houses constructed after January 1, 2023. A minimum density approach with consideration for site-specific conditions ensures that future housing development will meet expected density levels while minimizing impacts on existing housing stock.

Strategy # 3 Revise Maximum Density, Height or Bulk standards in Higher Density Residential – This strategy recommends the city revise the standards that control maximum densities in higher density residential zones. These zones permit higher density multi-family housing outright however in many cases they also unnecessarily constrain density in certain situations.

Proposal: The residential zones (R-1, R-2, and R-3) currently have a density standard within their purpose statement. The proposal is to remove this from the purpose statement and add a maximum lot size standard for the R-1, R-2, and R-3 zones to control density, along with the existing height standards. Lot coverage was removed as a requirement for all of the R-1, R-2, and R-3 zones. Setbacks are still in place. Lot size and lot width were reduced. A maximum lot size is established to support density.

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Lot Width</u>	<u>Min Lot Depth</u>	<u>Max Lot Size</u>	<u>Lot Coverage</u>	<u>Height</u>
R-1	5,000	40	90	10,000	na	28
R-2	SFD/TFD=4,000 MFD=1,500 per unit	40	90	8000	na	28
R-3	SFD/TFD=4,000 MFD=1,500 per unit	40	90	8000	na	35

Strategy # 4 Support High Density Housing in Commercial Zones – Commercial zones can be suitable and desirable locations for higher density by providing convenient and potentially walkable access to daily needs and amenities. The code amendments should remove barriers to the development of higher density housing in commercial zones: allow multi-family housing outright, consider allowing single-family attached housing, allow vertical mixed-use, adopt a minimum density standard, tailor development and density standards.

Proposal: The existing code allows multi-family as outright already. Cottage Cluster was added as permitted outright in the C-1, C-2, and C-3 zones because there seemed to be general public support for this middle housing type. The table below provides the proposed residential structure uses that are permitted outright or conditional in these zones.

<u>Zone</u>	<u>Permitted Outright</u>	<u>Conditional Use</u>
C-1	SFD-as accessory MFD-as accessory TFD-as accessory Cottage Cluster	
C-2	Cottage Cluster	Dwelling-as accessory
C-3	MFD Residential Facility SFD-when above, below, or behind Commercial TFD-when above, below, or behind Commercial Residential Home-when above, below or behind Commercial Cottage Cluster	Hotel/Homestay
C-4	SFD-when above, below, or behind Commercial TFD-when above, below, or behind Commercial MFD-when above, below, or behind Commercial Residential Home-when above,below, or behind Commercial Residential Facility-when above,below, or behind Commercial	Hotel/Homestay

Strategy # 5 Streamline and Right-Size Minimum Off-street Parking Requirements –

We require residential developments to provide a minimum number of off-street parking spaces. This strategy recommends a general reduction to this standard and is a positive step towards removing a potential obstacle to housing development. In combination with or in lieu of a general reduction, cities should consider several other methods to reduce parking barriers to housing development: scale requirements by number of bedrooms, provide a credit for on-street parking, allow shared parking, provide targeted reductions or waivers.

Proposal: The amendment aligns parking standards between single-family and two-family uses. It proposes an amendment to calculating parking by the number of bedrooms. The maximum number of parking spaces required for single-family and two-family use is proposed at two. The table below includes all the recommended changes.

Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
RESIDENTIAL CATEGORIES	
<i>All Dwellings not otherwise listed</i>	<i>0.65 spaces per bedroom</i> <i>Maximum of 2 spaces for single-family or two-family dwellings, including each unit in a cottage cluster development</i>
Single-family Dwelling, including manufactured homes or modular home on individual lots, and attached dwellings such as townhomes and condominiums	2 spaces per dwelling unit
Two-family Dwelling (Duplex)	2 spaces per dwelling unit
Accessory Dwelling <i>Unit</i> (second dwelling unit on a single-family lot)	No additional parking is required.
Manufactured Dwelling in a Park	1.5 per dwelling unit
Multi-family Dwelling including Group Housing	1.5 spaces per dwelling unit with more than one bedroom; 1.25 spaces per dwelling unit limited to one bedroom, or one bedroom group housing units; Calculation is based on specific number of each type of units within the complex.

Group Living Facility, Long-Term Care Facility living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing where clients have no access to driving	1 space per 8 bedrooms plus one per employee Calculation is based on the maximum number of employees on one shift, not total employment.
Group Living Facility, Room and Board Facility	4 spaces plus one per employee Calculation is based on the maximum number of employees on one shift, not total employment.
Residential Home, or Residential Facility, and Adult Foster Care	2 spaces plus 1 additional space per 3 beds for the home/facility
COMMERCIAL CATEGORIES	
[No changes in this Subsection.]	
INDUSTRIAL CATEGORIES	
[No changes in this Subsection.]	
INSTITUTIONAL CATEGORIES	
[No changes in this Subsection.]	
RECREATIONAL CATEGORIES	
[No changes in this Subsection.]	
OTHER CATEGORIES	
[No changes in this Subsection.]	

Strategy # 6 Facilitate Missing Middle Housing Types in All Residential Zones –

Modest sized housing units will continue to be needed given demographic trends. While some of this need can be met through larger multi-family apartment buildings, the county and its cities should also try to accommodate it through smaller structures that are more compatible with detached single-family neighborhoods and could be permitted outright in these zones. These housing types – termed missing middle – include duplexes, triplexes, garden or courtyard apartments and townhomes, there are three key code concepts involved with facilitating more missing middle housing types: tailor the allowance to the location and housing type, allow missing middle housing types outright, limit building size to be compatible with detached houses, but allow multiple units.

Proposal: The proposed amendment focuses on continuing the use of the existing residential terms with as few of modifications as possible to maintain compliance with state law and not create too many additional non-conforming uses. This required modifications to the group housing terms and cottage cluster developments.

The proposed Group Living changes include discontinuing the use of the terms Nursing Home, Congregate Care and adopting the term Group Living Facility for those not operating under the direct authority of the state. Two types of Group Living Facilities are defined, Room and Board and Long-term Care. Room and Board, Group Living Facility type does not provide personal care. Examples include dormitories, fraternities, boarding houses, or convents. While Long-term Care, Group Living Facility type does provide personal care, or some form of assistance. Examples include nursing homes, congregate care, or hospice. Residential Facility provides personal care for 6-15 people and Residential Home provides personal care per ORS for 5 or less people under the direct authority of the state.

Two-family dwellings (duplex) and Cottage Clusters are proposed to be permitted outright in the residential zones and multi-family is now proposed to be permitted outright in the R-2 and R-3 zones. The entirety of the proposed use changes in these zones is provided in the table below. See the table below for the proposed use changes in the residential zones.

<u>Zone</u>	<u>Permitted Outright</u>	<u>Conditional Use</u>
R-1 Low	SFD Manufactured Home Residential Home ADU TFD Cottage Cluster	Group Living Facility (up to 15)
R-2 Med	SFD TFD ADU Manufactured Home Residential Home MFD Cottage Cluster	Group Living Facility (up to 15) Residential Facility Homestay
R-3 High	SFD TFD MFD ADU Residential Facility Residential home Homestay Cottage Cluster Group Living Facility (up to 45)	Group Living Facility (over 45) Homestay w/ADU

SFD=Single-Family Dwelling, TFD=Two-Family Dwelling, MFD=Multi-Family Dwelling

Strategy # 7 Encourage Cottage Cluster Housing – This strategy focuses on one of the middle housing types, cottage cluster. These are groups of small detached homes, usually oriented around a common green courtyard, that can be located on individual lots, a single lot or structures as condominiums. A supportive approach to cottage cluster development is to allow this housing type outright, subject to clear and objective standards. Additionally, the following recommendations will help ensure the code is supportive of cottage cluster development: provide a density bonus, but cap the size of each cottage, flexible ownership arrangements, supportive lot standards, balanced design standards that address compatibility but allow flexibility.

Proposal: The cottage cluster section of the code was clarified to simplify the requirements to develop a cottage cluster development.

Strategy # 8 Promote Accessory Dwelling Units – An accessory dwelling unit is a secondary dwelling unit on the same lot as a single-family house that is smaller than the primary dwelling. ADUs can be a detached structure, an attached addition, or a conversion of internal living space in the primary dwelling. ADUs are currently allowed outright. The city updated the Development Code in 2019 to be in compliance with the recent state law changes. Recommendations include: allow the ADU to be up to 900 sq feet or 75 % of the primary dwelling, do not require off-street parking, do not require owner of the primary dwelling reside either in the primary dwelling or ADU, minimize special design standards, consider allowing two ADUs on the same lot if one of the ADUs is internal or an attached.

Proposal: The amendment removes the requirement for an application/permit, currently there is not a size limit standard as long as the ADU is smaller than the single-family dwelling and is 80% of the height. Owner occupancy is not required.

Strategy # 9 Incentivize Affordable and Workforce Housing – Some for profit developers will include units affordable to people with lower or moderate incomes if incentives can help offset the cost of providing some or all of the units at a lower rental rate. Local governments can offer concessions on regulatory standards that provide meaningful economic value to a development project in exchange for the dedication of a minimum proportion of the units in the development to be regulated as affordable to people with lower or moderate income. Local governments should consider the following elements when designing a regulatory incentive program: specify an income level and minimum share of affordable units, allow flexibility in the type of regulatory concession that is granted, ensure units remain affordable over time, allow flexibility in how affordable units are provided, provide expedited permitting for projects with affordable units.

Proposal: This amendment does not address this strategy due to the associated administrative responsibilities.

Strategy # 10 Limit Short-Term Rental Uses in Residential Zones – The prevalence of short-term or vacation rental uses in Clatsop County is consuming a s share of the existing housing stock and is contributing to an overall housing shortage. Short-term rentals should be classified as a commercial use when considered as part of a broad analysis of land needs and supply, as required by Oregon’s statewide planning goals and land use system. All communities are facing shortages for some types of housing, the consumption of residential land and housing units by short-term rental uses is an issue that must be addressed as part of a complete housing strategy. Rules that address short-term rentals can include: limit this activity to certain zones or geographies, limit the number permitted, establish use and occupancy standards that set expectations for how this activity should be conducted. Adopt an official definition of short-term rentals as distinct from longer rentals, and/or as a commercial activity, require business licensing, and track unregistered short-term rentals, collect taxes and assess penalty fees.

Proposal: The City of Astoria currently has a short-term rental program that requires a license, a Home Stay Lodging License. The definitions and requirements are located in the City Code (not the Development Code). I have provided below the current definitions in Astoria City Code Section 8.755.

Home Stay Lodging. *A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification. Such facilities may or may not provide a morning meal. Rooms used by transient guests shall not include a kitchen.*

Kitchen. *Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven.*

Owner. *For purposes of this chapter the term owner only includes individuals, holding fee simple title to property, the beneficiaries of a revocable living trust, or a purchaser under a recorded instrument of sale. This does not include corporations, limited liability companies or similar organizations, an authorized agent of the owner, or those holding easements, leaseholds, or purchasers of less than fee interest.*

Owner Occupied. *Occupancy of a residence by an individual owner.*

Primary Residence. *Dwelling maintained as the permanent residence of the owner for not less than six months of the year.*

Transient. *For purposes of regulating Home Stay Lodgings a transient includes any person entitled to occupy a residence for less than 30 consecutive calendar days. The day a transient guest checks out shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.*

The City collects a transient room tax for Home Stay Lodging Licenses and requires a business license. The proposed amendment removes the Home Stay from the R-1 zone and changes Home Stay from Permitted Outright to a Conditional Use in the R-2 zone.

IV. Applicable Review Criteria and Findings of Fact; ADC Article 10 – Amendments

A. ADC §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.

Finding: This purpose statement is provided for information. No finding is required.

B. ADC §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.*

Finding: The applicant is the Community Development Director and has authority to request this amendment. This criterion is satisfied.

C. ADC §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.

Finding: The applicant is the Community Development Director. No finding is required.

D. ADC §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.

Finding: This Staff Report fulfills this criterion. A recommendation is provided at the end of the report.

E. ADC §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.*

Finding: This application is for a Development Code amendment which involves a substantial area and number of property owners. The Development Code is applicable to every property in Astoria, therefore this application is a Legislative Amendment.

F. ADC §10.070(A) – Amendment Criteria; 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.*

Finding: To grant the requested amendment, both of the criteria listed must be satisfied. As described below, the City finds these criteria are satisfied and the amendment is appropriate.

The first criteria relates to consistency with the Comprehensive Plan. The Comprehensive Plan includes the following policies related to the proposed amendment:

Policy CP.220, Housing Policies, in general is in line with the amendment. There are twenty-three policy criteria in this section. Listed below is each policy and an explanation as to how this amendment is in compliance with the policy.

- 1. Maintain attractive and livable residential neighborhoods, for all types of housing.*

The existing design standards found within the overlay zones and historic properties are not changing so the attractiveness of a neighborhood will remain the same. Livability should not be significantly impacted since the majority of Astoria is built out and the amendment focuses on facilitating re-development of existing structures into more units, rather than green field development.

- 2. Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*

Residential services and facilities will continue to be evaluated with each building permit. The proposed amendment is intended to expand housing options will minimizing any additional negative impacts from changing standards. The goal is to maintain the current quality of life, if not improve it.

- 3. Develop residential areas in ways which are consistent with the geographic features so as not to create or trigger geologic hazards. New subdivisions or housing developments should cause minimal earth disturbances and removal of trees.*

The addition of a maximum lot size, along with defining the buildable area, will strengthen the city's ability to encourage future growth in consistency with the geographic features and reduce earth disturbances and removal of trees.

- 4. Encourage planned unit and clustered developments that preserve open space, reduce infrastructure and construction costs, and promote variety in neighborhoods.*

The amendment expands housing options throughout various zones which adds variety to neighborhoods. It adds Cottage Cluster to additional zones and Cottage Cluster development requires open space and coordinated infrastructure. It also adds Two-family Dwelling as permitted outright everywhere that Single-family Dwelling.

- 5. Encourage low and moderate income housing throughout the City, not concentrated in one area.*

The amendment expands housing options throughout multiple zones in the City.

- 6. Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities.*

The amendment does not modify large scale commercial, industrial, or public uses/activities.

- 7. Permit home occupations which generate minimal impacts as an outright use in most cases.*

The amendment does not modify home occupations.

- 8. Protect Astoria's historic neighborhoods as significant assets of the City through the Historic Preservation Ordinance, and other City actions that protect individual structures and neighborhoods. Wherever possible, renovate existing structures in lieu of demolition or new construction.*

The existing design standards found within the overlay zones and historic landmarks are not proposed to change. The historic preservation ordinance is not proposed to be modified. The amendment focuses on facilitating re-development of existing structures into more units, rather than green field development.

9. *Protect buildings recognized by the Historic Landmarks Commission as having historic significance. Balance this goal with the City's ability and authority to demolish dangerous buildings through its nuisance abatement ordinance.*

The amendment does not impact the historic property requirements, criteria or process. Demolition of building is not included.

10. *Blank*

11. *Support the efforts of the Northwest Oregon Housing Authority (NOHA), Clatsop County Housing Authority, Clatsop Community Action, and other local and regional nonprofit groups and public agencies to provide housing opportunities for low and moderate income persons in the community, and for special needs groups such as the elderly and handicapped.*

The City will continue to work with these agencies.

12. *Encourage the development of the elderly and handicapped housing in the Downtown area, where the terrain is level and services are available within walking distance.*

The amendment focuses on providing more housing options and is focused on re-development of existing structures. Housing is already permitted outright in the downtown area.

13. *Encourage renovation of the second floors of commercial buildings in the Downtown.*

The amendment focuses on providing more housing options and is focused on re-development of existing structures. Housing is already permitted outright in the downtown area.

14. *In accordance with State law, make special efforts to find areas for manufactured dwellings, possibly through the sale of publicly owned land.*

The existing code permits manufactured dwellings in all residential zones.

15. *Nonresidential uses, such as public works, churches, schools and fire stations should recognize and respect the character and quality of the area in which they are located and be so designed. Explore alternative sites when such a use places a significant impact on the area.*

The existing design standards found within the overlay zones and historic landmarks are not proposed to change. The amendment does not address non-residential uses except for transient lodging. The existing standards in place take consideration of the character and quality of area to be designed.

16. *Ensure that multi-family developments in primarily single-family neighborhoods are designed to be compatible with the surrounding neighborhood, in terms of scale, bulk, use of materials and landscaping.*

The amendment modifies standards associated with scale and bulk in the residential zones. Height, lot size, lot coverage, and setback are typically the tools used to control scalability and bulk. Landscaping will be required for a completely new multi-family dwelling and for re-development, landscaping will be required when there is remodeling work with a value of less than 33% of the assessed value of the structure.

The amendment includes Lot coverage was removed as a requirement for all of the R-1, R-2, and R-3 zones. Setbacks are still in place. Lot size, lot width were reduced. A maximum lot size is established to prevent lots from getting too large and support density.

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Lot Width</u>	<u>Min Lot Depth</u>	<u>Max Lot Size</u>	<u>Lot Coverage</u>	<u>Height</u>
R-1	5,000	40	90	10,000	na	28
R-2	SFD/TFD=4,000 MFD=1,500 per unit	40	90	8000	na	28
R-3	SFD/TFD=4,000 MFD=1,500 per unit	40	90	8000	na	35

17. *Place public utilities such as power, cable TV, and telephone underground in new housing developments. Design above ground facilities such as transformer yards, sewer pumping stations and similar activities to blend in with the residential areas in which they are located.*

The existing code requires this and there are no changes proposed.

18. *Blank*

19. *Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.*

The amendment does not include zoning of land. However, the purpose is to expand the housing options throughout the city to include a broad range of types. The proposed amendment focuses on continuing the use of the existing residential terms with as few

modifications to terms as possible to maintain compliance with state law and not create too many additional non-conforming uses. This required change to the definitions to group housing terms and cottage cluster developments.

Two-family dwellings (duplex) and Cottage Clusters are proposed to be permitted outright in the residential zones and multi-family is now proposed to be permitted outright in the R-2 and R-3 zones. The entirety of the proposed use changes in these zones is provided in the table below. See the table below for the proposed use changes in the residential zones.

Zone	Permitted Outright	Conditional Use
R-1 Low	SFD Manufactured Home Residential Home ADU TFD Cottage Cluster	Group Living Facility (up to 15)
R-2 Med	SFD TFD ADU Manufactured Home Residential Home MFD Cottage Cluster	Group Living Facility (up to 15) Residential Facility Homestay
R-3 High	SFD TFD MFD ADU Residential Facility Residential home Homestay Cottage Cluster Group Living Facility (up to 45)	Group Living Facility (over 45) Homestay w/ADU

20. Encourage the use of sustainable development and building materials including use of energy efficient materials and design principles.

The existing code and building codes address this.

21. Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.

The existing code allows multi-family as outright already. Cottage Cluster was added as permitted outright in the C-1, C-2, and C-3 zones because there seemed to be general public support for this middle housing type. The table below provides the proposed residential structure uses that are permitted outright or conditional in these zones.

<u>Zone</u>	<u>Permitted Outright</u>	<u>Conditional Use</u>
C-1	SFD-as accessory MFD-as accessory TFD-as accessory Cottage Cluster	
C-2	Cottage Cluster	Dwelling-as accessory
C-3	MFD Residential Facility SFD-when above, below, or behind Commercial TFD-when above, below, or behind Commercial Residential Home-when above, below or behind Commercial Cottage Cluster	Hotel/Homestay
C-4	SFD-when above, below, or behind Commercial TFD-when above, below, or behind Commercial MFD-when above, below, or behind Commercial Residential Home-when above,below, or behind Commercial Residential Facility-when above,below, or behind Commercial	Hotel/Homestay

22. *Regularly update the City's inventory of buildable land (ideally every five years) and use it to both identify housing development opportunities and assess the ability to meet future housing needs. If growth is occurring at a different rate than previously predicted, work with the County to update the County's coordinated population forecast and the City's housing needs analysis.*

The city conducted a Buildable land inventory in 2011 and will commence an update this coming fiscal year. A housing needs analysis will be conducted at the same time.

23. *Implement strategies to reduce over-dependence or reliance on a small number of lots or landowners to meet the majority of the City's residential land needs.*

The city will be starting an update to the buildable lands inventory this next year. A housing needs analysis will also be conducted.

The second required criteria for a Development Code text amendment reads” *The amendment will not adversely affect the ability of the City to satisfy land and water use needs. The policies related to this criteria are provided below.*

Policy CP.010 Natural Features requires development to take environmental constraints into consideration such as wetlands and steep slopes. It reads “Use of otherwise unbuildable lands such as wetlands, steep slopes, rights of way and public lands will generally not be used for density calculations”. The amendment removes density guidelines in the R-1, R-2, and R-3 zones and relies on a new definition of buildable land and maximum lot size to control density. This allows the existing land to be utilized to its full potential while taking environmental matters into consideration. This policy section also allows for an increase in density for development that provides facilities, specifically for low-cost or work force housing. The majority of the land in the residential zones is built out and has existing facilities (water, sewer, etc.). Encouraging re-development of the existing housing stock is the most cost effective means for the city to provide more housing opportunities.

Policy CP.025 “Pertaining To Land Use Categories And Density Requirements” establishes density thresholds that still allow the density measures to be met but through criteria calculated as a total number of units per acre. This way of calculating density is more beneficial for green field development, or bare land, rather than redevelopment which is the majority of what occurs in Astoria. The proposed amendment seeks to establish minimum and maximum lot sizes, in coordination with a buildable area and structure height to control density.

V. Applicable Review Criteria and Findings of Fact; Statewide Planning Goals

A. Goal 10 – Housing

To provide for the housing needs of the citizens of the state. (full text attached)

Finding: Statewide Planning Goal 10 generally requires the City to provide adequate land for future residential needs as part of the Comprehensive Plan. The City of Astoria analyzed land requirements for residential uses as part of the BLI process, adopted into the Comprehensive Plan in 2011. The BLI concluded the City had an anticipated surplus residential land. In Astoria, the amount of land for future housing development is extremely constrained. Anecdotal reports suggest that all of the easily developable land in Astoria has been developed, leaving (generally) only the challenging lots for future development. In spite of the challenges, there is a need for additional housing across the City. The Development Code’s options for encouraging existing development to densify are limited, however, and the existing Development Code provisions have failed to provide more housing.

This amendment is intended to expand housing options through various zones. This will increase the housing supply over time. The City finds that the requirements of Goal 10 are satisfied.

VI. Conclusion and Recommendation

In general, the request meets the amendment criteria. The final decision for amendment requests is made by the City Council following a recommendation from the Planning Commission. **Overall, Staff recommends the Commission forward a recommendation to the City Council to approve the requested amendment.**

VII. Attachments

- A. Proposed Code Amendment - draft
- B. Public Notice
- C. Public Comment
 - 1. Listening Session Notes
 - 2. Monica Taylor
- D. Goal 10 – Housing
- E. HB2001
- F. SB458
- G. Clatsop County Housing Summary Report

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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Strikethrough: deletions

Bold italic: additions

1.400. DEFINITIONS.

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

...

ACCESSORY DWELLING UNIT: See Residential Structure Types, Accessory Dwelling Unit.

...

~~CARRIAGE HOUSE DWELLING UNIT: A dwelling unit on the second floor of a common parking structure.~~

...

~~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.~~

...

COMMON COURTYARD: A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

...

~~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.~~

...

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~~COTTAGE: A detached, site-built, single-family or two-family dwelling unit that is part of a cottage cluster development. See Residential Structure Types, Cottage.~~

...

~~COTTAGE CLUSTER: A group of four (4) to 12 cottages, arranged around a common open space. See Residential Structure Types, Cottage Cluster.~~

...

COTTAGE CLUSTER DEVELOPMENT: See Residential Structure Types, Cottage Cluster Development.

...

~~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.~~

~~MULTI FAMILY: A building containing three or more dwelling units. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied.~~

...

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. May be located in a building with non-residential uses, as allowed by the applicable zoning designation.

...

~~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~~

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~~dwelling~~s by common vertical walls. This definition includes but is not limited to zero lot line ~~dwelling~~s, town houses, condominiums, and row houses.

...

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.

...

~~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.~~ **See Residential Structure Types, Floating Residence.**

...

~~GROUP HOUSING/LIVING~~: ~~Dwelling in which no more than 15 individuals reside who do not require treatment, excluding Residential Facility and Residential Home.~~ **See Residential Structure Types, Group Living.**

...

MANUFACTURED DWELLING: **See Residential Structure Types, 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 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.~~

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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~~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.~~

...

MICRO HOUSING: See Residential Structure Types, Micro Housing.

...

MODULAR HOME: See Residential Structure Types, Modular Home.

...

MULTI-FAMILY DWELLING: See Residential Structure Types, Multi-Family Dwelling.

...

~~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. See Residential Structure Types, Residential Facility.~~

...

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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~~***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. See Residential Structure Types, Residential Home.~~

...

RESIDENTIAL STRUCTURE TYPES:

~~***ACCESSORY DWELLING UNIT***: A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside. ***An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.***~~

~~***COTTAGE***: A detached, site-built, single-family or two-family dwelling unit that is part of a cottage cluster development. ***An individual dwelling unit that is part of a cottage cluster.***~~

~~***COTTAGE CLUSTER***: A group of four (4) to 12 cottages, arranged around a common open space. ***A grouping of dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."***~~

~~***COTTAGE CLUSTER DEVELOPMENT***: A development site with one or more cottage clusters. All cottage cluster developments are subject to Section 3.090.~~

~~***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~~

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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.

GROUP LIVING FACILITY: A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses. Group Living is characterized by long-term (i.e., more than 30 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training, and/or treatment.

ROOM AND BOARD FACILITIES: Group Living establishments where no personal care, training, or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, or similar uses.

LONG-TERM CARE FACILITIES: Group Living establishments where personal care for children, the aged, and special categories or persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, congregate care, homes for the deaf or blind, or similar uses.

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:~~
A dwelling unit constructed off-site which can be moved on public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.

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~~***MANUFACTURED HOME***: 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 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. ***A manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.***~~

~~***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. ***A manufactured dwelling constructed between January 1, 1962 and June 15, 1976 in accordance with 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. ***A manufactured dwelling constructed before January 1, 1962 which was not constructed in accordance with federal manufactured housing construction and safety standards or the construction requirements of Oregon mobile home law.***~~

MICRO HOUSING: A single, independent, residential dwelling unit consisting of one habitable room (excluding kitchen, bath, closets, storage areas, and built-ins). These units have a living room floor area of two hundred twenty square feet or less or a total gross unit size of three hundred twenty square feet or less.

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MODULAR HOME: A home that is built off-site, as opposed to on-site. These homes are often called factory-built, system-built, or prefab or prefabricated homes. Modular homes may be built to either the Uniform Building Code or the manufactured home building code and are placed on a permanent foundation.

MULTI-FAMILY DWELLING: ~~A building containing three or more dwelling units.~~ ***Three or more dwelling units on a lot or parcel in any configuration. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied.***

RESIDENTIAL FACILITY: ~~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.~~ ***A facility that provides housing and care for 6 to 15 individuals who need not be related under ORS 430.010 (for alcohol and drug abuse programs) or ORS 443.400 (for persons with disabilities). Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.***

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.~~ ***A residential treatment, training, or adult foster home licensed by or under the authority of the Department of Human Services under ORS 443.400 to 443.825; a residential facility registered under ORS 443-480 to 443.500; or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. See also ORS 197.660.***

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SINGLE-FAMILY DWELLING: A free-standing building containing one dwelling unit. May include an accessory dwelling unit.

~~***TWO-FAMILY DWELLING***~~: A free-standing building containing two dwelling units. May include two-unit rowhouses or duplexes, either renter-occupied or owner-occupied. ***Two dwelling units on a lot or parcel in any configuration.***

...

~~***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.

...

~~***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.

...

SINGLE-FAMILY DWELLING: See Residential Structure Types, Single-Family Dwelling.

...

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. ***A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:***

- ***A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;***

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- ***An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.***

...

TWO-FAMILY DWELLING: See Residential Structure Types, Two-Family Dwelling.

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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~~ **residential development**, 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.
8. Transportation facilities.
9. Accessory Dwelling Unit.
10. ***Two-family dwelling.***

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11. Cottage cluster development meeting the requirements of Section 3.090.

2.025. CONDITIONAL USE PERMITTED.

1. Bed and breakfast, or inn.

~~2. Congregate care facility.~~

3. Day care center.

4. ~~Nursing home.~~ ***Group Living Facility, limited to a maximum occupancy of 15 persons.***

5. Public or semi-public use.

6. Temporary use meeting the requirements of Section 3.240.

~~7. (Section 2.025.7 deleted by Ordinance 21-02, 2-16-21; Section 2.025.7 added by Ordinance 04-10, 11-1-04)~~

8. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.

9. Columbarium, an accessory use to a permitted Place of Worship.

10. Cottage cluster development meeting the requirements of Section 3.090.

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~~

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~~requirements affecting lot size which are applicable to the particular use:~~ ***All uses in an R-1 Zone must comply with the following:***

1. The minimum lot size for ~~a single-family dwelling will be~~ ***all uses is*** 5,000 square feet.
2. The minimum lot width for all uses ~~will be 45~~ ***is 40*** feet.
3. The minimum lot depth for all uses ~~will be~~ ***is*** 90 feet.
4. ***The maximum lot size for any new single-family or two-family dwelling constructed after January 1, 2023 is 10,000 square feet, excluding the following:***
 - a. ***Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional;***
 - b. ***Minimum yard areas required by the applicable zoning designation;***
 - c. ***Slopes in excess of 50%;***
 - d. ***Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies;***
 - e. ***Wetlands;***
 - f. ***Land within existing roadway or public utility rights-of-way;***
 - g. ***Land within an area of special flood hazard, as defined in Section 14.525 of this Code;***
 - h. ***Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and***
 - i. ***Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.***

2.035. YARDS.

[No changes in this Section.]

~~2.040. LOT COVERAGE.~~

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

2.045. HEIGHT OF STRUCTURES.

[No changes in this Section.]

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 **or 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 R-2 Zone.~~
8. All uses shall comply with applicable lighting standards in Section 3.128.

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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.

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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.
4. Family day care center.
5. Home occupation, which satisfies requirements in Section 3.095.
- ~~6. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.~~
7. Manufactured dwelling in approved park.
8. Manufactured home. See Section 3.140.
9. Residential home.

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10. Transportation facilities.
11. ***Multi-family dwelling.***
12. ***Cottage cluster development meeting the requirements of Section 3.090.***

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.~~ ***Group Living Facility, limited to a maximum occupancy of 15 persons.***
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.~~

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13. ~~Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.~~
14. Columbarium, an accessory use to a permitted Place of Worship.

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: ***All uses in an R-2 Zone must comply with the following:***~~

1. The minimum lot size for a single-family ***or two-family*** dwelling ~~will be 5,000~~ ***is 4,000*** 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. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size.~~
3. The minimum lot size for a multi-family dwelling ~~will be 5,000~~ ***is 1,500*** square feet ***per unit.*** ~~for the first unit plus 2,500 square feet for each dwelling unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size.~~
4. The minimum lot width ~~will be 45~~ ***is 40*** feet.
5. The minimum lot depth ~~will be~~ ***is*** 90 feet.
6. ***The maximum lot size for any new single-family or two-family dwelling constructed after January 1, 2023 is 8,000 square feet, excluding the following:***
 - a. ***Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional;***

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- b. Minimum yard areas required by the applicable zoning designation;***
- c. Slopes in excess of 50%;***
- d. Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies;***
- e. Wetlands;***
- f. Land within existing roadway or public utility rights-of-way;***
- g. Land within an area of special flood hazard, as defined in Section 14.525 of this Code;***
- h. Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and***
- i. Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.***

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.

~~2.085. LOT COVERAGE.~~

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

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2.090. HEIGHT OF STRUCTURES.

[No changes in this Section.]

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.
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~~ **or** two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
7. Density of ~~congregate care~~ **Group Living** 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. All uses shall comply with applicable lighting standards in Section 3.128.
9. Group ~~Housing~~ **Living Facility**.
 - a. Density.

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~~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.~~

10. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

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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.
5. Family day care center.
6. Home occupation, which satisfies requirements in Section 3.095.
7. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800.
8. Manufactured dwelling in an approved park.
9. Manufactured home. See Section 3.140.
10. Residential facility.

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Green text: recommended by Clatsop County Housing Strategies Report

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11. Residential home.
12. Transportation facilities.
13. ***Cottage cluster development meeting the requirements of Section 3.090.***
14. ***Group Living Facility, limited to a maximum occupancy of 45 persons.***

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.~~ ***Group Living Facility, exceeding a maximum occupancy of 45 persons.***
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.~~

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12. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use.
13. Columbarium, an accessory use to a permitted Place of Worship.

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: ***All uses in an R-3 Zone must comply with the following:***~~

1. The minimum lot size for a single-family ***or two-family*** dwelling ~~will be 5,000~~ ***is 4,000*** 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. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size.~~
3. The minimum lot size for a multi-family dwelling ~~will be 5,000~~ ***is 1,500*** square feet ***per unit.*** ~~for the first unit plus 1,500 square feet for each unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size.~~
4. The minimum lot width ~~will be 45~~ ***is 40*** feet.
5. The minimum lot depth ~~will be~~ ***is*** 90 feet.
6. ***The maximum lot size for any new single-family or two-family dwelling constructed after January 1, 2023 is 8,000 square feet, excluding the following:***
 - a. ***Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional;***

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- b. Minimum yard areas required by the applicable zoning designation;***
- c. Slopes in excess of 50%;***
- d. Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies;***
- e. Wetlands;***
- f. Land within existing roadway or public utility rights-of-way;***
- g. Land within an area of special flood hazard, as defined in Section 14.525 of this Code;***
- h. Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and***
- i. Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.***

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.

~~2.175. LOT COVERAGE.~~

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

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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2.180. HEIGHT OF STRUCTURES.

[No changes in this Section.]

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.
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 or** 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. All uses shall comply with applicable lighting standards in Section 3.128.
9. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
10. Group Housing ***Living Facility***.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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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.~~

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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CR: COMPACT RESIDENTIAL ZONE

2.200. PURPOSE.

The purpose of the Compact Residential (CR) Zone is to provide opportunities for modest scale residential development, including single-family homes ~~on smaller lots~~, two-family homes, and cottage cluster development, incorporating open space between homes and with a strong orientation to the Columbia River and adjacent commercial and other residential areas.

2.205. USES PERMITTED OUTRIGHT.

The following uses and their accessory uses are permitted in this CR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.215 through 2.230, 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.
5. Two-family dwelling.
- ~~6. Carriage house dwelling, meeting the requirements of Section 3.050.~~
7. Cottage cluster development meeting the requirements of Section ~~3.050~~ **3.090**.
8. Residential home.
9. Accessory Dwelling Unit.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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2.210. CONDITIONAL USES PERMITTED.

The following uses and their accessory uses are permitted in the CR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Day care center, only in the community building of a cottage cluster development meeting the requirements of Section ~~3.050~~**3.090**.
2. Public or semi-public use.
3. Temporary use meeting the requirements of Section 3.240.
4. Columbarium, an accessory use to a permitted Place of Worship.

2.215. SETBACKS.

Uses in the CR Zone will comply with the following minimum setback requirements or the setback requirements of applicable overlay zones, whichever requirements are greater.

1. The minimum front setback shall be 10 feet. Front steps are permitted to encroach into front setbacks.
2. The minimum side setback shall be five (5) feet, except on corner lots where the side setback on the street side shall be a minimum of 10 feet.
3. The minimum rear setback shall be 15 feet, except on corner lots where the rear setback shall be a minimum of five (5) feet.
4. Uses in the CR Zone that are part of a cottage cluster development will comply with the setback requirements in Section ~~3.050~~**3.090**.

2.220. LOT SIZE AND DENSITY.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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Uses in the CR Zone shall meet the following lot size requirements that are applicable to the particular use:

1. The minimum lot size for a single-family ***or two-family*** dwelling is 2,500 square feet. The maximum lot size for a single-family ***or two-family*** dwelling is 4,000 square feet.

~~2. The minimum lot size for a two-family dwelling is 4,000 square feet. The maximum lot size for a two-family dwelling is 6,000 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size.~~

~~3. Uses in the CR Zone that are part of a cottage cluster development shall have a maximum density of 24 units/acre.~~

2.222. BUILDING SIZE.

Buildings in the CR zone shall meet the following building footprint and floor area requirements.

1. The maximum footprint for a primary building is 1,000 square feet. The maximum footprint for a dwelling unit and a garage is 1,400 square feet.
2. The maximum gross floor area for a primary building is 1,800 square feet.
3. Uses in the CR Zone that are part of a cottage cluster development are subject to the building size requirements in Section ~~3.050~~ ***3.090***.

2.225. LANDSCAPED OPEN AREA.

1. Minimum landscaping for individual lots in the CR Zone shall be 20%, except for cottage cluster development.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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2. Cottage cluster development shall be subject to common open space and private open space requirements in Section ~~3.050~~ **3.090**.
3. All landscaping shall meet the requirements of Sections 3.105 through 3.120 and applicable overlay zones.

2.230. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.235. OTHER APPLICABLE STANDARDS.

1. Access to garages, carports, or other parking areas shall be from an alley or from the street adjacent to the side yard of a corner lot. Driveways shall have a minimum depth of 16 feet.
2. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.
3. All uses will comply with access, parking, and loading standards in Article 7, with the following exceptions:

~~a. Parking requirement for single family, two family, and carriage house dwelling units shall have at least:~~

~~1) one parking space for each unit with a gross floor area of 700 feet or less (rounded up to the nearest whole number);~~

~~2) 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).~~

- b. Parking in the CR Zone is permitted on a separate lot provided it is within 100 feet of the development. An easement or other acceptable document shall be recorded to assure that the separate lot for parking remains with the units it services.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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4. Where feasible, joint access points and parking facilities for more than one use should be established.
5. Access drives and parking areas should be located on side streets or non-arterial streets.
6. Conditional uses will meet the requirements in Article 11.
7. Signs will comply with requirements in Article 8 and specifically, residential uses will comply with the specific regulations in Section 8.160.
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 applicable overlay zones.
11. All uses shall comply with applicable lighting standards in Section 3.128.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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C-1: NEIGHBORHOOD COMMERCIAL ZONE

2.300. PURPOSE.

[No changes in this Section.]

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~~ ***Single-family dwelling, two-family dwelling, or multi-family 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~~ ***a legal dwelling unit***.
4. Home occupation in ~~existing~~ ***a legal dwelling unit***.
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.
9. Transportation facilities.
10. ***Cottage cluster development meeting the requirements of Section 3.090.***

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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2.310. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.315 YARDS.

[No changes in this Section.]

2.320. LOT COVERAGE.

[No changes in this Section.]

2.325. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.330. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.335. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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C-2: TOURIST COMMERCIAL ZONE

2.345. PURPOSE.

[No changes in this Section.]

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 *existing a legal dwelling unit*.
- ~~3. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:
 - ~~1. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.C.2.~~
 - ~~2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units. (Section 2.350.C amended by Ord 19-07, 7-1-2019)~~~~
4. Tourist-oriented retail sales or service establishment.
5. Conference Center. (Section 2.350(E) added by Ordinance 94-06, 6-6-94)
6. Transportation facilities. (Section 2.350.F added by Ordinance 14-03, 4-21-14)
- 7. Cottage cluster development meeting the requirements of Section 3.090.***

2.355. CONDITIONAL USES PERMITTED.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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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~~ ***Single-family dwelling, two-family dwelling, or multi-family dwelling*** as an accessory use to a Use Permitted Outright or a Conditional Use.
 2. Family day care center in ~~existing a legal~~ dwelling ***unit***.
 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.
 8. Temporary use meeting the requirements in Section 3.240.
 9. ***Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:***
 1. ***Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.C.2.***
 2. ***Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units. (Section 2.350.C amended by Ord 19-07, 7-1-2019)***
- 2.360. LOT COVERAGE.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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[No changes in this Section.]

2.365. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.370. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.375. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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C-3: GENERAL COMMERCIAL ZONE

2.385. PURPOSE.

[No changes in this Section.]

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 ***a legal dwelling unit*** ~~single family, two family, or multi-family dwelling.~~
9. Home occupation in ~~existing~~ ***a legal dwelling unit***.
10. ~~Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:~~

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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- ~~a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.390.10.b.~~
 - ~~b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.~~
- ~~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, ***or multi-family*** dwelling in a new or existing structure:
 - a. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.
 19. Transportation service establishment.
 20. Conference Center.
 21. Indoor family entertainment or recreation establishment.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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22. Transportation facilities.

23. Residential Home in a new or existing structure:

- a. Located above or below the first floor with commercial facilities on the first floor of the structure.
- b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.

24. Cottage cluster development meeting the requirements of Section 3.090.

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.
5. Hospital.
- ~~6. (Section 2.395(F) deleted by Ordinance 98-01, 1-5-98)~~
7. Light Manufacturing.
8. Recycling establishment.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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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.

12. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:

a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.390.10.b.

b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.

2.400. LOT COVERAGE.

[No changes in this Section.]

2.405. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.410. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.415. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

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C-4: CENTRAL COMMERCIAL ZONE

2.425. PURPOSE.

[No changes in this Section.]

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 a legal dwelling unit.***
8. Home occupation in ***existing a legal dwelling unit.***

~~9. Multi-family dwelling in a new or existing structure:~~

~~1. For properties with frontage on Marine Dr. or Commercial St., permitted only in the upper floor(s) or non-street elevations of the ground floor.~~

9. Personal service establishment.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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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 or below the first floor, with commercial facilities on the first floor of existing structure.
14. Retail sales establishment.
15. Single-family, ~~and~~ two-family, ***and multi-family*** dwelling in a new or existing structure:
 - a. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.
16. Studio for artists.
17. Transportation facilities.
- 18. Residential facility in a new or existing structure:***
 - a. For properties with frontage on Marine Dr. or Commercial St., permitted only in the upper floor(s) or non-street elevations of the ground floor.***

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

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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, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:
 - a. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.435.4.b.
 - b. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.
5. Recycling establishment.
- ~~6. Residential facility, in a new or existing structure:
 - ~~a. Located above or below the first floor, with commercial facilities on the first floor.~~
 - ~~b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.~~~~
7. Temporary use meeting the requirements of Sections 3.240.
8. Transportation service establishment.
9. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).

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10. Conference Center.

11. Columbarium, an accessory use to a permitted Place of Worship.

2.440. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.445. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

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Green text: recommended by Clatsop County Housing Strategies Report

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GI: GENERAL INDUSTRIAL ZONE

2.470 PURPOSE.

[No changes in this Section.]

2.475 USES PERMITTED OUTRIGHT.

[No changes in this Section.]

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.
2. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area.
3. Food and kindred products processing.
4. ~~Multi-family dwelling~~ ***Single-family dwelling, two-family dwelling, or 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.
5. Professional service establishment.
6. Recycling depot.
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)).

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8. Rubber and miscellaneous plastic products.
9. Ship and boat building and repair.
10. Wood processing.

2.485 OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

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Green text: recommended by Clatsop County Housing Strategies Report

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A-2: AQUATIC TWO DEVELOPMENT ZONE

2.525. PURPOSE AND AREAS INCLUDED.

[No changes in this Section.]

2.530. PERMITTED USES.

[No changes in this Section.]

2.535. CONDITIONAL USES.

[No changes in this Section.]

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.

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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.
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 located between the extended rights-of-way of 7th 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,

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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)).
 10. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence(s), 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(s), 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(s), 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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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11. Accessory structures in the Aquatic Two Development Zone are limited in size to a maximum of 10% of the primary structure.
12. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.
13. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.
14. All uses shall comply with applicable lighting standards in Section 3.128.
15. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.
16. All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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A-2A: AQUATIC TWO-A DEVELOPMENT ZONE

2.550. PURPOSE AND AREAS INCLUDED.

[No changes in this Section.]

2.555. PERMITTED USES.

[No changes in this Section.]

2.560. CONDITIONAL USES.

[No changes in this Section.]

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).
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.

Red text: required by State law

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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(s) 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(s) 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.
10. All uses shall comply with applicable lighting standards in Section 3.128.
11. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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12. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075.
13. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.
14. All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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S-2: GENERAL DEVELOPMENT SHORELANDS ZONE

2.675. PURPOSE AND AREAS INCLUDED.

[No changes in this Section.]

2.680. PERMITTED USES.

[No changes in this Section.]

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.

Red text: required by State law

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- * 9. Single-family ***or two-family dwelling 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.
- 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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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- 27. Temporary use meeting the requirements of Section 3.240.
- 28. Water-related industrial, commercial and recreational uses.
- * 29. Conference Center.
- * Not permitted at South Tongue Point.

2.690. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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S-2A: TOURIST-ORIENTED SHORELANDS ZONE

2.700 PURPOSE AND AREA INCLUDED

[No changes in this Section.]

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. Personal service establishment, excluding funeral homes.
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.
15. Transportation facilities.
- 16. Multi-family Dwelling.***

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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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. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. (Section 2.715.B amended by Ord 19-05, 6-17-2019)
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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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5. No structure will exceed a height of ~~28~~ **45** 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(E) 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:
 1. 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.
 2. New or renovated storefronts will be designed to relate to existing adjacent businesses in terms of scale, color and use of materials.
 3. Where appropriate, store front windows along north-south streets will be restored to "display window" condition.
 4. The number of garage entry doors along the street will be kept to a minimum.
 5. 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.
10. All uses shall comply with applicable lighting standards in Section 3.128. (Section 2.715.J added by Ord 19-05, 6-17-2019)
11. All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. (Section 2.715.K added by Ord 19-06, 7-1-2019)

Red text: required by State law

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IN: INSTITUTIONAL ZONE

2.835. PURPOSE.

[No changes in this Section.]

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.
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 ***or two-family*** dwelling on lot where ~~such~~ ***either*** use existed as of January 1, 1990, and an Accessory Dwelling Unit.
11. Utilities.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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12. Transportation facilities.

2.842. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.845. YARDS.

[No changes in this Section.]

2.850. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.855. HEIGHT OF STRUCTURES.

[No changes in this Section.]

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.
3. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.
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.

Red text: required by State law

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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 and Accessory Dwelling Unit~~ ***A legal nonconforming single-family or two-family dwelling*** may be moved, enlarged or reconstructed provided such work is confined to those privately-owned lots associated with the dwelling.
10. All uses shall comply with applicable lighting standards in Section 3.128.
11. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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MH: MARITIME HERITAGE ZONE

2.890. PURPOSE.

[No changes in this Section.]

2.892. USES PERMITTED OUTRIGHT.

[No changes in this Section.]

2.894. 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 2.896 through 2.902, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. Arts and craft studio.
2. Bed and breakfast, inn, or home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800).
3. Commercial off-street parking lot.
4. Family day care center.
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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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9. Single-family, two-family, ~~and~~ ***or*** 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.

2.896. LOT COVERAGE.

[No changes in this Section.]

2.898. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.900. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.902. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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FA: FAMILY ACTIVITIES ZONE

2.904. PURPOSE.

[No changes in this Section.]

2.906. 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 2.908 through 2.916, 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~~ **or** 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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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11. Transportation facilities.

2.908. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.910. LOT COVERAGE.

[No changes in this Section.]

2.912. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.914. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.916. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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AH-HC: ATTACHED HOUSING/HEALTH CARE ZONE

2.918. PURPOSE.

[No changes in this Section.]

2.920. 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 2.924 through 2.934, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. ~~Congregate care facility.~~ ***Group Living 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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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12. Transportation facilities.

2.922. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.924. YARDS.

[No changes in this Section.]

2.926. DENSITY.

[No changes in this Section.]

2.928. LOT COVERAGE.

[No changes in this Section.]

2.930. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.932. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.934. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

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Green text: recommended by Clatsop County Housing Strategies Report

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HC: HEALTH CARE ZONE

2.936. PURPOSE.

[No changes in this Section.]

2.938. 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 2.942 through 2.948, additional Development Code provisions, the Comprehensive Plan, and other City laws:

1. ~~Congregate care.~~ ***Long-Term Care Group Living Facilities.***
2. Heliport associated with a hospital.
3. Hospital.
- ~~4. Nursing home.~~
5. Medical or health care service establishment.
6. Transportation facilities.

2.940. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.942. LOT COVERAGE.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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2.944. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.946. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.948. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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CA: EDUCATION/RESEARCH/HEALTH CARE CAMPUS ZONE

2.950. PURPOSE:

[No changes in this Section.]

2.952. USES PERMITTED OUTRIGHT.

[No changes in this Section.]

2.954. 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 2.956 through 2.964, 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.
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.

Red text: required by State law

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9. Single-family, two-family, ~~and~~ ***or*** 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.

2.956. LOT SIZE.

[No changes in this Section.]

2.958. LOT COVERAGE.

[No changes in this Section.]

2.960. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.962. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.964. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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HR: HOSPITALITY/RECREATION

2.966. PURPOSE.

[No changes in this Section.]

2.967. 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 2.969 through 2.972, 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 or** multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
10. Transportation facilities.

Red text: required by State law

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2.968. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.969. LOT COVERAGE.

[No changes in this Section.]

2.970. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.971. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.972. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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LS: LOCAL SERVICE

2.975. PURPOSE.

[No changes in this Section.]

2.976. 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 2.978 through 2.981, 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. (East of 23rd Street, retail sales establishment greater than 14,000 gross square feet shall include a minimum of 50% of gross floor area devoted to multi-family dwellings located above the first floor.)
7. Repair service establishment not exceeding 3,000 square feet gross floor area.
8. Two-family ~~and~~ *or* multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
9. Transportation facilities.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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2.977. CONDITIONAL USES PERMITTED.

[No changes in this Section.]

2.978. LOT COVERAGE.

[No changes in this Section.]

2.979. LANDSCAPED OPEN AREA.

[No changes in this Section.]

2.980. HEIGHT OF STRUCTURES.

[No changes in this Section.]

2.981. OTHER APPLICABLE USE STANDARDS.

[No changes in this Section.]

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3.008. VEHICULAR ACCESS AND CIRCULATION.

A. Purpose and Intent.

[No changes in this Subsection.]

B. Applicability.

[No changes in this Subsection.]

C. Traffic Study Requirements.

[No changes in this Subsection.]

D. Approach and Driveway Development Standards.

Approaches and driveways taking access on City streets shall conform to all of the following development standards:

1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street. Access to single-family residential ~~or~~ development, ***including*** Accessory Dwelling Units, should not be provided to an arterial or collector roadway.
2. Approaches shall conform to the spacing standards of Subsections E and F below, and shall conform to minimum sight distance and channelization standards of the roadway authority.

...

[No additional changes in this Subsection.]

E. Approach Separation from Street Intersections.

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[No changes in this Subsection.]

F. Vision Clearance.

[No changes in this Subsection.]

G. Exceptions and Adjustments to Approach Separation from Street Intersections.

[No changes in this Subsection.]

H. Joint Use Access Easement and Maintenance Agreement.

[No changes in this Subsection.]

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3.020. ACCESSORY DWELLING UNITS.

A. Purpose.

The purpose of this Section is to provide more housing on an individual lot.

B. Standards.

1. Size.

a. Primary Structure.

Any single-family dwelling may establish an Accessory Dwelling Unit, secondarily to the primary structure.

b. Accessory Dwelling Unit.

Only one **accessory dwelling** unit per single-family lot ~~and per main dwelling~~ is permitted. ***In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.***

2. Creation of the Unit.

a. The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units.

b. A detached Accessory Dwelling Unit may include:

- 1) A Micro Housing Unit constructed to the Oregon Residential Specialty Code on a permanent foundation.

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- 2) A modular or pre-fab home constructed to the Oregon Residential Building Code on a permanent foundation.
- 3) A manufactured home that complies with the design standards in Development Code Section 3.140 applicable to a manufactured home, with the exception of minimum size.
- 4) No Accessory Dwelling Unit is allowed that is mobile, attached to wheels, built to RV standards, or as a Park Trailer, or Park Model.

~~e. 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 on the main dwelling 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. The location of the entrance to a detached Accessory Dwelling Unit (ADU) can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot.~~

4. ~~Zones~~ ***Locations*** in Which Permitted.

Accessory Dwelling Units are permitted outright as an accessory use to any ~~existing~~ single-family dwelling in ~~all zones~~ ***any zone***. ***An Accessory Dwelling Unit is not permitted on the same lot as a two-family dwelling or multi-family dwelling unless the dwelling has been divided onto individual lots by a middle housing land division in accordance with Article 13 of this Development Code.***

5. Height.

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The height of new detached units shall not exceed ~~20 feet or~~ 80% of the height of the ***primary*** dwelling, ~~whichever is less.~~

6. Homestay Lodging.

Home Stay Lodging in conjunction with an Accessory Dwelling Unit may be allowed as follows:

- a. Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).

~~C. Permits.~~

~~1. Permit Required.~~

~~A Type I 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.~~

~~D. Non-conforming Accessory Dwelling Units.~~

1. ~~The portion of a single-family dwelling or detached accessory structure 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:~~

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- ~~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".~~
- ~~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 Type II 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.~~

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3.035. ACCESSORY STRUCTURES.

A. Fences, Walls, and Hedges.

[No changes in this Subsection.]

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~~ ***80% of the height of the primary dwelling*** in height ;
3. ~~***In conjunction with the primary building, occupy*** no more than 2% of the total lot area; ~~***the underlying zone's maximum lot coverage.***~~~~

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3.090. COTTAGE CLUSTER DEVELOPMENT ***STANDARDS***.

A. Purpose.

~~A cottage cluster development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.~~

B. Ownership and Parcelization.

~~Cottage cluster developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common. Applicants must submit proof that a homeowner's association or other long-term management agreement will be established to ensure the maintenance of development elements in common ownership.~~

C. Review Procedures.

- ~~1. Applications for cottage cluster development on a single lot will be reviewed by the Community Development Director.~~
- ~~2. Applications for cottage cluster development involving creation of multiple lots shall be reviewed in accordance with Article 13, Subdivision.~~

D. Standards.

~~Cottage cluster developments are subject to the following standards:~~

1. Density.

~~Cottages may be built up to the density established for cottage cluster development in the underlying zone.~~

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~~2. Number of cottages.~~

~~A cottage cluster development is composed of four (4) to twelve (12) dwelling units.~~

~~3. Cottage design.~~

~~The cottages in a cottage cluster development are subject to the following standards:~~

~~a. Maximum floor area.~~

~~The gross floor area of each cottage shall not exceed 1,250 square feet.~~

~~b. Maximum footprint:~~

~~The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted, and is not subject to the maximum footprint requirements for cottages.~~

~~c. Average size.~~

~~The average size of all dwellings combined within a cottage cluster development will be less than 1,050 square feet.~~

~~d. Maximum height.~~

~~The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning.~~

~~e. Placement.~~

~~If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented.~~

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~~f. Setbacks.~~

~~The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six (6) feet spacing between buildings).~~

~~g. Private open space.~~

~~Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space.~~

~~h. Orientation of cottages.~~

~~Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space.~~

~~— Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with Subsection D.8.a of this Section.~~

~~i. Common Open Space.~~

~~The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, or small dead zones of the lot.~~

~~j. Public street facing facades.~~

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~~Cottages abutting a public right-of-way or River Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way or the River Trail.~~

k. ~~Porches.~~

~~Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six (6) feet in depth measured perpendicular to the abutting building facade and at least 60 square feet in area.~~

4. ~~Community buildings.~~

~~Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage cluster development.~~

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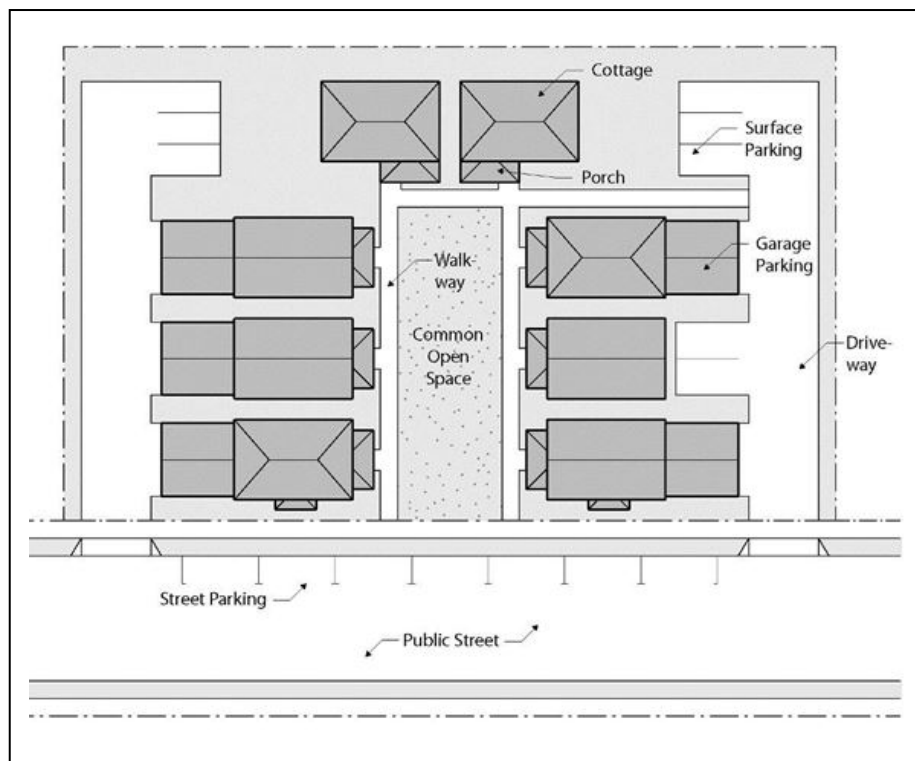
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Figure 3.090-1: Cottage Cluster Development Layout
[Note: Two alternative layouts are included to illustrate key elements of the Cottage Cluster requirements.]



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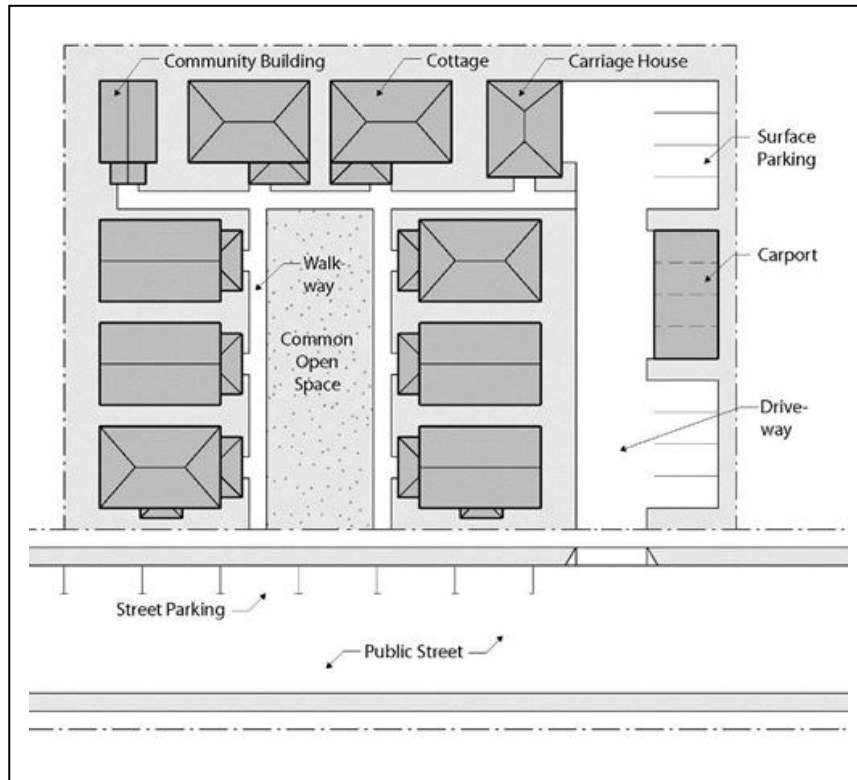
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~~5. Common open space.~~

~~Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:~~

~~a. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 400 square feet of common open space per cottage.~~

~~b. The common open space shall be in a single, contiguous, useable piece.~~

~~c. Cottages shall abut the common open space on at least two sides of the open space.~~

~~d. Parking areas, required yards, private open space, and driveways do not qualify as common open space.~~

~~7. Parking. Parking for a cottage cluster development is subject to the following standards:~~

~~a. Minimum number of parking spaces.~~

~~— Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less and 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).~~

~~b. Guest parking.~~

~~— Cottage cluster developments shall have at least 0.5 additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests.~~

~~c. Reduction in number of required parking spaces.~~

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~~_____ The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development.~~

d. ~~_____ Clustering and parking structures.~~

~~_____ Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two (2) carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one (1) carriage house dwelling unit per four (4) cottages (rounded to the nearest whole number). Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas.~~

e. ~~_____ Parking access.~~

~~_____ Parking areas shall be accessed only by a private driveway or public alley. No parking space may access a public street directly. No parking space may be between a public street and cottages abutting the public street.~~

f. ~~_____ Design.~~

~~_____ The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.~~

g. ~~_____ Screening.~~

~~_____ Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.~~

h. ~~_____ Location.~~

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~~———— Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.~~

~~8. ——— Frontage, access, and walkways.~~

~~a. ——— Frontage.~~

~~The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.~~

~~b. ——— Access.~~

~~No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.~~

~~c. ——— Walkways.~~

~~A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the River Trail. Sidewalks abutting public streets shall meet the width requirements established in the Astoria Engineering Design Standards, and interior walkways shall be at least four (4) feet in width.~~

~~9. ——— Interior fences.~~

~~Fences on the interior of the cottage cluster development shall not exceed three (3) feet in height and shall not consist of solid (e.g., board, cinder block) fencing.~~

~~10. ——— Existing structures.~~

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~~On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development.~~

~~F. Conflicts.~~

~~In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.~~

- A. Purpose.** *The purpose of this Section is to establish nondiscretionary standards for review of cottage cluster development proposals, allowing more flexibility in housing development options throughout the residential areas of the City.*
- B. Development Standards.**
- a. Applicability.** *Cottage clusters must meet the standards of this Section (3.090).*
 - b. Minimum Lot Size and Dimensions.** *Cottage clusters must meet the minimum lot size, width, and depth standards that apply to detached single-family dwellings in the same zone.*
 - c. Density.** *A cottage cluster must have at least 4 detached dwelling units and at least 4 detached dwelling units per acre. There is no maximum density limit for a cottage cluster development.*
 - d. Setbacks and Building Separation.**
 - i. Setbacks.** *In lieu of the setbacks listed in the underlying zone, a cottage cluster must meet the following setbacks:*
 - 1. Front setback: 10 feet**
 - 2. Side setbacks: 5 feet**
 - 3. Rear setbacks: 10 feet**
 - ii. Building Separation.** *Cottages must be separated by a minimum distance of 6 feet. The minimum distance between all other*

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structures, including accessory structures, must be in accordance with building code requirements.

- e. ***Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings are included in the average floor area calculation for a cottage cluster. The footprint for each dwelling unit in a cottage cluster must not exceed 900 square feet.***
 - f. ***Building Height. the maximum building height for all structures is 28 feet or two stories, whichever is greater.***
- C. ***Design Standards. Cottage clusters must meet the following design standards:***
- a. ***Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 3.090(1)):***
 - i. ***Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.***
 - ii. ***A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:***
 - 1. ***Have a main entrance facing the common courtyard;***
 - 2. ***Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and***
 - 3. ***Be connected to the common courtyard by a pedestrian path.***
 - iii. ***Cottages within 20 feet of a street property line may have their entrances facing the street.***
 - iv. ***Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.***

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- b. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 3.090(1)):***
- i. The common courtyard must be a single, contiguous piece.***
 - ii. Cottages must abut the common courtyard on at least two sides of the courtyard.***
 - iii. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in Section 1.400).***
 - iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.***
 - v. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 50 percent of the total common courtyard area.***
 - vi. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.***
 - vii. A cottage cluster development with multiple cottage clusters must provide at least one common courtyard for each cottage cluster.***
- c. Community Buildings. Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:***
- i. Each cottage cluster is permitted one community building, which counts towards the maximum average floor area.***
 - ii. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.***

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d. Pedestrian Access.

i. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

- 1. The common courtyard;***
- 2. Shared parking areas;***
- 3. Community buildings; and***
- 4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.***

ii. The pedestrian path must be hard-surfaced and a minimum of four (5) feet wide.

e. Parking Design. In addition to the standards of Article 7, parking areas for cottage clusters must meet the following:

i. Parking location and access.

1. Off-street parking spaces and vehicle maneuvering areas may not be located:

- a. Within of 20 feet from any street property line, except alley property lines;***
- b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.***

2. Off-street parking spaces may not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

ii. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

iii. Garages and carports.

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1. ***Garages and carports (whether shared or individual) must not abut common courtyards.***
 2. ***Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum average floor area calculation for cottages.***
 3. ***Individual detached garages must not exceed 400 square feet in floor area.***
 4. ***Garage doors for attached and detached individual garages must not exceed 20 feet in width.***
- f. ***Accessory Structures. Accessory structures may not exceed 400 square feet in floor area, inclusive of all accessory structures in a cottage cluster development.***
- g. ***Existing Structures. On a lot or parcel to be used for a cottage cluster development, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster development area under the following conditions:***
- i. ***The existing dwelling may be nonconforming with respect to the requirements of this code.***
 - ii. ***The existing dwelling may be expanded up to the maximum height allowed by this Section; however, existing dwellings that exceed the maximum height of this section may not be expanded.***
 - iii. ***The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.***
 - iv. ***The existing dwelling may be excluded from the calculation of orientation toward the common courtyard, per this Section.***

Figure 3.090(1):

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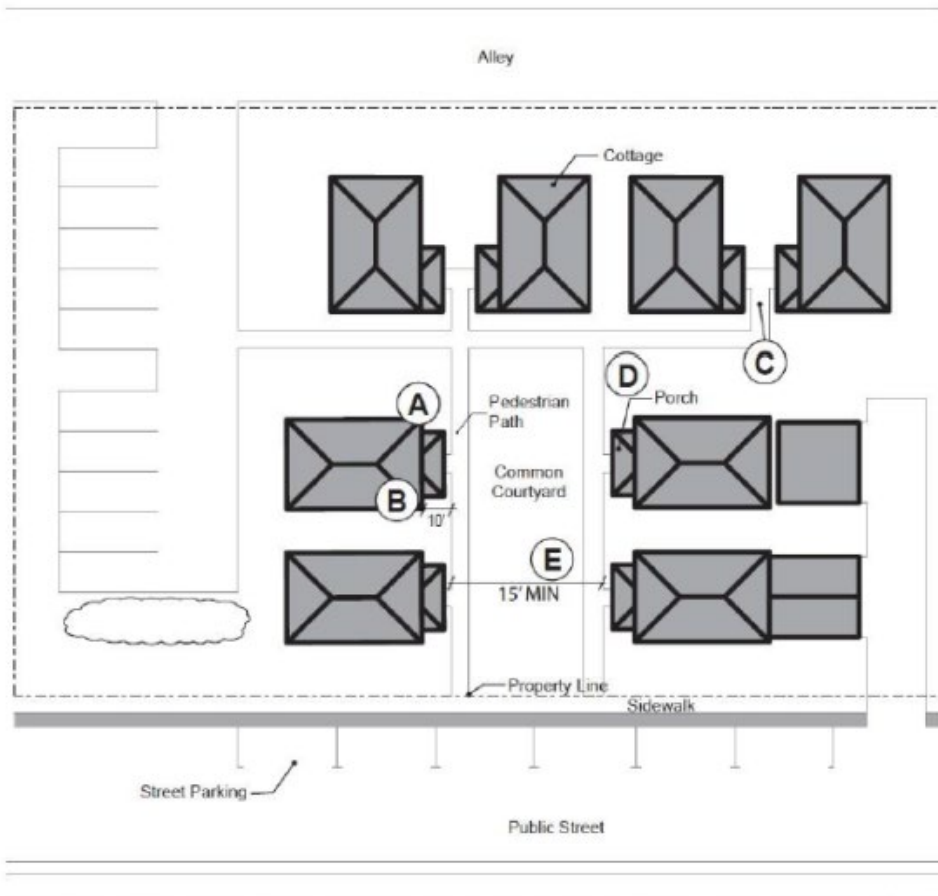
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- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

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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.

...

3.215 OUTDOOR STORAGE AREA ENCLOSURES

1. Outdoor Storage Area Enclosure Required. Outdoor storage areas shall be enclosed to provide physical and/or visual buffers. Required enclosures shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration, disrepair, or unsanitary condition that the same causes potential depreciation of the values of surrounding properties or is materially detrimental to nearby properties and/or improvements.
2. Applicability. The provisions of this Section shall apply to all new construction or major renovation of the existing structures, where major renovation is defined as construction valued at 25% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. The provisions shall also apply to all new storage areas; relocation of an existing storage area; and/or expansion of an existing storage area.
3. In addition to other Code requirements such as Historic and/or Design Review, enclosures shall be provided as follows:
 1. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family, two-family residential use, and Accessory Dwelling Unit. (Section 3.215.3.a amended by Ordinance 21-02, 2-16-21)
 2. Section 3.215 does not apply to outdoor retail sales areas.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

City of Astoria
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- ~~3. An enclosed storage area visible from other properties and/or rights-of-way shall be required to include a cover to buffer the view from other properties and/or rights-of-way. The minimum clearance inside a covered enclosure shall be 7'6" with a 6'8" high entryway for pedestrian access.~~
4. Enclosed storage areas greater than 7' tall shall contain a pedestrian access door in addition to the main service doors.
5. The design and location of any enclosed solid waste disposal storage area shall be reviewed and approved by the collection service company.
6. Unless approved by the Planner, access to enclosed storage areas shall not be blocked by parking spaces.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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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 ***or two-family*** dwelling.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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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.~~ ***as follows:***

- a. ***An expansion that fully complies with the Development Code may be permitted according to the processes and requirements that apply to new construction of the same type.***
- b. ***An expansion that does not fully comply with the Development Code may be permitted up to the limits of nonconformity existing as of January 1, 2022 as a Type II application subject to the standards in Section 11.030 of this Code.***
- c. ***If the Community Development Director believes that substantial issues are involved, they may upgrade the review to a Type III review before the Planning Commission.***

2. The Planning Commission may permit an expansion of a nonconforming structure ~~in excess of 10%, in accordance with procedures in Article 12.~~ ***beyond the limits of nonconformity existing as of January 1, 2022 as a Type III application subject to the standards in Section 11.030 of this Code.***

C. ~~Change of Nonconforming Structure.~~

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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~~———— 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. The following alterations are allowed:~~

- ~~1. ——— Addition of second utility meter. The second meter does not validate the nonconforming use but is solely for purposes of the existing use until such time as it is destroyed and must come into compliance with the Code per Section 3.190.D.~~

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.

E. Reconstruction of Nonconforming ~~Single-Family~~ Dwellings.

Existing nonconforming ~~single-family~~ dwellings may be rebuilt in any zone if unintentionally destroyed by any means to an extent exceeding 80% of its fair market value as indicated in Section 3.190(D), provided the reconstruction of the dwelling complies with the following standards:

1. The ~~dwelling~~ ***building*** shall be rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone. This does not allow any construction beyond the property lines; and
2. The square footage of the replacement structure does not exceed the square footage of the original structure by more than 10%; and
3. The height of the building shall comply with the maximum height for the underlying zone; and
4. If the property is within an area subject to ~~architectural~~ design review ***or historic preservation*** standards, the design of the replacement structure shall comply with those ~~architectural~~ standards; and

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5. The off-street parking spaces shall not be reduced from the number provided prior to the destruction of the dwelling; and
6. Substantial construction of the dwelling shall begin within two years of the date of destruction; and
7. All other City and Building Codes relative to construction, including but not limited to, geologic concerns, stormwater management, grading, driveways, sidewalks, etc. shall apply.

F. Reconstruction of Existing Non-Conforming Overwater Buildings.

Nonconforming overwater buildings located between 16th and 41st Street within the Civic Greenway Overlay Area existing prior to 2013, and between 41st and approximately 54th Street in the Neighborhood Greenway Overlay Area existing prior to 2015 may be rebuilt if unintentionally destroyed by any means to an extent exceeding 80% of its fair market value as indicated in Section 3.190.D, provided the reconstruction of the building complies with the following standards:

1. The building shall be rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone. This does not allow any construction beyond the property lines; and
2. The square footage of the replacement structure and/or replacement uses does not exceed the square footage of the original structure and use classifications by more than 10%; and
3. The height of the building shall be the same or less than the existing building height prior to destruction; and
4. If the property is within an area subject to ~~architectural~~ design review ***or historic preservation*** standards, the design of the replacement structure shall comply with those ~~architectural~~ standards; and
5. Substantial construction of the building shall begin within two years of the date of destruction, unless an extension has been granted in accordance with Section 9.100; and

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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6. All other City and Building Codes relative to construction, including but not limited to, geologic concerns, stormwater management, grading, driveways, sidewalks, etc. shall apply.

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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-family, ~~Accessory Dwelling Unit~~, ***two-family***, and multi-family ~~structures~~ ***dwelling***s, 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.
 - e. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area.
3. Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local Code requirements.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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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.
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.

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

Blue text: recommended by Staff

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7.100. MINIMUM PARKING SPACE REQUIREMENTS.

The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use. Off-street vehicle parking requirements are calculated to include consideration of employee and customer/client uses.

For off-street parking requirement calculations, gross floor area as defined in Section 1.400 shall not include outdoor storage areas. Gross floor area for off-street parking calculations shall include exterior space utilized for the use which results in expanded use on the site such as outdoor seating area for an eating/drinking establishment.

Table 7.100 – Off-Street Parking Space Requirements by Use.

Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
RESIDENTIAL CATEGORIES	
<i>All Dwellings not otherwise listed</i>	<i>0.65 spaces per bedroom</i> <i>Maximum of 2 spaces for single-family or two-family dwellings, including each unit in a cottage cluster development</i>
Single-family Dwelling, including manufactured homes or modular home on individual lots, and attached dwellings such as townhomes and condominiums	2 spaces per dwelling unit
Two-family Dwelling (Duplex)	2 spaces per dwelling unit

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Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
Accessory Dwelling <i>Unit</i> (second dwelling unit on a single-family lot)	No additional parking is required.
Manufactured Dwelling in a Park	1.5 per dwelling unit
Multi-family Dwelling including Group Housing	1.5 spaces per dwelling unit with more than one bedroom; 1.25 spaces per dwelling unit limited to one bedroom, or one bedroom group housing units; Calculation is based on specific number of each type of units within the complex.
Group <i>Living Facility, Long-Term Care Facility</i> living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing where clients have no access to driving	1 space per 8 bedrooms plus one per employee Calculation is based on the maximum number of employees on one shift, not total employment.
<i>Group Living Facility, Room and Board Facility</i>	<i>4 spaces plus one per employee</i> <i>Calculation is based on the maximum number of employees on one shift, not total employment.</i>
Residential Home, <i>or</i> Residential Facility, and Adult Foster Care	<i>2 spaces plus</i> 1 additional space per 3 beds for the home/facility
COMMERCIAL CATEGORIES	
[No changes in this Subsection.]	

Red text: required by State law

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Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
INDUSTRIAL CATEGORIES	
[No changes in this Subsection.]	
INSTITUTIONAL CATEGORIES	
[No changes in this Subsection.]	
RECREATIONAL CATEGORIES	
[No changes in this Subsection.]	
OTHER CATEGORIES	
[No changes in this Subsection.]	

Red text: required by State law

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Blue text: recommended by Staff

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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 ~~detached~~ single-family dwelling, ~~or~~ Accessory Dwelling Unit, ***or two-family dwelling*** on an individual lot unless otherwise noted, shall be developed and maintained as follows:

A. Location on site.

...

[No additional changes in this Subsection.]

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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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.~~

~~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.~~

Red text: required by State law

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Blue text: recommended by Staff

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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.~~

~~2. Structures may be in single ownership, be individually owned, or in condominium ownership.~~

Red text: required by State law

Green text: recommended by Clatsop County Housing Strategies Report

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12.060. CLASSIFICATION OF VARIANCES.

A. Type II.

Type II 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 Type II variances may be granted.

Type II variances include:

1. Location of structures in relation to required yards;
2. Variances from minimum lot width, depth, and lot coverage;
3. Variances from other quantitative standards by 10% or less.
4. Variances from the requirements of the Flood Hazard Overlay Zone section 2.800 to 2.825.
5. Variance from fence height up to a maximum of 8'.
6. Variance from off-street parking for a maximum of two spaces for multi-family dwellings and non-residential uses.
7. Variance from off-street parking for single-family and two-family dwellings, including their accessory uses.

B. Type III.

Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. Variances from quantitative standards other than those identified in Section 12.060.A by more than 10%;

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2. Variances from other provisions of this ~~chapter except density and use restrictions~~ ***Code not otherwise listed.***
- 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.
- E. A variance may not be granted for density, maximum lot size, or use restrictions.***

Red text: required by State law

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13.040. LAND DIVISION TYPES.

A. *Subdivision.*

A subdivision is a land division that results in the creation of 4 or more lots within a calendar year. Multiple requests that have the result of creating 4 lots within a calendar year must be reviewed as a subdivision, even if each request creates 3 lots or fewer, unless otherwise exempted by this ordinance. It requires approval of a preliminary plat by the Planning Commission and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A subdivision preliminary plat decision may be appealed to the City Council as described in this ordinance. A subdivision final plat decision may not be appealed. A subdivision is subject to Sections 13.100 through 13.150 and 13.400 through 13.630.

B. *Major Partition.*

A major partition is a land division that results in the creation of 3 or fewer lots and a street within a calendar year. It requires approval of a preliminary plat by the Planning Commission and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A major partition preliminary plat decision may be appealed to the City Council as described in this ordinance. A major partition final plat decision may not be appealed. A major partition is subject to Sections 13.200 through 13.250 and 13.400 through 13.630.

C. *Minor Partition.*

A minor partition is a land division that results in the creation of 3 or fewer lots within a calendar year and does not result in the creation of a street. It requires approval of a preliminary plat by the Community Development Director and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A minor partition preliminary plat decision may be appealed to the Planning Commission as described in this ordinance. A minor partition final plat decision may not be appealed. A minor partition is subject to Sections 13.300 through 13.350 and 13.400 through 13.630.

D. *Expedited Land Division.*

Red text: required by State law

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An expedited land division is a type of land division intended to reduce the time necessary for review of land divisions creating new housing lots or units. There is no lot or unit limit for an expedited land division, provided the land division complies with the requirements of ORS 197.360. Expedited land divisions are reviewed in a single submittal (i.e., no differentiation between preliminary and final plat) but otherwise subject to the same process and standards as a minor partition except where adjustments are necessary to comply with ORS 197.360 through 197.380.

E. Middle Housing Land Division.

A middle housing land division is a type of land division intended to allow middle housing property owners to divide a middle housing project into a number of child lots equal to the number of units in a middle housing development on the original lot. There is no lot limit or threshold for a middle housing land division except that there must be exactly 1 unit per resulting lot and each resulting unit must be served by independent utility systems. Middle housing land divisions are reviewed in a single submittal (i.e., no differentiation between preliminary and final plat) but otherwise subject to the same process and standards as a minor partition except where adjustments are necessary to comply with ORS 92.010 through 92.192 and 197.360 through 197.380.



City of Astoria

Community Development Department
1095 Duane Street, Astoria, OR 97103

(503) 338-5183 • www.astoria.or.us • comdevadmin@astoria.or.us
1193*3*3



ASTORIA CITY OF
1095 DUANE ST
ASTORIA OR 97103-4524

City of Astoria » Measure 56 Public Notice

THIS IS TO NOTIFY YOU THAT THE CITY OF ASTORIA HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

The City of Astoria Planning Commission will hold a public hearing regarding the adoption of Amendment File A22-01 on Tuesday, June 28, 2022 at 5:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The City of Astoria has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Amendment File A22-01 is available for inspection on the City's website at www.astoria.or.us or at City of Astoria City Hall, located at 1095 Duane St., Astoria, OR 97103. A copy of Amendment File A22-01 is available for purchase at a cost of \$0.50 per page. For additional information concerning Amendment File A22-01, you may contact the City of Astoria Planning Division via email at comdevadmin@astoria.or.us or by calling 503-338-5183.

This notice contains specific language required by Oregon Revised Statutes (ORS) 227.186 and is the only notice related to this request that will be sent by mail. In layman's terms, the City of Astoria is updating its Development Code to provide additional housing opportunities in response to recent State law requirements and other concerns. The lists below include standards the City is considering modifying or not modifying to increase housing opportunities across the City:

PROPOSED CHANGES

- Expand opportunities for "middle housing" and other housing types
- Reduce minimum lot size requirements
- Remove maximum lot coverage limits
- Establish minimum density standard for certain types of development
- Streamline review processes for certain housing projects
- Right-size parking requirements for housing projects
- Clean up outdated or inaccurate language in Development Code

CHANGES NOT PROPOSED

- Amend Comprehensive Plan
- New Buildable Lands Inventory, Housing Needs Analysis, and Housing Production Strategy
- Rezone property
- Prohibit single-family dwellings
- Increase allowable building heights
- New historic or architectural design review requirements & processes
- New natural hazard-related requirements

Upcoming public hearings, agendas and agenda packets will be posted to the City's website at https://www.astoria.or.us/Agenda_Minutes.aspx.

All interested persons are invited to express their opinion for or against the proposed changes at each hearing, by letter addressed to the City via email at comdevadmin@astoria.or.us, or via mail at 1095 Duane St., Astoria OR 97103. Testimony and evidence must be directed toward the applicable criteria or other criteria of the Comprehensive Plan that you believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the City an opportunity to respond to the issue precludes an appeal based on that issue.

You may participate in the public hearings in person or remotely. For connection options and instructions, please visit: www.astoria.or.us/LIVE_STREAM.aspx or see instructions below.

The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department 48 hours prior to each meeting at (503) 338-5183.

The public hearings, as conducted by the Astoria Planning Commission and City Council, will include a review of the application and presentation of the staff report, opportunity for presentations by the applicant and those in favor of the request, those in opposition to the request, deliberation and decision. The Astoria Planning Commission and City Council reserve the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

FREQUENTLY ASKED QUESTIONS

Why did the City send me this notice?

Any time changes are proposed to the City of Astoria's Development Code, all property owners within the city limits are sent a notice.

Why can't I find more information online?

The staff report, including draft language for the proposed amendment, will be posted and available for your review by June 21, 2022.

What happens next?

The Planning Commission will meet on June 28, 2022 at 5:30 pm to discuss the proposed amendment and hold a public hearing. Your comments and participation are encouraged.

What does it mean by "affect the permissible uses of your property" and "may change the value of your property?"

State law requires the City use this specific language. It is up to the property owner to evaluate the proposed changes and determine how it may affect their property.

How can I find out more information now?

Visit www.astoria.or.us/Housing_in_Astoria.aspx to view the proposed draft language to the Development Code or learn more about this project.

CONNECTION OPTIONS AND INSTRUCTIONS TO PARTICIPATE REMOTELY IN PUBLIC MEETINGS

ONLINE MEETING

At start of our Public Meetings you will be able to join our online ZOOM meeting using your [mobile or desktop device](#) and watch the live video presentation and provide public testimony.

Step #1: Use this link: www.astoria.or.us/zoom/

Step #2: Install the Zoom software on your mobile device, or join in a web browser

Step #3: If prompted, enter the Meeting ID number: 503 325 5821

Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted, you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.

TELECONFERENCE

At start of our Public Meetings you will be able to [dial-in using your telephone](#) to listen and provide public testimony.

Step #1: Call this number: **253-215-8782**

Step #2: When prompted, enter the Meeting ID number: 503 325 5821

Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial *9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.

LASSE A. VENDENOJA has been appointed personal representative in the above-referenced estate. All persons having claims against the estate are required to present them, with vouchers attached, to the attorney for the personal representative at the address listed below, within four months after the date of first publication of this notice, or the claims may be barred.

All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorney for the personal representative.

ATTORNEY FOR PERSONAL REPRESENTATIVE:
 Michael A. Autio,
 OSB #91200
 93750 Autio Loop,
 Astoria, OR 97103
 Phone: (503) 325-9155

PERSONAL REPRESENTATIVE:
 LASSE A. VENDENOJA
 38282 Highway 30, Astoria, OR 97103
 Phone: (503) 791-3537

Date of first publication: June 4, 2022.
Published: June 4, 11, 18, 2022.

AB8752
 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLATSOP
 Probate Department

In the Matter of the Estate of PATRICIA A. STRATTON, Deceased.
 Case No. 22PB03829

NOTICE TO INTERESTED PERSONS

NOTICE IS HEREBY GIVEN that Mary Teresa Stratton Wilborn has been appointed Personal Representative of the above estate. All persons having claims against the estate are required to present the same within four months from this date to the undersigned at the law offices of DOLE COALWELL, 810 S.E. Douglas Avenue, P.O. Box 1205, Roseburg, Oregon 97470, or said claims may be barred. All persons whose rights may be affected by the estate proceeding may obtain additional information from the records of the above entitled court, the Personal Representative or the Personal Representative's attorneys.

DATED and first published on June 11, 2022.

Cadence L. Whiteley, OSB #115533
 DOLE COALWELL
 Of Attorneys for Personal Representative
Published: June 11, 18, 25, 2022.

IT'S WORTH IT! GET A CLASS AD!

L.C. 10.01

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239

SUMMONS FOR SERVICE BY PUBLICATION

KATHLEEN SUZANNE TEPLER
 Plaintiff/Petitioner

v.

SHULTON C CONSTRUCTION LLC
 Defendant/Respondent

Date of First Publication: JUNE 18, 2022 (response must be filed within 30 days of this date)

(Filer's name): KATHLEEN SUZANNE TEPLER has filed a (type of case) SMALL CLAIMS case asking the court to order (explain what you want the court to order) PAYMENT OF \$8500.00 FOR REPAIRS MADE TO CONSTRUCTION JOB INADEQUATELY PERFORMED BY DEFENDANT

NOTICE TO DEFENDANT; READ CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear," you must file a legal Response, Answer, or Motion. Forms may be available through the court above or online at www.courts.oregon.gov/forms. Talk to a lawyer for information about appearing by motion.

Your response must be filed with the court named above within 30 days of the date of first publication (noted above), along with the required filing fee (go to www.courts.oregon.gov for fee information). It must be in proper form. You must show that the other party's lawyer (or the party if they do not have a lawyer) was formally served with a copy of your response according to the service rules. Service rules are in the Oregon Rules of Civil Procedure (ORCP) Rule 9.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7936, or go to www.oregonstatebar.org.

Date: June 15, 2022 Signature: Kathleen S Tepler
 Name (printed): KATHLEEN SUZANNE TEPLER

Contact Address: 33230 BERGMAN CRL LN SEASIDE OR 97138 Contact Phone: 503-738-3155
 City, State, ZIP

Summons for Publication Page 1 of 1

OJD OFFICIAL

Published: June 18 & 25, July 2 & 9, 2022.

101 Legal Notices

AB8768
 CITY OF ASTORIA
 NOTICE OF PUBLIC HEARING-

You may participate in the public hearing in person or remotely. For connection options and instructions go to https://www.astoria.or.us/LIVE_STREAM.aspx You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call 253-215-8782 and when prompted enter meeting ID# 503 325 5821.

The City of Astoria Planning Commission will hold a public hearing on Tuesday, June 28, 2022 at 5:30 p.m. in the Astoria City Hall, Council Chambers, 1095 Duane Street, Astoria. The purpose of the hearing is to consider the following request:

- Amendment Request (A22-01) by Community Development Director to amend the Astoria Development Code as required by Oregon Revised Statutes (ORS) 92, 197, 215 & 227 and implement suggested changes as recommended by the 2019 Clatsop County Housing Strategies Report, to expand opportunities for "middle housing" and other housing types; reduce minimum lot size requirements; remove maximum lot coverage limits; establish minimum density standard for certain types of development; streamline the review processes for certain housing projects; right-size parking requirements for housing projects; and clean up outdated or inaccurate language in the Development Code, City Wide.

For information, contact the Community Development Dept. by phone: (503) 338-5183, by email: comdevadmin@astoria.or.us or by writing to: 1095 Duane St., Astoria OR 97103. The location of the hearing is accessible to the handicapped. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Dept. 48 hours prior to the meeting at (503) 338-5183. The Planning Commission reserves the right to modify the proposal or to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided.

THE CITY OF ASTORIA
 Tiffany Taylor, Associate Planner
PUBLISHED: June 18, 2022.

9:00

239

Attachment B

different than the preceding year. If different, the major change is

Contact: Kenna Kay Bussert Telephone: (503)

FINANCIAL

TOTAL OF ALL FUNDS

- Beginning Fund Balance/Net Working Capital
- Fees, Licenses, Permits, Fines, Assessments & Other Services
- Federal, State & all Other Grants, Gifts, Allocations & Donations
- Revenue from Bonds & Other Debt
- Interfund Transfers/Internal Service Reimbursements
- All Other Resources Except Current Year Property Taxes
- Current Year Property Taxes Estimated to be Received
- Total Resources—add lines 1 through 7

FINANCIAL SUMMARY — F

- Personnel Services
- Materials and Services
- Capital Outlay
- Debt Service
- Interfund Transfers
- Contingencies
- Special Payments
- Unappropriated Ending Balance and Reserved for Future Expenses
- Total Requirements—add lines 9 through 16

FINANCIAL SUMMARY—REQUIREMENTS AND FULL-TIME

Name of Organizational Unit or Program
 FTE for Unit or Program

Name Hospital Facilities & Equipment
 FTE
 Name
 FTE
 Name
 FTE
 Name
 FTE
 150-504-073-2 (Rev. 10-16-20)

Name
 FTE
 Not Allocated to Organizational Unit or Program
 FTE
 Total Requirements
 Total FTE

STATEMENT OF CHANGES

Permanent Rate Levy (Rate Limit .1365) Per \$1000
 Local Option Levy
 Levy for General Obligation Bonds
 Long Term Debt
 General Obligation Bonds
 Other Bonds
 Other Borrowings
 Total

*If more space is needed to complete any section of this form, use the space below.

Pub

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Housing Development Listening Session

Tuesday, April 21, 2022 @ 5:30 pm, Holiday Inn Express, 204 W. Marine Dr.

Public Remarks

- Bypass
- Public Transport
- Railroad
- Astoria not exempt from State mandates
- We need housing
- Astoria for Astorians
- More housing types
- Opportunity to Vote
- Diversity as a strength
- What is preventing development?
- Housing Downtown
- Fear of homeless
- City regulatory barriers
- Expand buildable land inventory?
- Owner occupied v. Vacation rentals – no restrictions
- Tenants are increasing unemployed
- Workforce v. Affordable housing
- Cooperation between City & County
- Transfer of development rights
- Keeping residential neighborhoods

TOP PRIORITIES

- Re-start Heritage Square project for housing
- Prioritize high density housing near transportation corridors
- Vacant & derelict homes
- Dog Park: amenities supporting housing
- Streamline permit process
- Reduce cost on development process
- Short-term rentals
- State mandated rules: penalty?
- Parking/Traffic
- Housing #1 issue in elections
- Employee housing: recruitment
- Humanitarian crisis: lack of all types of housing

CONCERNS

- Cost of development
- Preserve Astoria's character
- Building working relationships
- Contractor hurdles
- Who will build?
- Have a vision

Housing Development Listening Session
 Tuesday, May 4, 2022 @ 5:30pm, Astoria Middle School

Public Remarks

- Proactive City staff with determining re-development potential of vacant lots in residential areas, are they all in landslides or can something be done
- Support cottage cluster in residential areas
- Align building codes with development code, modify building code to allow for more cost effective renovation of old buildings
- The sewer and water line expense for infill (development within existing neighborhoods) is too high, is there a way city could incentivize
- Support all middle housing types, even if we need to make lots bigger
- Unimproved right-of-way (land), adjacent to residential, existing homes, sell to adjacent property owner so they can expand
- City needs a strategic approach to administration of city, and identify where public buy-in exists
- Incentivize redevelopment
- Need state and/or federal support to address true housing issues
- Long term residents should have different rules, that make process easier
- Incentivize owners to do ADU's
- Full time homeowners should be able to do short term rentals with a streamlined process

CONCERNS

- Cost of development for homeowners
- Preserve Astoria's character
- Building Code conflicts with renovation of old buildings
- Vacant lots in residential areas

Housing Development Listening Session

Tuesday, May 4, 2022 @ 12:00pm, Barbey Center

Public Remarks

- Allow Cottage Clusters in residential areas
- We have no room to grow with river, hills surrounding city
- Potential expansion areas will not have all the services
- Consider developing higher
- Enforce short term rentals
- Blue Ridge area should be developed with residential, can the city play a role it this
- Expand ownership options, instead of focusing on rentals
- All townhomes, bungalow, cottage cluster in residential areas
- Address parking now
- Support higher densities
- In reality, people in Astoria are currently occupying spaces that would be considered “higher density” so officially increasing it in the Development Code will not impact people’s lives that dramatically
- If a historic building is too expensive to renovate then teardown
- Consider Fair Housing laws – AFFH
- Downtown buildings with available 2nd floor space should be able to do residential
- Modify building codes to allow conversion of old buildings into residential
- Incentives (make more financially viable) the renovation of existing buildings into residential
- If we do not have the ability to adjust housing and parking at the same time and we can only address one then we should choose housing

CONCERNS

- Cost of development for homeowners
- Preserve Astoria’s character
- Building Code conflicts with renovation of old buildings
- Underserved will be pushed out even further from essential services
- We have nowhere to grow as a city
- Parking in residential areas

City of Astoria
Community Development Department
1095 Duane Street, Astoria, OR 97103



Concerning Measure 56 Public Notice:

You are so well aware that the Astoria Hills are clay slide zones. Cramming in more cement and structures, making the building more densely situated adds more weight to an already volatile situation. It appears to me that the huge Stemper's Mansion on the hilltop off Skyline Place added to the weight/pressure that resulted in the Bond Street slide and water drainage possibly due to broken water and drainage pipes.

Density may also increase health issues.

Our hills are already baring a burden in structures. Please consider moderation.

Respectfully, Monica Taylor

Monica Taylor, June 11, 2022

Oregon's Statewide Planning Goals & Guidelines

GOAL 10: HOUSING

OAR 660-015-0000(10)

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Buildable Lands -- refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use.

Government-Assisted Housing -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Household -- refers to one or more persons occupying a single housing unit.

Manufactured Homes -- means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

GUIDELINES

A. PLANNING

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.

2. Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.

3. Decisions on housing development proposals should be expedited when such proposals are in

accordance with zoning ordinances and with provisions of comprehensive plans.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) **December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.**
- (b) **June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.**
- (5) **The department shall grant or deny a request for an extension under this section:**
 - (a) **Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.**
 - (b) **Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.**
- (6) **The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:**
 - (a) **Defining the affected areas;**
 - (b) **Calculating deficiencies of water, sewer, storm drainage or transportation services;**
 - (c) **Service deficiency levels required to qualify for the extension;**
 - (d) **The components and timing of a remediation plan necessary to qualify for an extension;**
 - (e) **Standards for evaluating applications; and**
 - (f) **Establishing deadlines and components for the approval of a plan of action.**

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

(A) Vacant lands planned or zoned for residential use;

(B) Partially vacant lands planned or zoned for residential use;

(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and

(D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development;**
and

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2] **(5)** Subsection (1)(a) and (d) of this section does not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[3] **(6)** A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[.]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "**Reasonable local regulations relating to siting and design**" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) **Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.**

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family [*units*] **homes**.
- (f) Regulated affordable single-family [*units*] **homes**.
- (g) Accessory dwelling units.**
- (h) Regulated affordable accessory dwelling units.**
- (i) Units of middle housing, as defined in section 2 of this 2019 Act.**
- (j) Regulated affordable units of middle housing.**

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

.....
Bev Clarno, Secretary of State

Enrolled

Senate Bill 458

Sponsored by Senators FREDERICK, KNOPP; Senators GOLDEN, HANSELL, KENNEMER, PATTERSON, Representatives DEXTER, FAHEY, HUDSON, KROPF, LEIF, MEEK, MOORE-GREEN, NOBLE, SMITH DB, WRIGHT, ZIKA (at the request of Habitat for Humanity) (Pre-session filed.)

CHAPTER

AN ACT

Relating to land division for residential development; creating new provisions; and amending ORS 93.277, 94.775, 94.776, 197.365, 197.370, 197.375 and 197.380.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 92.010 to 92.192.

SECTION 2. (1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

(b) Separate utilities for each dwelling unit;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) Prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

- (4) In reviewing an application for a middle housing land division, a city or county:
- (a) Shall apply the procedures under ORS 197.360 to 197.380.
 - (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.
 - (c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.
 - (d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
 - (e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.
 - (f) May require the dedication of right of way if the original parcel did not previously provide a dedication.
- (5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.
- (6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.
- (7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

SECTION 2a. Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1, 2022.

SECTION 3. ORS 93.277 is amended to read:

93.277. A provision in a recorded instrument affecting real property is not enforceable if:

- (1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of, **or the partitioning or subdividing of lands under section 2 of this 2021 Act for:**

- (a) Middle housing, as defined in ORS 197.758; or
 - (b) An accessory dwelling unit allowed under ORS 197.312 (5); and
- (2) The instrument was executed on or after [August 8, 2019] **January 1, 2021.**

SECTION 4. ORS 94.776 is amended to read:

94.776. (1) A provision in a governing document that is adopted or amended on or after [August 8, 2019] **January 1, 2020**, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of, **or the dividing of lands under section 2 of this 2021 Act for**, housing that is otherwise allowable under the maximum density of the zoning for the land.

(2) Lots or parcels resulting from the division of land in a planned community are subject to the governing documents of the planned community and are allocated assessments and voting right on the same basis as existing units.

SECTION 5. ORS 94.775 is amended to read:

94.775. (1) [Unless the declaration expressly allows the division of lots in a planned community,] Judicial partition by division of a lot in a planned community is not allowed under ORS 105.205[.], **unless:**

- (a) The declaration expressly allows the division of lots in a planned community; or**
- (b) The lot may be divided under ORS 94.776.**

(2) The lot may be partitioned by sale and division of the proceeds under ORS 105.245.

[2] (3) The restriction specified in subsection (1) of this section does not apply if the homeowners association has removed the property from the provisions of the declaration.

SECTION 6. ORS 197.365 is amended to read:

197.365. Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land

division, as described in ORS 197.360, **or a middle housing land division under section 2 of this 2021 Act:**

(1)(a) If the application for [*expedited*] a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of 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 the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for [*an expedited*] a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the [*expedited*] land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the [*local government's*] **applicable** land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375.

SECTION 7. ORS 197.370 is amended to read:

197.370. (1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division **or a middle housing land division, as defined in section 2 of this 2021 Act**, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360 **or section 2 of this 2021 Act**. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division **or a middle housing land division** prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 **and section 2 of this 2021 Act**, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the [expedited] land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

SECTION 8. ORS 197.375 is amended to read:

197.375. (1) An appeal of a decision made under ORS 197.360 and 197.365 **or under ORS 197.365 and section 2 of this 2021 Act** shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4)[,] and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 197.360 to 197.380 **or section 2 of this 2021 Act** and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

(2) The local government shall appoint a referee to decide the appeal of a decision made under [ORS 197.360 and 197.365] **this section**. The referee [shall] **may** not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and

argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

(4)(a) The referee shall apply the substantive requirements of the [local government's] **applicable** land use regulations and ORS 197.360 **or section 2 of this 2021 Act**. If the referee determines that the application does not qualify as an expedited land division [as described in ORS 197.360] **or a middle housing land division, as defined in section 2 of this 2021 Act**, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) **For an expedited land use division**, the referee may not reduce the density of the land division application.

(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 197.360 to 197.380 **or section 2 of this 2021 Act**.

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

(a) That the decision does not concern an expedited land division as described in ORS 197.360 **or middle housing land division as defined in section 2 of this 2021 Act** and the appellant raised this issue in proceedings before the referee;

(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or

(c) That the decision is unconstitutional.

SECTION 9. ORS 197.380 is amended to read:

197.380. Each city and county shall establish [an application fee] **application fees** for an expedited land division **and a middle housing land division, as defined in section 2 of this 2021 Act**. The [fee shall] **fees must** be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing [the fee required] **a fee** under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 197.360 to 197.380 **and section 2 of this 2021 Act**.

Passed by Senate April 15, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 17, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State

2019

CLATSOP COUNTY HOUSING STRATEGIES

SUMMARY REPORT



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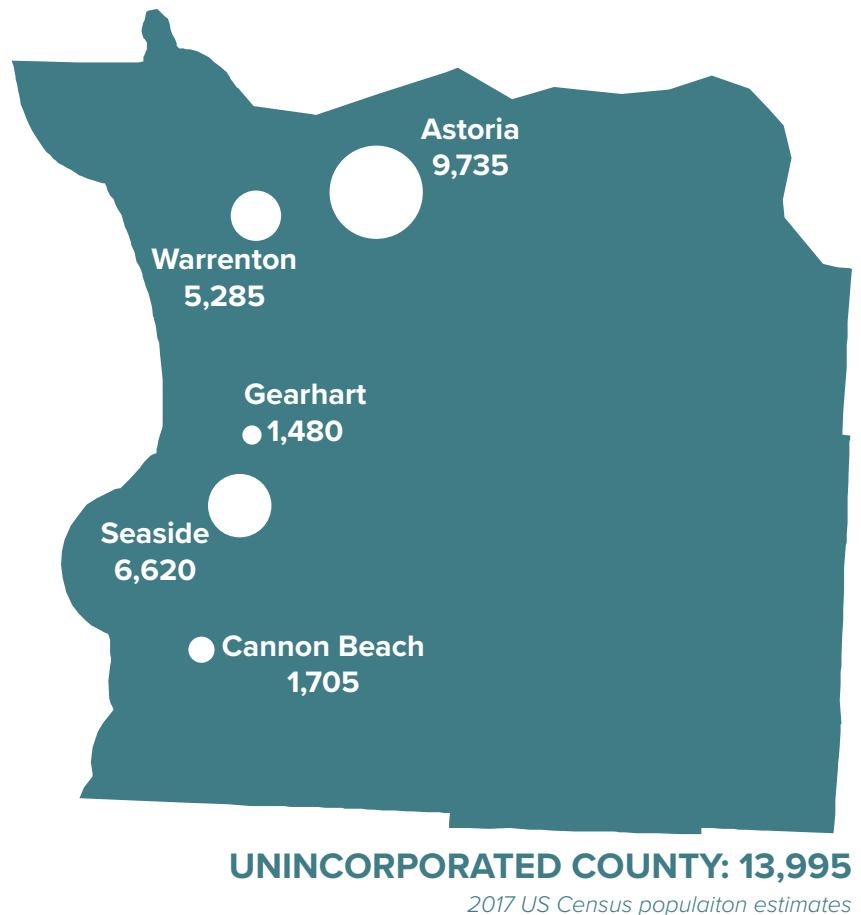
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INTRODUCTION

Nestled in the northwestern corner of Oregon, Clatsop County is bordered by the Pacific Ocean to the west and the Columbia River to the north. Most of the County has retained its historically rural character, yet today roughly half of the countywide population resides in one of the five incorporated cities: Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton. Like much of the rest of Oregon, Clatsop County is experiencing an acute shortage of housing, particularly for lower-income residents.

Clatsop County has historically supported robust timber and fishing industries, and its stunning coastline remains a popular destination for tourists. Today Clatsop County is an economy in transition. While timber and fishing account for smaller but still important contributions to the local economy, tourism, health care, manufacturing, retail sales, brewing, distilling, and the arts are increasingly contributing to the community. The wide range of income levels provided by the jobs in employment sectors underscores the need for more variety in housing types.

The County and its incorporated cities recently undertook an in-depth study of the current and projected housing conditions across the county, as well as recommended strategies to better align the housing supply with local needs, now and into the future. Guided by a local technical advisory committee and stakeholders, the project team has analyzed current housing conditions in the county and developed a set of strategies and tools to help address the identified opportunities and challenges. This Summary Report provides an overview of key findings, strategies, and tools for the County and its cities to consider in addressing housing issues. A series of more detailed, technical reports provide more in-depth information about these topics.



KEY FINDINGS

The strategies in this report respond to the following five overarching findings. These findings apply on a county-wide basis, and apply to the individual cities in Clatsop County to different degrees.

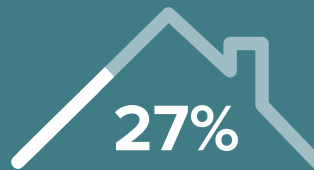
1. Sufficient Supply, but Not the Right Types of Housing
2. Focus Strategies on Adding the Right Types of Supply
3. Control Commercial Use of Residential Land
4. Use Available Residential Land Efficiently
5. Focus on Workforce Housing

HOUSING TRENDS

There is technically an “oversupply” of housing in Clatsop County...



1.4 housing units per permanent resident household



Estimated vacancy rate countywide

67% Percent of countywide housing stock that is made up of single family detached homes

\$310,000

Median home sale price countywide

...yet much of the County’s housing supply is not available to local residents



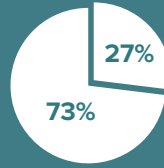
58% of new homes built in the county since 2010 are used as short-term rentals

The situation is more acute in the **beachside communities** in the southern part of the county

Modest population growth is projected across the county and in most of the local cities



1,500 new homes will be needed to accommodate growth while allowing for a continued supply of vacation rentals



73% of needed units will likely be ownership units (including vacation homes) and **27%** will be rental units

Short-term rental activity exacerbates the perceived housing shortage and lack of affordability



Investors seeking short-term rental properties likely bid up housing prices for local residents



New technology has made it easier to manage vacation homes for income generation

A full range of housing types will be needed to meet future needs



Adding “missing middle” housing types (duplexes, townhomes, cottages) can help meet the needs of first-time home buyers

There is still a strong demand for single-family homes across the county



70% of the future housing need will be for single family homes

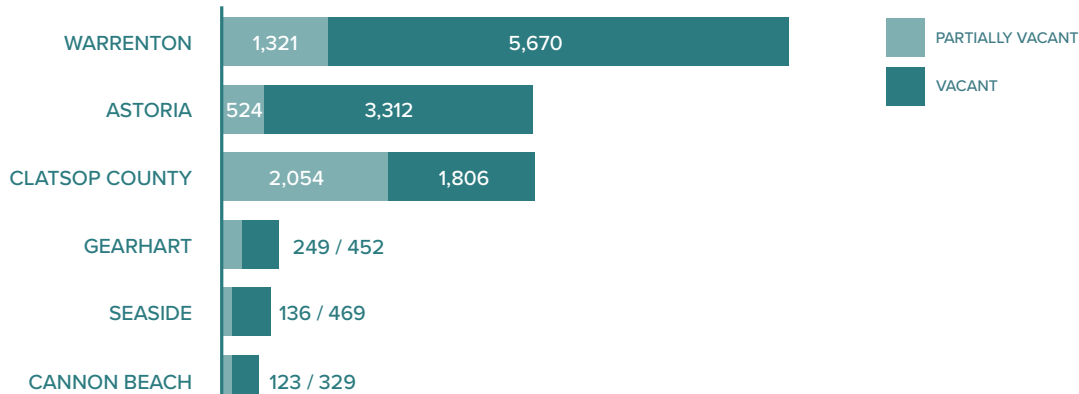
Denser forms of owner-occupied housing such as townhomes and condos may help create a lower-cost housing stock to serve first time and lower income buyers



LAND SUPPLY

- » On a county-wide basis and in most of the individual cities within the County, there is an adequate supply of buildable residential land to meet future projected housing needs. However, the relative ability of individual jurisdictions to meet these needs varies to a large degree.

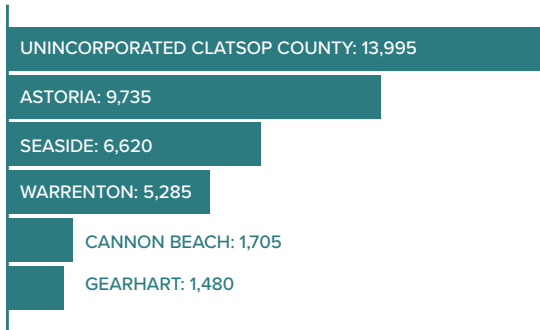
HOUSING UNIT CAPACITY BY JURISDICTION (RESIDENTIAL ZONES)



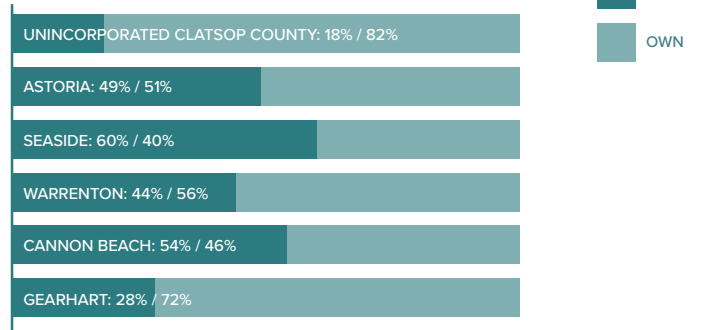
- » Much of the buildable residential land is concentrated in north County (Warrenton and Astoria), and the supply is much lower in Gearhart, Seaside and Cannon Beach. The City of Seaside shows a forecasted deficit of buildable residential land. Constraints on and cost of land in Cannon Beach may make it impractical for the City to actually meet future housing needs, particularly in terms of the ability to construct housing at prices affordable to low and moderate income households.
- » Each city has a supply of land zoned for medium and high density development. However, lower density development is allowed in many of these zones. If a significant amount of lower density development occurs in higher density zones, the supply of needed higher density land could be compromised.
- » There is a substantial supply of buildable residential land in the unincorporated portions of Clatsop County, including within several unincorporated communities where urban-level zoning and community water and sewer systems are in place. However, many of these areas lack a full set of commercial and other supportive services and the ability of local sewer and water systems to serve the amount of development allowed under existing zoning is not completely known. Furthermore, Oregon’s statewide land use planning system is focused on directing growth into urban areas where most jobs and services are located.
- » The location of vacant land, natural resource constraints, ownership patterns, and land prices create challenges to the future development of land in a way that meets local housing needs, particularly for lower and moderate income households and workers.

DEMOGRAPHICS

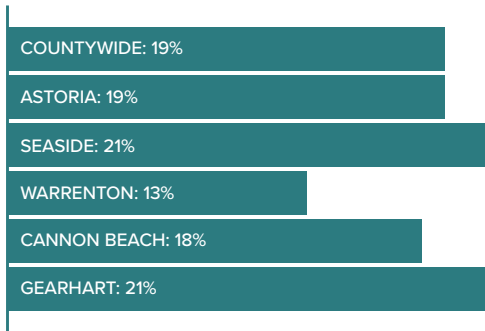
CURRENT POPULATION



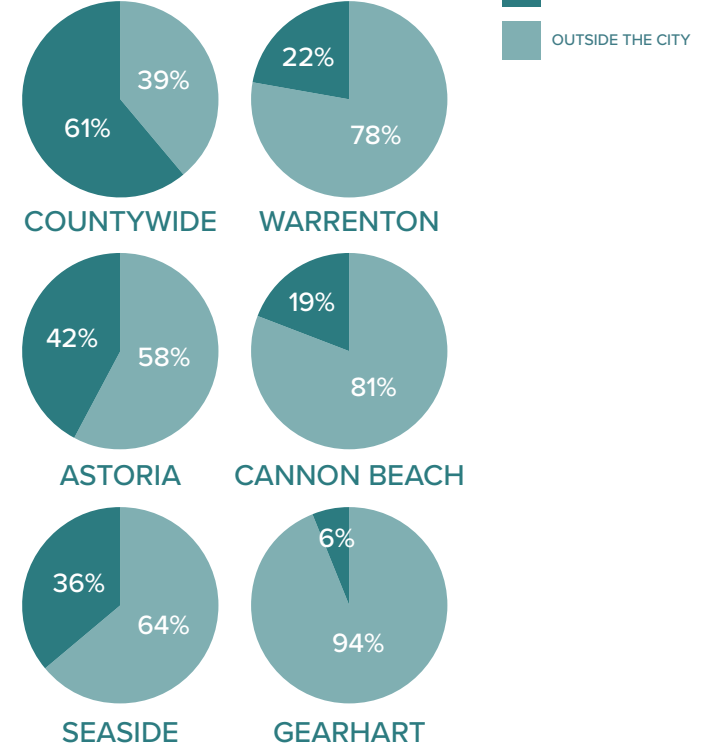
RENTER / OWNER HOUSEHOLDS



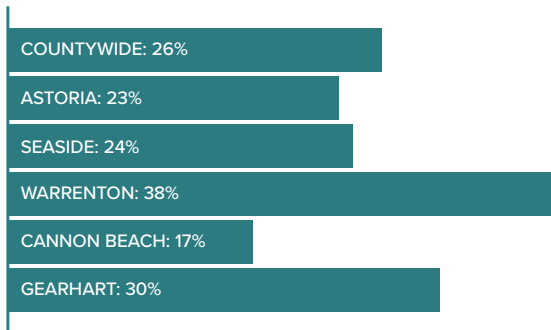
PERCENT OF POPULATION AGES 65+



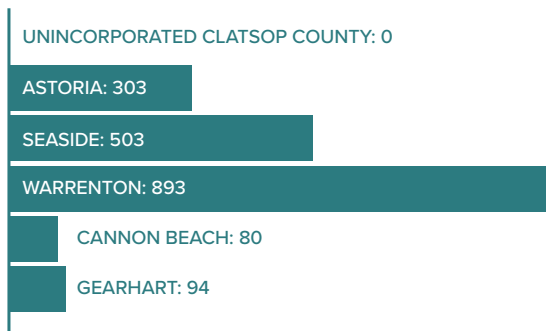
WHERE RESIDENTS WORK



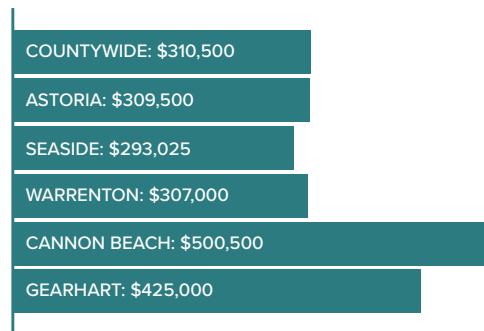
PERCENT OF HOUSEHOLDS WITH CHILDREN



NEW HOUSEHOLDS PROJECTED BY 2038



MEDIAN HOME SALE PRICES





This section presents a set of strategies and tools to address the housing conditions identified in Part 1. The strategies are organized into five categories:

1. LAND SUPPLY
2. POLICY & DEVELOPMENT CODE
3. INCENTIVES FOR DEVELOPMENT
4. FUNDING TOOLS & USES
5. REGIONAL COLLABORATION & CAPACITY BUILDING



LAND SUPPLY

Based on the findings of this study, there is enough land overall within Clatsop County as a whole to meet future population and housing needs on a County-wide basis. However, the relative ability of individual jurisdictions to meet these needs varies to a large degree. In addition, the location of vacant land, natural resource constraints, ownership patterns, and land prices create challenges to the future development of land in a way that meets local housing needs, particularly for lower and moderate income households and workers. Following is a summary of strategies recommended to address issues of land supply.

» **Strategy #1: Ensure Land Zoned for Higher Density Uses is not Developed at Lower Densities**

Applies to: All cities and County

Specific actions to implement this strategy include:

- Establish minimum density standards as described in Policy and Development Code Strategy #2
- Update development codes to prohibit or significantly limit new single-family detached housing in high density zones
- Allow single-family detached homes in medium density zones only if they meet minimum density or maximum lot size requirements

- Allow continued use and repair of single-family homes in these zones and allow conversion of larger single-family homes into multi-unit dwellings

» **Strategy #2: Further Study the Potential Need for a UGB Amendment in Seaside to Help Meet South County Housing Needs**

Applies to: Seaside and Cannon Beach

As noted in Part 1, land supply is most constrained in Seaside, and more residential land may be required to meet projected housing needs. This issue should be evaluated in more detail and should take into account the following additional factors and potential opportunities:

- Demonstrated Goal 10 efficiency measures
- Addressing land needs through a regional approach
- Affordable housing UGB amendment

» **Strategy #3: Refine BLI Data and Results**

Applies to: Warrenton and Astoria

The cities of Warrenton and Astoria identified the need for potential refinements to their Buildable Lands Inventory (BLI) data and findings associated with their communities. Warrenton noted significant potential wetland constraints and has already begun the process of conducting a more detailed BLI and housing needs assessment. Astoria identified land that is shown as potentially buildable in the current BLI but may not in fact be available for development due to federal ownership. The City should work with other government agencies to clarify the status of this land and remove it from the BLI as appropriate.

» **Strategy #4: Further Assess and Address Infrastructure Issues**

Applies to: Unincorporated Clatsop County and Gearhart

There is a substantial supply of potentially buildable land in unincorporated Clatsop County that is zoned for urban development and potentially served by local sewer and water districts. Additional analysis and clear communication about realistic infrastructure capacity in these areas is needed to help inform assessments of residential development capacity.

Because the City of Gearhart does not have a municipal sewer system residential development can only occur on properties large enough to support on-site septic systems. The relatively low population and future growth rates make development of a municipal wastewater treatment system unlikely. However, other wastewater strategies could be explored to meet a broader array of housing needs in the city.



POLICY & DEVELOPMENT CODE

Broad land supply policies and decisions are not the only lever by which Clatsop County jurisdictions can affect the housing market and housing needs. Comprehensive plan policies and development code regulations can directly influence housing development by reducing regulatory complexity, removing unnecessary obstacles, and encouraging specific housing types. The following policy and development code strategies were

identified based on a review of each jurisdiction's existing comprehensive plan and development code. These strategies are grounded in the assessment of local policy and regulatory documents, and are informed by the conditions and needs identified in the housing needs analysis and buildable land inventory. The strategies are conceptual ideas for potential changes that are broadly applicable; however, they should be tailored to address specific needs and concerns within each community.

» **Strategy #1: Adopt Supportive and Inclusive Comprehensive Plan Policies**

Applies to: All cities and County

The Housing Element of local Comprehensive Plans establish the policies that guide residential development in each community. This study evaluated the degree to which each jurisdiction's comprehensive plan addressed 11 key policy issues. Most jurisdictions generally sufficiently addressed four of the policy issues, but the degree to which they address the remaining seven varies, indicating an opportunity to amend local plans to better address important housing goals.

» **Strategy #2: Establish Minimum Density Standards**

Applies to: All cities

Although most jurisdictions in the county have a sufficient supply of residential land to meet the projected 20-year housing needs, land supply conditions vary among the cities. It is imperative that the remaining buildable land be used efficiently by developing at or near the maximum density of the zoning district, particularly in the beach communities where the supply of buildable residential land is more limited, and where more of the existing housing stock is consumed by the short-term rental market. The most direct method to ensure land is used efficiently is to adopt minimum density standards for each residential zone, which would prohibit residential developments that do not meet the intent of the zone.

» **Strategy #3: Revise Maximum Density, Height or Bulk Standards in Higher Density Residential Zones**

Applies to: All cities, particularly Seaside and Cannon Beach

There may be an opportunity to revise the standards that control maximum densities in higher density residential zones. These zones permit higher density multi-family housing outright; however, in many cases they also unnecessarily constrain density in certain situations. Any approach to reducing these density restrictions should be informed by place-specific study and include a public process that engages any affected communities.

» **Strategy #4: Support High Density Housing in Commercial Zones**

Applies to: All cities

There is a substantial supply of vacant and potentially buildable land in commercial zones across the County. For some communities commercial zones can be suitable and desirable locations for higher density housing by providing convenient and potentially walkable access to daily needs and amenities. The following code amendments may be appropriate to remove barriers to the development of higher density housing in commercial zones:

- Allow multi-family housing outright

- Consider allowing single-family attached housing
- Allow vertical mixed-use development outright
- Adopt a minimum density standard
- Tailor development and density standards

» **Strategy #5: Streamline and Right-Size Minimum Off-Street Parking Requirements**

Applies to: All cities

All jurisdictions in Clatsop County require residential developments to provide a minimum number of off-street parking spaces. In some cases, the level of off-street parking required may exceed what the market would otherwise provide and may be unnecessary to effectively accommodating parking needs. A general reduction to this standard is a positive step towards removing a potential obstacle to housing development. In combination with or in lieu of a general reduction, cities should consider several other methods to reduce parking barriers to housing development, including:

- Scale requirements by number of bedrooms
- Provide a credit for on-street parking
- Allow shared parking
- Provide targeted reductions or waivers

» **Strategy #6: Facilitate “Missing Middle” Housing Types in All Residential Zones**

Applies to: All cities and County

Modest sized housing units will continue to be needed in Clatsop County given demographic trends. While some of this need can be met through larger multi-family apartment buildings, the County and its cities should also try to accommodate it through smaller structures that are more compatible with detached single-family neighborhoods and could be permitted outright in these zones. These housing types—termed the “missing middle” housing—include duplexes, triplexes, garden or courtyard apartments, and townhomes.



Source: Opticos Design

There are three key code concepts involved with facilitating more missing middle housing types:

- Tailor the allowance to the location and housing type
- Allow missing middle housing types outright
- Limit building size to be compatible with detached houses, but allow multiple dwelling units

» **Strategy #7: Encourage Cottage Cluster Housing**

Applies to: All cities

Cottage clusters are groups of small detached homes, usually oriented around a common green or courtyard, that can be located on individual lots, a single lot, or structured as condominiums. Cottage clusters are increasingly popular among young families, aging residents, and other smaller households.



A supportive approach to cottage cluster development is to allow this housing type outright, subject to clear and objective standards. Additionally, the following recommendations will help ensure the code is supportive of cottage cluster development:

- Provide a density bonus, but cap the size of each cottage
- Flexible ownership arrangements
- Supportive lot standards
- Balanced design standards that address compatibility but allow flexibility

» **Strategy #8: Promote Accessory Dwelling Units**

Applies to: All cities

An Accessory Dwelling Unit (ADU) is a secondary dwelling unit on the same lot as a single-family house that is smaller than the primary dwelling. ADUs can be a detached structure, an attached addition, or a conversion of internal living space in the primary dwelling. The State recently began requiring cities with a population of over 2,500 and counties with a population over 10,000 to allow ADUs outright on any lot where single-family housing is allowed. Clatsop County and the cities of Astoria, Cannon Beach, and Warrenton currently allow ADUs; however, a conditional use permit is required for ADUs in some locations. To ensure compliance with state law, Clatsop County cities should permit ADUs outright in all residential zones where single-family housing is permitted. The cities of Seaside and Gearhart prohibit ADUs currently but must allow ADUs outright in the future. The State's *Model Development for Small Cities* recommends the following provisions:

- Allow the ADU to be up to 900 square feet or 75% of the primary dwelling, whichever is less
- Do not require an off-street parking space for the ADU in addition to the spaces required for the primary dwelling
- Do not require that the owner of the primary dwelling reside either in the primary dwelling or the ADU

- Minimize special design standards that apply to the ADU
- Consider allowing two ADUs on the same lot if one of the ADUs is internal or an attached addition



» **Strategy #9: Incentivize Affordable and Workforce Housing**

Applies to: All cities

Some for-profit developers will include units affordable to people with lower or moderate incomes if incentives can help offset the cost of providing some or all of the units at a lower rental rate. Local governments can offer concessions on regulatory standards that provide meaningful economic value to a development project in exchange for the dedication of a minimum proportion of the units in the development to be regulated as affordable to people with lower or moderate income. Local governments should consider the following elements in designing a regulatory incentive program:

- Specify an income level and minimum share of affordable units
- Allow flexibility in the type of regulatory concession that is granted
- Ensure units remain affordable over time
- Allow flexibility in how affordable units are provided
- Provide expedited permitting for projects with affordable units

» **Strategy #10: Limit Short-Term Rental Uses in Residential Zones**

Applies to: All cities

The prevalence of short-term or vacation rental uses in Clatsop County is consuming a substantial share of the existing housing stock and is contributing to an overall housing shortage. Short-term rentals should be classified as a commercial use when considered as part of a broad analysis of land needs and supply, as required by Oregon's statewide planning goals and land use system. Given that some areas in the County are experiencing shortages of residential land supply, and all communities are facing shortages for some types of housing, the consumption of residential land and housing units by short-term rental uses is an issue that must be addressed as part of a complete housing strategy. Rules that address short-term rentals can include:

- Limit this activity to certain zones or geographies
- Limit the number permitted
- Establish use and occupancy standards that set expectations for how this activity should be conducted

- Adopt an official definition of short-term rentals as distinct from longer rentals, and/or as a commercial activity
- Require business licensing, and track unregistered short-term rentals
- Collect taxes and assess penalty fees



DEVELOPMENT INCENTIVES

The following market-based strategies can provide incentives to encourage developers to build desired housing types by helping to reduce costs of development. While the bulk of development costs are set by private market labor and materials costs, these steps can provide incentives on the margin to facilitate development. Given the housing needs across the county, these steps can be used to encourage attached dwelling types, and can also be applied to accessory dwelling units to encourage infill development. All of these incentives come at some cost to the public through waived revenue from fees and taxes and/or staff costs. Therefore, these programs should be carefully calibrated to balance revenue loss versus public benefit.

» **Incentive #1: Streamline Permitting and Review Process**

Applies to: All cities (Warrenton has implemented)

This incentive can be accomplished by reducing review times, consolidating steps in the process, and reducing or simplifying submittal requirements. Any reduction in process time translates into reduced costs and greater certainty to the developer and their partners. This might involve making all permits available in one location with one main contact, providing clear and accessible information on requirements, and also allowing enough flexibility to consider innovative or new forms of development. Recent statewide legislation also requires that cities with a population over 5,000, and counties with a population over 25,000 allow for 100-day review and decision on qualified affordable housing applications.

» **Incentive #2: System Development Charge (SDC) or Fee Waivers, Exemptions or Deferrals**

Applies to: All cities (Astoria has implemented)

Waiver, exemption, or deferral of SDCs directly reduces the costs of development to applicants. Cities and the county should adopt policies for what types of housing are desirable enough to warrant forgoing these fees. Cities can reduce their portion of SDCs or negotiate with partner agencies for greater reductions. Generally, the reductions should be applied to housing types that demonstrate a similar reduction in demand for services or impacts. Waiving SDCs may require a City to backfill lost revenues or to update its SDC methodology to recapture reduced or waived SDCs from remaining development.

» **Incentive #3: Tax Exemptions and Abatements**

Applies to: All cities; potential for specific abatement programs varies by community

Tax exemptions or abatements offer another financial incentive to developers that can improve the long-term economic performance of a property and improve its viability. This can be a substantial incentive, but the city or county will forego taxes on the property, generally for ten years. Other taxing jurisdictions are not included, unless they agree to participate. There are three primary tax exemption programs authorized by the State: (1) Vertical Housing Tax Exemption, (2) Multiple-Unit

Housing Exemption, and (3) Non-Profit Low-Income Housing. Implementation of tax exemption programs requires adoption by local officials and establishment of program goals and policies.



FUNDING TOOLS & USES

This section discusses potential funding tools available to local jurisdictions to participate in efforts to preserve existing housing and encourage desired housing types, as well as a potential ways to use funding to meet housing goals. While prior sections of this report have discussed policy or regulatory approaches, creating funds dedicated to housing programs would allow the region to exert greater control and leverage over development activity.

» **Funding Source #1: Tax Increment Financing (Urban Renewal)**

Applies to: All cities (Astoria and Seaside have adopted Urban Renewal Areas)

Tax increment financing (TIF) is the mechanism through which urban renewal areas (URAs) grow revenue. At the time of adoption, the tax revenues flowing to each taxing jurisdiction from the URA is frozen at its current level. Any growth in tax revenues in future years, due to annual tax increase plus new development, is the “tax increment” that goes to the URA itself to fund projects in the area. For the most part, these funds must to go to physical improvements in the area itself. Projects can include public/private partnerships with developers to build housing, off-site public improvements that benefit and encourage new development in the area, or acquisition of key sites. The funds can also be used for staff to administer these programs, and to refund waived SDCs.

» **Funding Source #2: Construction Excise Tax**

Applies to: All cities

The construction excise tax (CET) is a tax on construction of new structures or square footage added to an existing structure to pay for housing that is affordable to households earning 80% of Area Median Income (AMI) or less. Cities or counties may levy a CET on residential construction of up to 1% of the permit value, or on commercial and industrial construction with no limit on the rate. The allowable uses for CET revenue are set forth in state statute as follows:

- 4% for administrative costs, and of the remainder:
- 50% must be used for developer incentives (i.e. fee and SDC waivers, tax abatements, etc.) for affordable housing
- 35% for affordable housing programs, flexibly-defined
- 15% to Oregon Housing and Community Services (OHCS) for homeownership programs
- Commercial CET: At least 50% of revenue must go towards housing-related programs; remainder is unrestricted

» **Funding Source #3: Affordable Housing Bond (Regional or Local)**

Applies to: All cities and County

Jurisdictions can propose bonds intended to provide affordable housing and related programs through a public vote. Housing bonds can be sought regionally or can be done as a local option levy. In Clatsop County, a housing bond proposed on the county level would in effect be a regional

approach. This would allow a strategic approach to address some of the geographic disparities identified through this project. A bond dedicated to affordable housing would provide a stable, on-going funding source. However, it does require voter approval and periodic renewal, if desired. The funding can be used for capital improvements, programs, and operating expenses.

» **Funding Uses #1: Public Private Partnerships**

Applies to: All cities and County

Many affordable housing programs and projects fall under the umbrella of public/private partnerships, which include a broad range of projects where the public contributes to private or non-profit development. This usually entails providing some financial incentive or benefit to the development partner in return for the partner's agreement that the development will provide some public benefit for a specified length of time. The benefit of public/private partnerships is that the city or county does not have to build internal expertise in development, property management, or complicated affordable housing programs. Partner agencies with experience in these types of projects benefit from public contributions, making the projects more feasible.

» **Funding Uses #2: Housing Preservation Fund**

Applies to: All cities and County

Housing preservation efforts are often focused on “low cost market rate” housing (LCMR), meaning non-subsidized housing that has lower than average rents due to the age or condition of the property or the neighborhood. These properties are sometimes viewed negatively or seen as targets for “revitalization,” but in many communities this housing stock provides a vital source of affordable units. These properties can face pressures to raise their rents due to rising property values, new ownership, or redevelopment. Housing preservation funds can creatively incentivize LCMR properties to maintain their lower rent levels by offering low-cost financing for renovation or acquisition. For most cities or counties, it is best to partner with agencies who offer these competencies, such as the Network for Oregon Affordable Housing (NOAH). NOAH works with for-profit and non-profit property owners and regulated and unregulated properties, generally through offering financing for renovation or purchase in return for long-term rental restrictions. One use for regional housing funds might be to help identify LCMR properties in need of preservation and provide capital to a partner such as NOAH to engage with those specific properties.

» **Funding Uses #3: Land Acquisition/Use Public Lands**

Applies to: All cities and County

Land acquisition by a city or partner agency is the most direct method to ensure that priority land will be preserved to meet public needs. Because public agencies can be more patient than private developers, this tool allows for purchase of properties in down cycles. There are also partner agencies, such as NOAH mentioned above, and the state Land Acquisition Program (LAP), that can assist jurisdictions with contributions and expertise for acquiring land for affordable housing. Cities and counties can also identify any surplus public land they already own that could be used for these purposes. Land acquisition may be used for “land banking” where the public agency maintains the property for an extended period, or it may be used in the short term to take advantage of a specific opportunity or aid a specific partner development. Typically, a development partner is eventually

identified to develop the site, and the value of the property provides a significant incentive that the city can contribute to the project.

» **Funding Uses #4: Community Land Trust**

Applies to: All cities and County

A community land trust (CLT) is a model wherein a community organization owns the land underlying a housing development and provides long-term ground leases to households to purchase homes on that property. The structure allows the land value to largely be removed from the price of the housing, making it more affordable. The agency can also set prices at below-market levels, and can set terms with buyers on the eventual resale of the units. CLTs can also be used in partnership with affordable rental developers to reduce the cost basis of the land and help make the project more feasible. In markets where housing prices outpace local incomes, CLTs can control the rate of price increases and ensure that some properties are permanently available for lower-income buyers.

» **Funding Uses #5: Regional Housing Coordination**

Applies to: All cities and County

The following section discusses regional housing coordination in more detail. One potential use for funding would be for administration of a more formal central agency or Regional Housing Coordinator position to serve as central point-of-contact for community partners and the public. As the county and cities consider a more holistic regional approach to housing challenges, this organizational structure would allow for more strategic planning among the cities in north and south Clatsop County on where and how to use resources, and direct potential development partners.



REGIONAL COLLABORATION & CAPACITY BUILDING

The findings of this study underscore the regional nature of the housing market in Clatsop County. While the County is made up of distinct cities, unincorporated communities, and rural areas, employment opportunities and housing needs do not stop at these jurisdictional boundaries. Achieving a balance of housing and jobs within each community can help to increase the odds that more people can live where they work. At the same time, existing development patterns, geo-physical constraints, and regional economic forces will almost certainly continue to perpetuate significant cross-commuting and economic interdependence between communities in the County. There are several benefits to institutionalizing regional collaboration and coordination on housing-related policies and programs:

- Regulatory consistency
- Funding strategies may be more effective if implemented at the regional level
- Planning and coordination

This study is one step in the direction of regional collaboration and capacity-building. Future steps may include establishing a regional housing coordinator position at the County, formalizing ongoing meetings of staff and/or stakeholders from each jurisdiction, and setting up tools or systems for sharing data and best practices on an ongoing basis.

**CITY OF ASTORIA
ORDINANCE NO. 22-13**

AN ORDINANCE REVISING THE ASTORIA DEVELOPMENT CODE TO EXPAND HOUSING OPPORTUNITIES IN RESPONSE TO RECENT STATE LAW REQUIREMENTS, THE COUNTY REGIONAL HOUSING STUDY, AND THE CITY COUNCIL GOAL OF INCREASING THE AFFORDABLE HOUSING SUPPLY AND STREAMLINING THE DEVELOPMENT REVIEW PROCESS

NOW THEREFORE, the city of Astoria does ordain as follows:

SECTION 1: **REPEAL** “1.360” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~1.360~~ (*Repealed*)

~~(Section 1.360 amended and renumbered as 1.030.B by Ord 19-05, 6-17-2019)~~

SECTION 2: **REPEAL** “2.360 LOT COVERAGE” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~2.360 LOT COVERAGE~~ (*Repealed*)

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

SECTION 3: **REPEAL** “3.090 COTTAGE CLUSTER DEVELOPMENT” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~3.090 COTTAGE CLUSTER DEVELOPMENT~~ (*Repealed*)

- A. Purpose. A cottage cluster development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.
- B. Ownership and Parcelization. Cottage cluster developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common. Applicants must submit proof that a homeowner’s association or other long-term management agreement will be established to ensure the maintenance of development elements in common ownership.
- C. Review Procedures.
 - 1. Applications for cottage cluster development on a single lot will be reviewed by the Community Development Director.
 - 2. Applications for cottage cluster development involving creation of multiple lots shall be reviewed in accordance with Article 13, Subdivision.
- D. Standards. Cottage cluster developments are subject to the following standards:
 - 1. Density. Cottages may be built up to the density established for cottage cluster development in the underlying zone.
 - 2. Number of cottages. A cottage cluster development is composed of four (4) to twelve (12) dwelling units.
 - 3. Cottage design. The cottages in a cottage cluster development are subject to the following standards:
 - a. Maximum floor area. The gross floor area of each cottage shall not exceed 1,250 square feet.

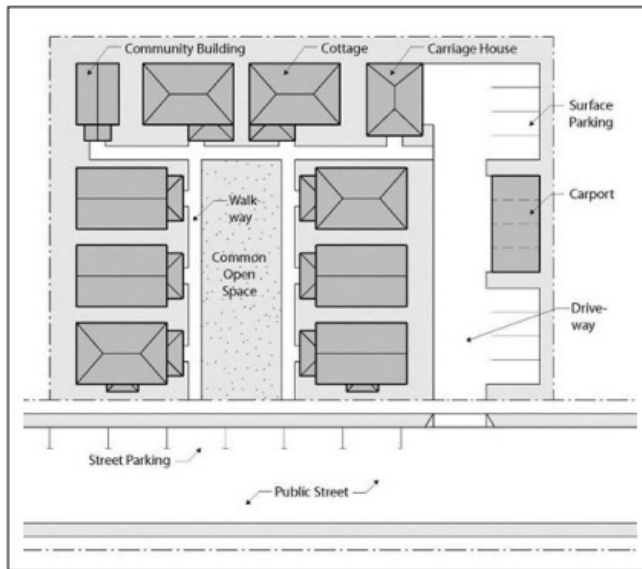
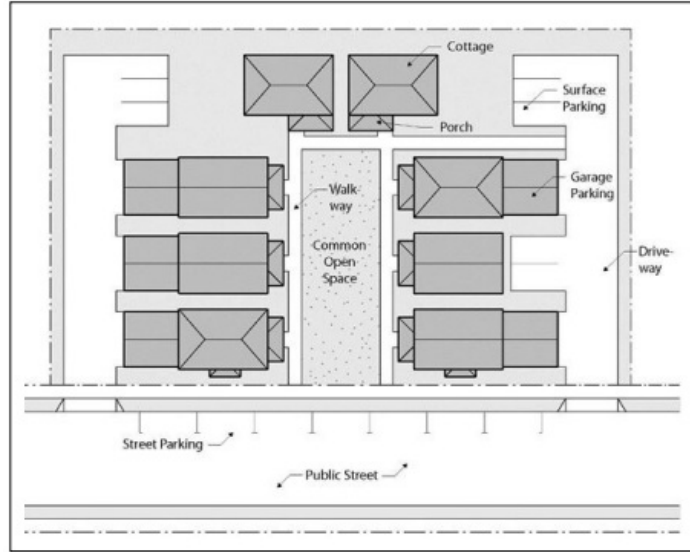
- b. Maximum footprint: The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted, and is not subject to the maximum footprint requirements for cottages.
- c. Average size. The average size of all dwellings combined within a cottage cluster development will be less than 1,050 square feet.
- d. Maximum height. The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning.
- e. Placement. If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented.
- f. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six (6) feet spacing between buildings).
- g. Private open space. Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space.
- h. Orientation of cottages. Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space.

Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with Subsection D.8.a of this Section.

- i. Common Open Space. The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, or small dead zones of the lot.
 - j. Public street facing facades. Cottages abutting a public right-of-way or River Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way or the River Trail.
 - k. Porches. Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six (6) feet in depth measured perpendicular to the abutting building facade and at least 60 square feet in area.
4. Community buildings. Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage cluster development.

Figure 3.090-1: Cottage Cluster Development Layout

[Note: Two alternative layouts are included to illustrate key elements of the Cottage Cluster requirements.]



5. Common open space. Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:
 - a. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 400 square feet of common open space per cottage.
 - b. The common open space shall be in a single, contiguous, useable piece.
 - c. Cottages shall abut the common open space on at least two sides of the open space.
 - d. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
6. Parking. Parking for a cottage cluster development is subject to the following standards:
 - a. Minimum number of parking spaces. Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less and 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest

- whole number).
- b. Guest parking. Cottage cluster developments shall have at least 0.5 additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests.
 - c. Reduction in number of required parking spaces. The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development.
 - d. Clustering and parking structures. Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two(2) carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one (1) carriage house dwelling unit per four (4) cottages (rounded to the nearest whole number). Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas.
 - e. Parking access. Parking areas shall be accessed only by a private driveway or public alley. No parking space may access a public street directly. No parking space may be between a public street and cottages abutting the public street.
 - f. Design. The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.
 - g. Screening. Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.
 - h. Location. Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.
7. Frontage, access, and walkways.
- a. Frontage. The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.
 - b. Access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.
 - c. Walkways. A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the River Trail. Sidewalks abutting public streets shall meet the width requirements established in the Astoria Engineering Design Standards, and interior walkways shall be at least four (4) feet in width.
8. Interior fences. Fences on the interior of the cottage cluster development shall not exceed three (3) feet in height and shall not consist of solid (e.g., board, cinder block) fencing.
9. Existing structures. On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development.

E. Conflicts. In the event of a conflict between this Section and other Sections of the Astoria Development Code, this Section shall control.

~~(Section 3.090 added by Ord 14-09, 10-6-14)~~

SECTION 4: AMENDMENT “2.015 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.015 PURPOSE

The purpose of the R-1 Zone is to provide an area of low density ~~single-family dwellings~~ residential development, 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.~~

SECTION 5: AMENDMENT “2.020 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Single-family dwelling.
- ~~B: (Section 2.020.2 deleted by Ordinance 04-10, 11-1-04)~~ B. Two-family Dwelling
- C. Family day care center.
- D. Home occupation, which satisfies requirements in Section 3.095.
- ~~E: (Section 2.020.5 deleted by Ordinance 04-10, 11-1-04)~~ E. Cottager cluster development meeting the requirements of Section 3.090.
- F. Manufactured home. See Section 3.140.
- G. Residential home.
- H. Transportation facilities. ~~(Section 2.020.8 added by Ordinance 14-03, 4-21-14)~~
- I. Accessory Dwelling Unit. ~~(Section 2.020.9 added by Ordinance 21-02, 2-16-21)~~
- J.

SECTION 6: AMENDMENT “2.030 LOT SIZE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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: All uses in an R-1 Zone must comply with the following:~~

- A. The minimum lot size for a single-family dwelling ~~will be a~~ and two-family dwelling is

- ~~3,500~~^{5,000} square feet.
- B. The minimum lot width for all uses ~~will be 45~~^{is 40} feet.
- C. The minimum lot depth for all uses ~~will be~~^{is} 890 feet.
- D. The maximum lot size for any new single-family or two-family dwelling constructed after January 1, 2023 is 10,000 square feet, excluding the following: a. Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional; b. Minimum yard areas required by the applicable zoning designation; c. Slopes in excess of 50%; d. Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies; e. Wetlands; f. Land within existing roadway or public utility rights-of-way; g. Land within an area of special flood hazard, as defined in Section 14.525 of this Code; h. Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and i. Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.
- E.

SECTION 7: REPEAL “2.040 LOT COVERAGE” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~2.040 LOT COVERAGE~~ (*Repealed*)

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

SECTION 8: AMENDMENT “2.050 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.050 OTHER APPLICABLE USE STANDARDS

- A. All uses will comply with applicable access, parking, and loading standards in Article 7.
- B. Conditional uses will meet the requirements in Article 11.
- C. Signs will comply with requirements in Article 8.
- D. 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.
- E. 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.
- F. All uses except those associated with single-family or two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
- G. 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.
- H. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.050.8 amended by Ord 19-05, 6-17-2019)~~
- I. ~~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)~~

(Ordinances 4-10, 14-03, 19-05, 17-07, 21-02)

SECTION 9: AMENDMENT “2.060 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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, ~~and multi-family dwellings 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.

SECTION 10: AMENDMENT “2.065 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. Accessory dwelling unit. (Section 2.065.3 amended by Ordinance 04-10, 11-1-04)
- D. Family day care center.
- E. Home occupation, which satisfies requirements in Section 3.095.
- F. ~~Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800. (Section 2.065.6 amended by Ord 19-07, 7-1-2019)~~ Multi-family dwelling.
- G. Manufactured dwelling in approved park.
- H. Manufactured home. See Section 3.140.
- I. Residential home.
- J. Transportation facilities. ~~(Section 2.065.10 added by Ordinance 14-03, 4-21-14)~~
- K. Cottage cluster development meeting the requirements of Section 3.090.
- L. Residential Facility.

SECTION 11: AMENDMENT “2.070 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 to in Sections 2.075 through 2.095, additional Development Code provisions, Comprehensive Plan policies, and other City laws:

- A. Bed and breakfast, or inn.
- B. ~~Boarding or rooming house, or other group housing, not mentioned above.~~ B. Group Living Facility, limited to a maximum occupancy of 30 persons.

- ~~C. Congregate care facility.~~
- ~~D. C. Day care center.~~
- ~~E. D. Manufactured dwelling park.~~
- ~~F. Multi-family dwelling.~~
- ~~G. Nursing home.~~
- ~~H. E. Public or semi-public use.~~
- ~~I. F. Residential facility.~~
- ~~J. G. Restaurant as an accessory use to an Inn. See Section 3.230.~~
- ~~K. H. Temporary use meeting the requirements of Section 3.230.~~
- ~~L. Cluster development meeting the requirements of Section 11.160. (Section 2.070.12 added by Ordinance 95-05)~~
- ~~M. I. Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use. (Section 2.070.13 amended by Ord 19-07, 7-1-2019)~~
- ~~N. J. Columbarium, an accessory use to a permitted Place of Worship.~~

SECTION 12: AMENDMENT “2.075 LOT SIZE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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: All uses in an R-2 Zone must comply with the following:~~

- A. The minimum lot size for a single-family ~~or two-family~~ dwelling ~~will be 5,000~~ is 2,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in Section 11.120.
- ~~B. The minimum lot size for a two-family dwelling will be 7,500 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size. (Section 2.075.2 amended by Ordinance 21-02, 2-16-21)~~
- ~~C. The minimum lot size for a multi-family dwelling is 1,500 square feet per unit. will be 5,000 square feet for the first unit plus 2,500 square feet for each dwelling unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size. (Section 2.075.3 amended by Ordinance 21-02, 2-16-21)~~
- D. The minimum lot width ~~will be 45~~ is 30 feet.
- E. The minimum lot depth ~~will be 9~~ is 80 feet.
- F. The maximum lot size for any new single-family or two-family constructed after January 1, 2023 is 8,000 square feet, excluding the following: a. Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional; b. Minimum yard areas required by the applicable zoning designation; c. Slopes in excess of 50%; d. Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies; e. Wetlands; f. Land within existing roadway or public utility rights-of-way; g. Land within an area of special flood hazard, as defined in Section 14.525 of this Code; h. Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and i. Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.

SECTION 13: REPEAL “2.085 LOT COVERAGE” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~2.085 LOT COVERAGE (Repealed)~~

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

SECTION 14: AMENDMENT “2.095 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.095 OTHER APPLICABLE USE STANDARDS

- A. All uses will comply with applicable access, parking, and loading standards in Article 7.
- B. Conditional uses will meet the requirements in Article 11.
- C. Signs will comply with requirements in Article 8.
- D. 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.
- E. 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.
- F. All uses except those associated with single-family ~~and or~~ two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
- G. ~~Density of congregate care~~ **Group Living** 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.~~ **provide usable outdoor area at a ratio of 50 square feet per resident.**
- H. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.095.8 amended by Ord 19-05, 6-17-2019)(Section 2.095.10 added by Ord 19-06, 7-1-2019)~~
- I. ~~Group Housing:~~
~~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. 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.~~
- J. **L**. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.

(Ordinances 4-10, 14-03, 19-05, 19-06, 19-07, 21-02).

SECTION 15: AMENDMENT “2.150 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.

SECTION 16: AMENDMENT “2.155 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. Multi-family dwelling.
- D. Accessory dwelling unit. ~~(Section 2.155.4 amended by Ordinance 04-10, 11-1-04)~~
- E. Family day care center.
- F. Home occupation, which satisfies requirements in Section 3.095.
- G. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.800. ~~(Section 2.155.7 amended by Ord 19-07, 7-1-2019)~~
- H. Manufactured dwelling in an approved park.
- I. Manufactured home. See Section 3.140.
- J. Residential facility.
- K. Residential home.
- L. Transportation facilities.
- M. Cottage cluster development meeting the requirements of Section 3.090.
- N. Group Living Facility, limited to a maximum occupancy of 45 persons.

~~(Section 2.155 added by Ordinance 14-03, 4-21-14)~~

SECTION 17: AMENDMENT “2.160 CONDITIONAL USE PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Bed and breakfast, or inn.
- ~~B. Boarding or rooming house, or other group housing, not mentioned above.~~ B. Group Living Facility, exceeding a maximum occupancy of 45 persons.
- ~~C. Congregate care facility.~~
- ~~D. C. Day care center.~~

- E. ~~D.~~ Manufactured dwelling park.
- F. ~~Nursing home.~~
- G. ~~E.~~ Public or semi-public use.
- H. ~~F.~~ Restaurant as an accessory use to an Inn. See Section 3.230.
- I. ~~G.~~ Temporary use meeting the requirements of Section 3.240.
- J. ~~Cluster development meeting the requirements of Section 11.160. (Section 2.160.11 added by Ordinance 95-05)~~
- K. ~~Home Stay Lodging in conjunction with an Accessory Dwelling Unit, which satisfies requirements in City Code Sections 8.750 to 8.800. May be processed as an Administrative Conditional Use. (Section 2.160.12 added by Ord 19-07, 7-1-2019)~~

SECTION 18:AMENDMENT “2.165 LOT SIZE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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: All uses in an R-3 Zone must comply with the following:~~

- A. The minimum lot size for a single-family ~~or two-family~~ dwelling ~~will be 5,000~~ is 2,500 square feet. Manufactured dwellings in an approved park may meet the requirements set forth in 11.120.
- ~~B. The minimum lot size for a two-family dwelling will be 6,500 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size. (Section 2.165.2 amended by Ordinance 21-02, 2-16-21)~~
- ~~C. B.~~ The minimum lot size for a multi-family dwelling ~~will be 5,000~~ is 1,500 square feet per unit for the first unit plus 1,500 square feet for each unit in excess of one. An Accessory Dwelling Unit shall not be considered a multi-family dwelling for the purposes of minimum lot size. (Section 2.165.2 amended by Ordinance 21-02, 2-16-21)
- ~~D. C.~~ The minimum lot width ~~will be 45~~ is 30 feet.
- ~~E. D.~~ The minimum lot depth ~~will be~~ is 980 feet.
- ~~F. The maximum lot size for any new single-family or two-family dwelling constructed after January 1, 2023 is 8,000 square feet, excluding the following: a. Areas subject to an “unbuildable” or similar designation in a geotechnical analysis completed by a qualified professional; b. Minimum yard areas required by the applicable zoning designation; c. Slopes in excess of 50%; d. Waterways, including streams, rivers, ponds, lakes, and other water courses or water bodies; e. Wetlands; f. Land within existing roadway or public utility rights-of-way; g. Land within an area of special flood hazard, as defined in Section 14.525 of this Code; h. Areas which are subject to an easement or right-of-way that limits building or development in favor of any third party; and i. Any other area determined by the City Engineer and Community Development Director to be unsuitable for future development.~~

SECTION 19:REPEAL “2.175 LOT COVERAGE” of the Astoria Development Code is hereby *repealed* as follows:

REPEAL

~~2.175 LOT COVERAGE (Repealed)~~

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

SECTION 20: AMENDMENT “2.185 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.185 OTHER APPLICABLE USE STANDARDS

- A. All uses will comply with applicable access, parking, and loading standards in Article 7.
- B. Conditional uses will meet the requirements in Article 11.
- C. Signs will comply with requirements in Article 8.
- D. 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.
- E. 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.
- F. All uses except those associated with single-family ~~and or~~ two-family dwellings shall meet the landscaping requirements in Sections 3.105 through 3.120.
- G. ~~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.~~ Group Living Facilities shall provide usable outdoor area at a ratio of 50 square feet per resident.
- H. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.185.8 amended by Ord 19-05, 6-17-2019)~~
- I. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- J. ~~Group Housing:~~
~~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. 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.~~

(Ordinance 95-05, 4-10, 14-03, 14-10, 19-05, 19-07, 21-02)

SECTION 21: AMENDMENT “2.200 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.200 PURPOSE

The purpose of the Compact Residential (CR) Zone is to provide opportunities for modest scale residential development, including single-family homes, two-family homes, and cottage cluster development, incorporating open space between homes and with a strong orientation to the Columbia River and adjacent commercial and other residential areas.

~~(Section 2.200 added by Ord 14-09, 10-6-14)~~

SECTION 22: **AMENDMENT** “2.220 LOT SIZE AND DENSITY” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.220 LOT SIZE AND DENSITY

Uses in the CR Zone shall meet the following lot size requirements that are applicable to the particular use:

- A. The minimum lot size for a single-family or two-family dwelling is 2,500 square feet. The maximum lot size for a single-family or two-family dwelling is ~~4,000~~ 6,000 square feet.
- ~~B. The minimum lot size for a two-family dwelling is 4,000 square feet. The maximum lot size for a two-family dwelling is 6,000 square feet. An Accessory Dwelling Unit shall not be considered a two-family dwelling for the purposes of minimum lot size. (Section 2.220.2 amended by Ordinance 21-02, 2-16-21)~~
- ~~C. Uses in the CR Zone that are part of a cottage cluster development shall have a maximum density of 24 units/acre.~~

~~(Section 2.220 added by Ord 14-09, 10-6-14)~~

SECTION 23: **AMENDMENT** “2.222 BUILDING SIZE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.222 BUILDING SIZE

Buildings in the CR zone shall meet the following building footprint and floor area requirements.

- A. The maximum footprint for a primary building is 1,000 square feet. The maximum footprint for a dwelling unit and a garage is 1,400 square feet.
- B. The maximum gross floor area for a primary building is 1,800 square feet.
- C. Uses in the CR Zone that are part of a cottage cluster development are subject to the building size requirements in Section ~~3.050~~ 3.090.

~~(Section 2.222 added by Ord 14-09, 10-6-14)~~

SECTION 24: **AMENDMENT** “2.225 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.225 LANDSCAPED OPEN AREA

- A. Minimum landscaping for individual lots in the CR Zone shall be 20%, except for cottage cluster development.
- B. Cottage cluster development shall be subject to common open space and private open space requirements in Section ~~3.050~~ 3.090.
- C. All landscaping shall meet the requirements of Sections 3.105 through 3.120 and

applicable overlay zones.

~~(Section 2.225 added by Ord 14-09, 10-6-14)~~

SECTION 25: AMENDMENT “2.235 OTHER APPLICABLE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.235 OTHER APPLICABLE STANDARDS

- A. Access to garages, carports, or other parking areas shall be from an alley or from the street adjacent to the side yard of a corner lot. Driveways shall have a minimum depth of 16 feet.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.235.B amended by Ord 19-05, 6-17-2019)~~
- C. All uses will comply with access, parking, and loading standards in Article 7, with the following exceptions:
 - 1. ~~Parking requirement for single-family, two-family, and carriage house dwelling units shall have at least one parking space for each unit with a gross floor area of 700 feet or less (rounded up to the nearest whole number); 1.5 parking spaces for each unit with a gross floor area of 701 square feet or more (rounded up to the nearest whole number).~~
 - 2. Parking in the CR Zone is permitted on a separate lot provided it is within 100 feet of the development. An easement or other acceptable document shall be recorded to assure that the separate lot for parking remains with the units it services.
- D. Where feasible, joint access points and parking facilities for more than one use should be established.
- E. Access drives and parking areas should be located on side streets or non-arterial streets.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, residential uses will comply with the specific regulations in Section 8.160.
- H. 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.
- I. 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.
- J. All uses will comply with the requirements of applicable overlay zones.
- K. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.235.K added by Ord 19-05, 6-17-2019)~~
- L. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.

~~(Section 2.235 added by Ordinances 14-09, 10-6-14, 19-05, 21-02)~~

SECTION 26: AMENDMENT “2.305 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. ~~Dwelling~~ Single-family dwelling, two-family dwelling, or multi-family dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.
- B. Day care center.
- C. Family day care center in existing a legal dwelling unit.
- D. Home occupation in existing a legal dwelling unit.
- E. Personal service establishment.
- F. Professional service establishment.
- G. Repair service establishment not exceeding 3,000 square feet gross floor area.
- H. Retail sales establishment not exceeding 3,000 square feet gross floor area.
- I. Transportation facilities. ~~(Section 2.305.1 added by Ordinance 14-03, 4-21-14)~~
- J. Cottage cluster development meeting the requirements of Section 3.090.
- K. Residential Home.
- L. Residential Facility.

SECTION 27: AMENDMENT “2.355 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. ~~Dwelling~~ Single-family dwelling, two-family dwelling, or multi-family dwelling as an accessory use to a Use Permitted Outright or a Conditional Use.
- B. Family day care center in existing a legal dwelling unit.
- C. Indoor family entertainment or recreation establishment.
- D. 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.
- E. Public or semi-public use.
- F. Temporary use meeting the requirements in Section 3.240.
- G. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows: 1. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel. 2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.
- H. Residential Home.
- I. Residential Facility.

SECTION 28: AMENDMENT “2.390 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Business service establishment.
- B. Commercial laundry or dry cleaning establishment.
- C. Commercial or public off-street parking lot.
- D. Communication service establishment.
- E. Construction service establishment.
- F. Eating and drinking establishment.
- G. Educational service establishment.
- H. Family day care center in ~~single-family, two-family, or multi-family dwelling~~ a legal dwelling unit.
- I. Home occupation in ~~existing~~ a legal dwelling unit.
- J. Cottage cluster development meeting the requirements of Section 3.090. ~~Motel, hotel, bed-and-breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows:—~~
~~Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.390.J.2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units. (Section 2.390.J amended by Ord 19-07, 7-1-2019):—~~
- K. ~~Multi-family dwelling~~.
- L. K. Personal service establishment.
- M. L. Professional service establishment.
- N. M. Public or semi-public use.
- ~~O~~. N. Repair service establishment, not including automotive, heavy equipment, or other major repair services.
- ~~P~~. O. Group Living Facility
- ~~Q~~. P. Retail sales establishment.
- ~~R~~. Q. Single-family ~~and~~, two-family, or multi-family dwelling in a new or existing structure:
 - 1. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - 2. Located in the rear of the first floor with commercial facilities in the front portion of the structure. ~~(Section 2.390.R.2 added by Ordinance 11-08, 7-5-11) (Section 2.390(R) amended by Ordinance 00-08, 9-6-00)~~
- ~~S~~. R. Transportation service establishment.
- ~~T~~. S. Conference Center. ~~(Section 2.390(T) added by Ordinance 94-06, 6-6-94)~~
- ~~U~~. T. Indoor family entertainment or recreation establishment. ~~(Section 2.390(U) added by Ordinance 98-01, 1-5-98)~~
- ~~V~~. U. Transportation facilities ~~(Section 2.390.V added by Ordinance 14-03, 4-21-14)~~.
- ~~W~~. V. Residential Home or Residential Facility in a new or existing structure:
 - 1. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - 2. Located in the rear of the first floor with commercial facilities in the front portion of the structure. ~~(Section 2.390.W added by Ord 19-05, 6-17-2019)~~

SECTION 29:**AMENDMENT** “2.480 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Business service establishment. (~~Section 2.480.A Added by Ordinance 02-03, 2-4-02~~)
- B. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area. (~~Section 2.480.B Added by Ordinance 02-03, 2-4-02~~)
- C. Food and kindred products processing.
- D. ~~Multi-family dwelling~~Single-family, two-family, or 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. (~~Section 2.480.D Added by Ordinance 02-03, 2-4-02~~)
- E. Professional service establishment. (~~Section 2.480.E Added by Ordinance 02-03, 2-4-02~~)
- F. Recycling depot.
- G. 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(L). (~~Section 2.480.G Added by Ordinance 02-03, 2-4-02~~)
- H. Rubber and miscellaneous plastic products.
- I. Ship and boat building and repair.
- J. Wood processing.
- K. Residential Home or Residential Facility 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.

SECTION 30:**AMENDMENT** “2.540 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.540 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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).
- B. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent provision.
- C. 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.
- D. 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.
- E. 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(E) amended by Ordinance 99-06, 4-5-99)~~
- F. 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.
- G. Uses located between the extended rights-of-way of 7th 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. ~~(Section 2.540.G amended by Ord 19-05, 6-17-2019)~~
- H. Special siting standards. All buildings shall meet the following special siting standards:
1. 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.
 2. 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.
 3. Buildings should minimize the impact of views on surrounding or adjacent properties through orientation or location on the site.
 4. 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.
 5. 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.
- I. 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)).
- J. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations, residence(s), 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 (L through O), under the following conditions:
1. Single-Story Structure: The office, personal service establishment, residence(s), or arts and crafts studio uses shall constitute no more than 25% of the total project's gross floor area.
 2. Multi-Story Structure, shall conform to one of the following options:
 - a. The office, personal service establishment, residence(s), or arts and crafts studio uses shall constitute no more than 50% of the total project's gross floor area.
 - b. 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(J) amended by Ordinance 00-03, 3-20-00)~~
- K. Accessory structures in the Aquatic Two Development Zone are limited in size to a maximum of 10% of the primary structure.

- L. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. (Section 2.540.L added by Ord 19-06, 7-1-2019)~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- M. ~~All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125. (Section 2.540.M added by Ord 19-06, 7-1-2019)~~
- N. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.540.N added by Ord 19-05, 6-17-2019)~~
- O. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.540.O added by Ord 19-05, 6-17-2019)~~
- P. ~~All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200. (Section 2.540.P added by Ord 20-02, 1-21-2020)~~

(Ordinances 94-06, 99-06, 00-03, 14-03, 14-09, 19-05, 19-06, 20-02)

SECTION 31: AMENDMENT “2.565 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.565 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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).
- B. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent provision.
- C. 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.
- D. 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.
- E. No structure will exceed a height of 28 feet above the grade of adjacent shorelands.
- F. 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.
- G. 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)).
- H. 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 (J through N), under the following conditions:
 - 1. Single-Story Structure: The residence(s) shall constitute no more than 25% of the total project's gross floor area.
 - 2. Multi-Story Structure, shall conform to one of the following options:
 - a. The residence(s) shall constitute no more than 50% of the total project's gross floor area.
 - b. 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.
- I. Accessory structures in the Aquatic Two-A Development Zone are limited in size to a

- maximum of 10% of the primary structure.
- J. All uses shall comply with applicable lighting standards in Section 3.128. (~~Section 2.565.J added by Ord 19-05, 6-17-2019~~)
- K. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. (~~Section 2.565.K added by Ord 19-05, 6-17-2019~~)
- L. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. (Section 2.565.L added by Ord 19-06, 7-1-2019)~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- M. ~~All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125. (Section 2.565.M added by Ord 19-06, 7-1-2019)~~
- N. ~~All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200. (Section 2.565.N added by Ord 20-02, 1-21-2020)~~

(Ordinances 02-16, 14-03, 19-07, 21-02)

SECTION 32: AMENDMENT “2.685 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Active restoration/resource enhancement.
- B. *Automobile sales and service establishment.
- C. Contract construction service establishment.
- D. Educational establishment.
- E. *Gasoline service station.
- F. Housing which is secondary to another permitted use, such as security guard's or proprietor's quarters.
- G. Log storage/sorting yard.
- H. *Manufactured Dwelling Park which satisfies requirements in Section 11.120.
- I. *Single-family ~~residence~~ or two-family dwelling where such use occupies no more than 25% of a structures gross floor area.
- J. *Multi-family dwelling.
- K. Public or semi-public use.
- L. Utility.
- M. Business service establishment.
- N. Communication service establishment.
- O. Personal service establishment.
- P. Professional service establishment.
- Q. Repair service establishment.
- R. Research and development laboratory.
- S. Shipping and port activity.
- T. Wholesale trade, warehouse, and/or distribution establishment (including trucking terminal).
- U. Eating and drinking establishment.
- V. Retail sales establishment.
- W. *Hotel, motel, inn, bed and breakfast.
- X. *Indoor amusement, entertainment and/or recreation establishment.
- Y. Wood processing.

- Z. Light manufacturing.
- AA. Temporary use meeting the requirements of Section 3.240.
- AB. Water-related industrial, commercial and recreational uses.
- AC. *Conference Center. ~~(Section 2.685(AC) added by Ordinance 94-06, 6-6-94)~~
- AD. Residential Home.
- AE. Residential Facility.

*Not permitted at South Tongue Point.

SECTION 33: AMENDMENT “2.840 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- ~~A. Caretaker dwelling.~~
- B. A. Community building.
- ~~C. B. Low-intensity recreation. (Section 2.840(C) amended by Ordinance 96-01, 1-16-96)~~
- ~~D. C. Public parking lot or structure.~~
- E. D. Public restroom.
- F. E. Public utility shop and yard.
- G. E. Recycling or solid waste transfer facility.
- H. G. Reservoir.
- I. H. School or college.
- ~~J. I. Single-family or two-family dwelling on lot where such either use existed as of January 1, 1990, and an Accessory Dwelling Unit. (Section 2.840.J added by Ordinance 21-02, 2-16-21)~~
- K. J. Utilities.
- ~~L. K. Transportation facilities. (Section 2.840.L added by Ordinance 14-03, 4-21-14)~~

SECTION 34: AMENDMENT “2.860 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.860 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. 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.
- C. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.860.C amended by Ord 19-05, 6-17-2019)~~
- D. Where feasible, joint access points and parking facilities for more than one use should be established.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Signs will comply with requirements in Article 8.
- G. 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.
- H. 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.
 - I. ~~Single-family dwellings existing as of January 1, 1990 and Accessory Dwelling Unit~~ legal nonconforming single-family or two-family dwelling may be moved, enlarged or reconstructed provided such work is confined to those privately-owned lots associated with the dwelling. ~~(Section 2.860.I amended by Ordinance 21-02, 2-16-21)~~
 - J. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.860.J added by Ord 19-05, 6-17-2019)~~
 - K. ~~All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code. ~~(Section 2.860.K added by Ord 19-06, 7-1-2019)~~

(Ordinances 96-01, 14-03, 19-05, 19-06, 21-02)

SECTION 35: AMENDMENT “2.894 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.894 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 2.896 through 2.902, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Arts and craft studio.
- B. Bed and breakfast, inn, or home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800). ~~(Section 2.894.B amended by Ord 19-07, 7-1-2019)~~
- C. Commercial off-street parking lot.
- D. Family day care center.
- E. Indoor family entertainment or recreation establishment.
- F. Public or semi-public uses.
- G. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- H. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- I. Single-family, two-family, ~~and~~ or multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- J. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.894 renumbered by Ord 14-09, 10-16-14)~~

SECTION 36: AMENDMENT “2.906 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.906 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 2.908 through 2.916, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Aquatics center.
- B. Eating and drinking establishment without drive-through facility.
- C. Home occupation, which satisfies requirements in Section 3.095.
- D. Museum.
- E. Park.
- F. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- G. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- H. Single-family, two-family, ~~and-or~~ multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- I. Retail sales establishment.
- J. Theater.
- K. Transportation facilities. ~~(Section 2.906.K formerly 14.080.11 added by Ordinance 14-03, 4-21-14) (Section 2.906 renumbered by Ord 14-09, 10-16-14)~~

SECTION 37: AMENDMENT “2.954 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.954 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 2.956 through 2.964, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Commercial off-street parking lot.
- B. Communication service establishment.
- C. Day care center.
- D. Hospital.
- E. Public or semi-public use.
- F. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- G. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- H. Retail sales establishment exceeding 3,000 square feet gross floor area.
- I. Single-family, two-family, ~~and-or~~ multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- J. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.954 renumbered by Ord 14-09, 10-16-14)~~

SECTION 38: AMENDMENT “2.967 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.967 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 2.969 through 2.972, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Eating and drinking establishment without drive-through facility.
- B. Home occupation, which satisfies requirements in Section 3.095.
- C. Hotel, motel, bed and breakfast, inn and other tourist lodging facilities.
- D. Park.
- E. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- F. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- G. Restaurant as an accessory use to an Inn. See Section 3.230.
- H. Retail sales establishment.
- I. Single-family, two-family, ~~and or~~ multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- J. Transportation facilities. (~~Section 2.967.J formerly 14.235.10 added by Ordinance 14-03, 4-21-14~~) (~~Section 2.967 renumbered by Ord 14-09, 10-16-14~~)

SECTION 39: AMENDMENT “2.976 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.976 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 2.978 through 2.981, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Bed and breakfast or inn.
- B. Home occupation, which satisfies requirements in Section 3.095.
- C. Personal service establishment.
- D. Residential facility, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- E. Residential home, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.
- F. Retail sales establishment. (East of 23rd Street, retail sales establishment greater than 14,000 gross square feet shall include a minimum of 50% of gross floor area devoted to multi-family dwellings located above the first floor.) (~~Section 2.976.F amended by Ordinance 18-04, 3-19-2018~~)
- G. Repair service establishment not exceeding 3,000 square feet gross floor area.
- H. Two-family ~~and or~~ multi-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure. (~~Section 2.976.H amended by Ordinance 18-04, 3-19-2018~~)
- I. Transportation facilities. (~~Section 2.976.I formerly 14.270.9 added by Ordinance 14-03, 4-21-14~~) (~~Section 2.976 renumbered by Ord 14-09, 10-16-14~~)

SECTION 40: AMENDMENT “3.008 VEHICULAR ACCESS AND
CIRCULATION” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.008 VEHICULAR ACCESS AND CIRCULATION

- A. Purpose and Intent. Section 3.008 implements the street access policies of the City of Astoria Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. “Safety,” for the purposes of this Section, extends to all modes of transportation.
- B. Applicability. Section 3.008 applies to new development and changes in land use involving a new or modified street connection. Except where the standards of a roadway authority other than the City supersede City standards, this section applies to all connections to a street, and to driveways and walkways. The Community Development Director may grant adjustments of 10% or less of the quantitative standard pursuant to Class 1 variance procedures in Article 12. The Planning Commission may grant adjustments of more than 10% of the standard pursuant to Class 2 variance procedures in Article 12. For transportation facility improvement requirements, refer to Section 3.015.
- C. Traffic Study Requirements. The City in reviewing a development proposal or an action requiring an approach permit may require a Traffic Impact Study, pursuant to Subsection 3.015.A.5, to determine compliance with this code.
- D. Approach and Driveway Development Standards. Approaches and driveways taking access on City streets shall conform to all of the following development standards:
1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street. Access to single-family residential ~~or~~ development, including Accessory Dwelling Units, should not be provided to an arterial or collector roadway. (~~Section 3.008.D.1 amended by Ordinance 21-02, 2-16-21~~)
 2. Approaches shall conform to the spacing standards of Subsections E and F below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
 3. Driveways shall be paved and meet applicable construction standards in the Astoria Engineering Design Standards (Chapter 4 - Roadways).
 4. The City Engineer may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
 5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the Community Development Director, Planning Commission, or City Engineer as applicable may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The Community Development Director, Planning Commission, or City Engineer as applicable may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent properties develop.

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.

6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City Engineer may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.
7. As applicable, approaches and driveways shall be designed and constructed to

accommodate truck/trailer-turning movements.

8. Residential driveways shall have a minimum depth of 16 feet between the property line and any structure to accommodate on-site vehicular parking.
 9. Driveways shall be designed so that vehicle areas, including but not limited to drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way and do not result in vehicles stacking or backing up onto a street.
 10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
 11. As it deems necessary for pedestrian safety, the City Engineer, in consultation with the roadway authority, as applicable, may require traffic-calming features (such as speed cushions and tables, textured driveway surfaces, curb extensions, signage or traffic control devices, or other features) be installed on or in the vicinity of a site as a condition of development approval.
 12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
 13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
 14. Where an accessible route is required pursuant to the Americans with Disabilities Act, approaches and driveways shall meet accessibility requirements.
 15. The City Engineer may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
 16. Where a new approach onto a State highway or a change of use adjacent to a State highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The Community Development Director or Planning Commission, as applicable, may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case ODOT will work cooperatively with the applicant and the City to avoid unnecessary delays.
 17. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
 18. Where a proposed driveway crosses a culvert or drainage ditch, the City Engineer may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable Astoria Engineering Design Standards.
 19. Except as otherwise required by the applicable roadway authority or waived by the City Engineer, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.
- E. Approach Separation from Street Intersections. Except as provided by Section 3.008.G, approach, driveway, and intersection spacing shall comply with the minimum distance standards provided in Table 1 (Spacing Standards) of the Astoria Transportation System Plan.
- F. Vision Clearance. Refer to Section 6.100 (Vision Clearance Area) of the City code.
- G. Exceptions and Adjustments to Approach Separation from Street Intersections. The City decision body may approve adjustments to the spacing standards of Subsection E above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The City Engineer may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access

(removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right in/out only), or other mitigation alleviate traffic operations and safety concerns, through an administrative review procedure with notice pursuant to Section 9.020.

- H. Joint Use Access Easement and Maintenance Agreement. Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use or cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners. This easement/agreement requirement shall also apply to separate properties under the same ownership.

~~(Section 3.008 added by Ordinance 14-03, 4-21-14)~~

SECTION 41: AMENDMENT “3.015 TRANSPORTATION STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

3.015 TRANSPORTATION STANDARDS

A. General Requirements.

1. Except as provided by waiver, deferral, and variance provisions in Subsection 7 below, and the adopted Astoria Engineering Design Standards for In-fill Development, existing substandard streets and planned streets within or abutting a proposed development shall be improved pursuant to the standards of this Section as a condition of development approval. Proposed development shall include proposed land divisions, new buildings or structures that require building permits, or substantial changes to a site, use, or structure. For the purposes of this section, "substantial change" is defined as development activity that requires a building permit and involves one or more of the following:
 - a. A new dwelling unit.
 - b. An increase in gross floor area of [50%] or more.
 - c. A projected increase in vehicle trips [as determined by the City Engineer].
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to this Section, and shall be constructed consistent with the Astoria Engineering Design Standards.
3. All new streets should be contained within a public right-of-way; pedestrian and shared-use access ways may be contained within a right-of-way or a public access easement, subject to review and approval of the Community Development Director or Planning Commission (for land divisions) or the City Engineer (for existing plats).

The design and improvement of any street in a land division 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.

4. Rough Proportionality. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to Section 3.015. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required

transportation facility improvements. A proportionality determination can be appealed pursuant to Section 9.040. The following general provisions apply whenever a proportionality analysis is conducted.

- a. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the Traffic Impact Study (TIS) pursuant to Section 3.015.A.5. When no TIS is required, anticipated impacts will be determined by the City Engineer.
- b. The following shall be considered when determining proportional improvements:
 - (1) Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half (1/2) mile radius of the proposed development. If a Traffic Impact Study is required pursuant to Section 3.015.A.5, the impact area is the TIS study area.
 - (2) Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
 - (3) The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.
 - (4) Applicable Transportation System Plan goals, policies, and plans.
 - (5) Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety, neighborhood traffic management, capital improvement, system development improvement, or others.
 - (6) Accident history within the impact area.
 - (7) Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
 - (8) Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
 - (9) Other considerations as may be identified in the review process.

5. Traffic Impact Studies. In order to comply with and implement the State Transportation Planning Rule, the City shall adopt a process to coordinate the review of land use applications with roadway authorities and apply conditions to development proposals in order to minimize impacts and protect transportation facilities, which can be done by establishing requirements for Traffic Impact Studies.

- a. When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. Based on information provided by the applicant about the proposed development, the City will determine when a TIS is required and will consider the following when making that determination.
 - (1) Changes in zoning or a plan amendment designation;
 - (2) Changes in intensity of use;
 - (3) The road authority indicates in writing that the proposal may have operational or safety concerns along its facilities;
 - (4) An increase in site traffic volume generation by 400 Average Daily Trips (ADT) or more;
 - (5) Potential negative impact to residential or mixed-use areas;

- (6) Potential impacts to key walking and biking routes, including, but not limited to school routes and multimodal street improvements identified in the Transportation System Plan;
 - (7) Location of existing or proposed driveways or access connections;
 - (8) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - (9) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
 - (10) Potential degradation of intersection level of service (LOS);
 - (11) The location of an existing or proposed approach or access connection does not meet minimum spacing or sight distance requirements or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - (12) A change in internal traffic patterns may cause safety concerns; or
 - (13) A TIS is required by ODOT pursuant with OAR 734-051.
- b. It is the responsibility of the applicant to provide enough detailed information to the City Engineer for existing plats, or Community Development Director for proposed land divisions, to make a Traffic Impact Study determination.
 - c. A determination for the need of a Traffic Impact Study is not a land use action and may not be appealed.
 - d. Traffic Impact Study Preparation.
 - (1) A professional engineer registered in the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Study as provided for by the applicant.
 - (2) The City Engineer shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the Traffic Impact Study based on information provided by the applicant about the proposed development.
 - (3) The study area will generally comprise an area within a one-half mile radius of the development site. If the City Engineer determines that development impacts may extend more than one-half mile from the development site, a larger study area may be required.
 - (4) If the study area includes State facilities, the City will coordinate with ODOT in preparing the Traffic Impact Study scope.
 - (5) A project-specific Traffic Impact Study (TIS) Checklist will be provided by the City once the City Engineer has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the City Engineer.
 - (A) Introduction and Summary. This section should include existing and projected trip generation and a summary of transportation operations and proposed mitigation(s).
 - (B) Existing Conditions. This section should include a study area description, including existing study intersection level of service and review of crash histories in the study area.
 - (C) Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. Trip analysis will address mobility targets established in the Transportation

System Plan. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) should also be provided.

(D) Mitigation. This section should include proposed site and area-wide specific mitigation measures.

Mitigation measures shall be roughly proportional to potential impacts pursuant to Subsection 3.015.A.4.

(E) Appendix. This section should include traffic counts, capacity calculations, warrant analysis, and any information necessary to convey a complete understanding of the technical adequacy of the Traffic Impact Study.

e. Traffic Impact Study Mitigation.

(1) Transportation impacts shall be mitigated at the time of development when the Traffic Impact Study identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area.

(2) The following measures may be used to meet mitigation requirements. Other mitigation measures may be suggested by the applicant. The City Engineer, Community Development Director, or Planning Commission as applicable shall determine if the proposed mitigation measures are adequate.

(A) On- and off-site improvements beyond required frontage improvements.

(B) Development of a transportation demand management program.

(C) Payment of a fee in lieu of construction.

(D) Correction of off-site transportation deficiencies within the study area that are not substantially related to development impacts.

(E) Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

6. The City may attach conditions of approval to land use decisions as needed to satisfy the transportation facility requirements of Section 3.015 and to mitigate transportation impacts identified in the Traffic Impact Study.

7. Variances to standards in Section 3.015.A of 10% or less may be granted by administrative review. Variances of more than 10% of the standards in this Section may be granted by the Community Development Director pursuant to Class 1 variance procedures in Article 12.

The Community Development Director or Planning Commission, as applicable, may waive or defer improvements for land divisions and on-site improvements, and the City Engineer may waive or defer improvements for existing plats and off-site improvements. When the Community Development Director, Planning Commission, or City Engineer agrees to defer a street improvement, they shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

Standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and/or landscaping, as applicable, may be waived or deferred may be allowed where one or more of the following conditions are met:

a. The standard improvement conflicts with an adopted capital improvement plan;

b. The standard improvement would create a safety hazard;

c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future,

and the improvement under consideration does not by itself significantly improve transportation operations or safety;

- d. The improvement under consideration is part of an approved partition in a residential zone and the proposed partition does not create any new street.

B. Street Location, Alignment, Extension, Grades, and Names.

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans, including the Astoria Transportation System Plan (Figures 10-12), and pursuant to Subsection 3.015.D, Transportation Connectivity and Future Street Plans.
2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. As far as is practical, 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.
3. Grades of streets shall follow as closely as practicable to the original (pre-development) topography to minimize grading. Maximum grades and curves shall conform to the Astoria Engineering Design Standards for Roadways (Chapter 4). Where existing conditions, particularly topography, make it otherwise impracticable to provide buildable sites, steeper grades and sharper curves may be accepted by the Community Development Director or Planning Commission for land divisions, as applicable, or by the City Engineer for existing plats.
4. Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.
5. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent potentially developable properties, conforming to the standards of this Code.
6. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code; in such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
7. Proposed streets and any street extensions required pursuant with this Section shall be located, designed and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable land.
8. All street names shall be approved by the City Engineer for conformance with the established pattern and to avoid duplication and confusion.

C. Street Design. The optimum street design criteria contained in the Transportation System Plan (Figures 17a to 17f) and Astoria Engineering Design Standards for Roadways (Chapter 4) are intended to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the Community Development Director or Planning Commission for land divisions, as applicable, or the City Engineer for existing plats shall determine the requirement based on advice from a qualified professional and all of the following factors:

1. Street classification, shown in the Transportation System Plan (Figure 15), and

- requirements of the roadway authority if different than the City.
- 2. Existing and projected street operations relative to applicable standards.
- 3. Safety of motorists, pedestrians, bicyclists, and transit users, including consideration of accident history.
- 4. Convenience and comfort for pedestrians, bicyclists, and transit users.
- 5. Provision of on-street parking.
- 6. Placement of utilities.
- 7. Street lighting.
- 8. Slope stability and erosion control (minimize cuts and fills).
- 9. Surface water management/storm drainage requirements.
- 10. Emergency vehicles/apparatus and emergency access/egress, including evacuation needs.
- 11. Transitions between varying street widths (i.e., existing streets and new streets).
- 12. Other factors related to public health, safety, and welfare.
- 13. Half streets shall be prohibited except they may be approved where essential to the reasonable development of subdivisions or partitions when in conformity with the other requirements of this Development Code, and when the Community Development Director or Planning Commission for land divisions, as applicable, or the City Engineer for existing plats, 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. Reserved strips may be required to preserve the objectives of half streets.

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

- 1. Intersections. Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersection angles shall conform to the Astoria Engineering Design Standards for Roadways (Chapter 4).
- 2. Connectivity to Abutting Lands. The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the proposed development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

Reserved strips including street plugs may be required to preserve the objectives of street extensions. Reserved strips controlling the access to public ways will be approved when necessary for the protection of the public welfare. 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.

- 3. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the City, subdivisions and site developments shall be served by an interconnected street network, pursuant to Table 1 (Spacing Standards) in the Transportation System Plan.
- 4. Cul-de-sac Street. A cul-de-sac street shall only be used where the Community Development Director, Planning Commission, or City Engineer, as applicable, determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:
 - a. The cul-de-sac shall not exceed a length of 400 feet and serve building sites for not more than 18 dwelling units, except where the Community Development Director, Planning Commission, or City Engineer, as applicable, determines, through a Class 1 Variance

pursuant to procedures in Article 9, that topographic or other physical constraints of the site require a longer cul-de-sac; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

- b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the roadway standards in the Transportation System Plan and Astoria Engineering Design Standards for roadways.
 - c. The cul-de-sac shall provide a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 3.010.B.5.
5. Access Ways. The Community Development Director or Planning Commission, as applicable, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than ten (10) feet wide and shall consist of a minimum six (6) foot wide paved surface or other all-weather surface approved by the Community Development Director or Planning Commission. Access ways shall be contained within a public right-of-way or public access easement.
 6. 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.
 7. Future Street Plan. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision.

(Section 3.015 added by Ordinance 14-03, 4-21-14)

SECTION 42: **AMENDMENT** “3.020 ACCESSORY DWELLING UNITS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.020 ACCESSORY DWELLING UNITS

- A. Purpose. The purpose of this Section is to provide more housing on an individual lot.
(Section 3.020.A amended by Ordinance 21-02, 2-16-21; Section 3.020.A amended by Ordinance 17-07, 4-17-17)
- B. Standards.
 1. Size.
 - a. ~~Primary Structure~~. Any single-family dwelling may establish an Accessory Dwelling Unit, secondarily to the primary structure.
(Section 3.020.B.1.a amended by Ordinance 21-02, 2-16-21; Section 3.020.B.1.a amended by Ordinance 17-07, 4-17-17)
 - b. ~~Accessory Dwelling Unit~~. Only one accessory dwelling unit per single-family lot ~~and per main dwelling~~ is permitted. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.(Section 3.020.B.1.b amended

~~by Ordinance 21-02, 2-16-21; Section 3.020.B.1.b amended by Ordinance 17-07, 4-17-17)~~

2. Creation of the Unit.

- a. The Accessory Dwelling Unit may be created through an internal conversion of an existing living area, basement, attic, other existing attached accessory buildings, such as a garage, or areas over attached or detached garages. Construction of new units are also permitted and can be built over new detached or attached garages or as separate detached units. ~~(Section 3.020.B.2.a amended by Ordinance 21-02, 2-16-21; Section 3.020.B.2.a amended by Ordinance 17-07, 4-17-17)~~
- b. A detached Accessory Dwelling Unit may include:
 - (1) A Micro Housing Unit constructed to the Oregon Residential Specialty Code on a permanent foundation.
 - (2) A modular or pre-fab home constructed to the Oregon Residential Building Code on a permanent foundation.
 - (3) A manufactured home that complies with the design standards in Development Code Section 3.140 applicable to a manufactured home, with the exception of minimum size.
 - (4) No Accessory Dwelling Unit is allowed that is mobile, attached to wheels, built to RV standards, or as a Park Trailer, or Park Model. ~~(Section 3.020.B.2.b amended by Ordinance 21-02, 2-16-21)~~
- 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 on the main dwelling 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. The location of the entrance to a detached Accessory Dwelling Unit (ADU) can be anywhere if it is placed behind the main dwelling. In cases where the new ADU is placed in front of the main dwelling, the entrance shall not face the street. In cases where new units are placed on a corner lot, they shall be located on a side yard or rear of the lot. (Section 3.020.B.3 amended by Ordinance 21-02, 2-16-21; Section 3.020.B.3 amended by Ordinance 17-07, 4-17-17)~~

4. Zones/Locations in Which Permitted. Accessory Dwelling Units are permitted outright as an accessory use to any ~~existing~~ single-family dwelling in ~~all zones~~any zone. An Accessory Dwelling Unit is not permitted on the same lot as a two-family dwelling or multi-family dwelling unless the dwelling has been divided onto individual lots by a middle housing land division in accordance with Article 13 of this Development Code. ~~(Section 3.020.B.4 amended by Ordinance 21-02, 2-16-21; Section 3.020.B.4 amended by Ordinance 17-07, 4-17-17)~~

5. Height. The height of new detached units shall not exceed ~~20 feet or~~ 80% of the height of the ~~primary~~main dwelling, ~~whichever is less.~~ ~~(Section 3.020.B.5, 6, & 7 deleted and Section 3.020.B.8 renumbered by Ordinance 21-02, 2-16-21; Section 3.020.B.7 amended by Ordinance 17-07, 4-17-17; Section 3.020.B.8 deleted and added by Ordinance 17-07, 4-17-17)~~

6. Homestay Lodging. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to 8.000, may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100. ~~may be allowed as follows: Home Stay Lodging (which satisfies requirements in City Code Sections 8.750 to 8.800) may be allowed on properties in conjunction with an Accessory Dwelling Unit as listed in the allowable uses within specific zones in compliance with Section 3.100 (Home Stay Lodging).~~ ~~(Section 3.020.B.9 renumbered by Ordinance 21-02, 2-16-21; Section 3.020.B.9 amended by Ord 19-07, 7-1-2019; Section 3.020.B.9 added by Ordinance 17-07, 4-17-17)~~

C. Permits:

1. Expiration of Permit. An Accessory Dwelling Unit permit shall automatically expire if any of the following occurs:

Permit Required. A Type I 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. (Section 3.020.C.1 amended by Ordinance 21-02, 2-16-21; Section 3.020.C.1 amended by Ordinance 17-07, 4-17-17) 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. (Section 3.020.B.2.a amended and Section 3.020.B.2.b & c deleted by Ordinance 21-02, 2-16-21)

D. Non-conforming Accessory Dwelling Units:

The portion of a single-family dwelling or detached accessory structure 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: 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: An application for an Accessory Dwelling Unit is submitted to the Community Development Department for review. The Accessory Dwelling Unit complies with the minimum requirements of the Building Codes as adopted by the City of Astoria. The Accessory Dwelling Unit complies with the requirements of this Section 3.020 concerning "Accessory Dwelling Units". (Section 3.020.D.1 amended by Ordinance 17-07, 4-17-17) The permit review shall be in accordance with Article 9 concerning Type II 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. (Section 3.020.D.2 amended by Ordinance 17-07, 4-17-17) 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: That full compliance would be impractical; and 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 That the granting of the permit will not create a safety hazard. 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)

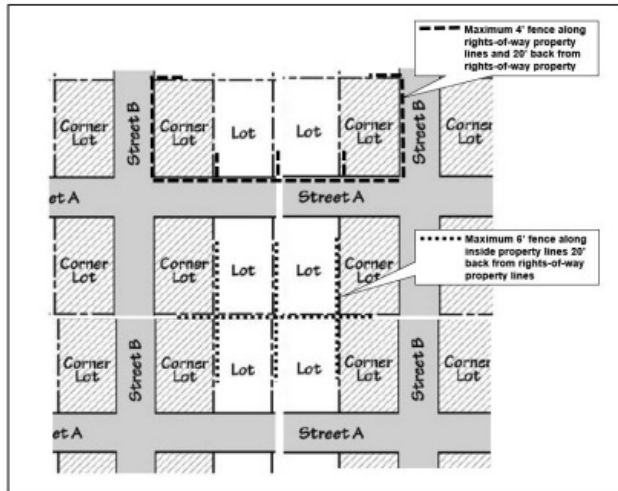
SECTION 43: AMENDMENT "3.035 ACCESSORY STRUCTURES" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.035 ACCESSORY STRUCTURES

A. Fences, Walls, and Hedges.

1. Except as provided in City Code Section 6.100 concerning Clear Vision Area, 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. (Section 3.035.A.1 amended by Ord 19-05, 6-17-2019; Section 3.035.A.1 amended by Ordinance 14-03, 4-21-14)
2. Fences or hedges located back of the required front or flanking street side yard located on inside property lines shall not exceed a height of six (6) feet. (Section 3.035.A.2 amended by Ord 19-05, 6-17-2019)
3. Fence or hedges located back of the required front or flanking street side yard along an unimproved alley right-of-way shall be considered as an inside property line and shall not exceed a height of six (6) feet.

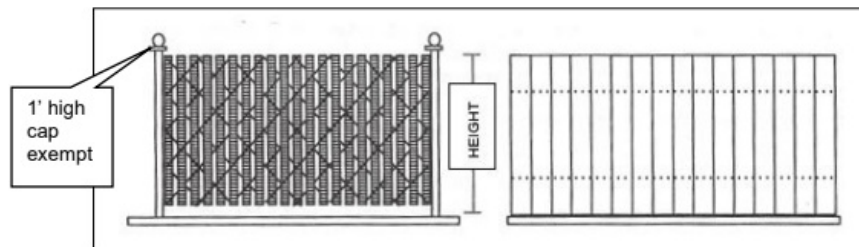


(Section 3.035.A.3 amended by Ord 19-05, 6-17-2019)

4. Arbor and gateway entrances of fences or hedges may be 8' tall but shall not exceed 5' in width. (Section 3.035.A.4 added by Ord 19-05, 6-17-2019)

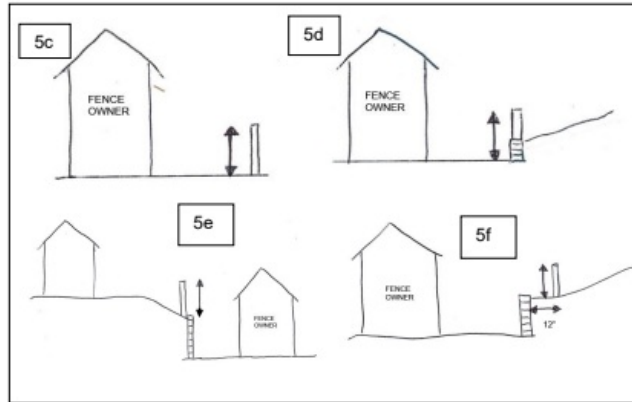


5. Fence height shall be measured to the highest portion of the fence on the fence owner's side as follows:
- Posts, caps, and/or lights not exceeding one foot above the maximum allowable fence height are excluded from maximum fence height;



- Arbors and gateways as noted in Section 3.035.A.4;
- Fence at grade level shall be measured from grade level on the fence owner's side of the property;
- Fence on top of a retaining wall or other similar structure less than 3' high shall be measured from grade level on the fence owner's side of the property including the retaining wall and shall not exceed a combined maximum of six (6) feet from the lowest level, or a maximum of 42 from the top of the retaining wall or other similar structure to the top of the fence, whichever is greater;
- Fence on top of a retaining wall or other similar structure greater than 3' high shall be measured from grade level at the top of the retaining wall;
- Fence set back 12 from the top of the retaining wall or other similar structure regardless of

height shall be measured from grade level at the top of the retaining wall.



(Section 3.035.A.5 added by Ord 19-05, 6-17-2019)

6. Trees and other intermittent landscaping are exempt from the height limitation except as noted in City Code Section 6.100 concerning Clear Vision Area. (Section 3.035.A.6 added by Ord 19-05, 6-17-2019)
7. Fences or hedges located 20' back of the required front yard, 15' back of the required flanking street side yard, 5' back of the required side yard, or back of the rear yard as required by the zone are exempt from the fence height limitation but are limited by the height of the zone. (Section 3.035.A.7 added by Ord 19-05, 6-17-2019)

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~~ 80% of the height of the primary dwelling in height;
3. ~~Occupy no more than 2% of the total lot area.~~

SECTION 44: **AMENDMENT** "3.170 NONCONFORMING LOTS" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 or two-family dwelling.

SECTION 45: **AMENDMENT** "3.180 NONCONFORMING USES" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.
- 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 except as follows:
 - a. When a residential structure has been used in the past for more units than allowed, the use may continue, even if ceased for one year, with the following conditions:
 - (1) Structure was not converted back to the lesser number of units (i.e. removal of kitchen, etc.); and
 - (2) Units were legal non-conforming units and not converted without necessary permits; and
 - (3) The number of units are allowed outright or conditionally in the zone (i.e., duplex or multi-family dwelling in R-2, etc.); and
 - (4) The number of units does not exceed the density for the zone (i.e., the lot square footage divided by 43,560 square feet (acre) x maximum density of zone = number of units allowed by density; and
 - (5) Provide required off-street parking spaces per unit, or obtain a variance; and (Section 3.180.C.1.a.(5) amended by Ordinance 21-02, 2-16-21)
 - (6) If the structure is destroyed per Section 3.190.D, the new use shall comply with the zone requirements and/or Section 3.190.E. (Section 3.180.C.1.a added by Ord 19-05, 6-17-2019)
 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.
- D. Reestablishment of Existing Non-Conforming Uses in Overwater Buildings. Nonconforming uses in overwater buildings located between 16th and 41st Street within the Civic Greenway Overlay Area existing prior to 2013, and between 41st and approximately 54th Street within the Neighborhood Greenway Overlay Area existing prior to 2015 may be reestablished if the building housing the use is unintentionally destroyed by any means to an extent exceeding 80% of its fair market value as indicated in Section 3.190.D, provided the reconstruction of the building complies with the standards in Section 3.190.F and reestablishment of the use occurs within one year of the completion of construction. Completion of construction shall be determined by issuance of a temporary and/or final Certificate of Occupancy from the Building Official. (~~Section 3.180.D added by Ord 14-09, 10-6-14; amended by Ord 15-09, 12-7-2015~~)

SECTION 46: AMENDMENT “3.190 NONCONFORMING STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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 ~~as follows: 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:~~
 - a. An expansion that fully complies with the Development Code may be permitted according to the processes and requirements that apply to new construction of the same type.
 - b. An expansion that does not fully comply with the Development Code may be permitted up to the limits of nonconformity as of January 1, 2022 as a Type II application subject to the standards in Section 11.030 of this Code.
 - c. If the Community Development Director believes that substantial issues are involved, they may upgrade the review to a Type III review before the Planning Commission.
 2. The Planning Commission may permit an expansion of a nonconforming structure ~~beyond the limits of nonconformity as of January 1, 2022 as a Type III application subject to the standards in Section 11.030 of this Code. 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. The following alterations are allowed:
Addition of second utility meter. The second meter does not validate the nonconforming use but is solely for purposes of the existing use until such time as it is destroyed and must come into compliance with the Code per Section 3.190.D: (Section 3.190.C.1 added by Ord 19-05, 6-17-2019)~~
- 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.
- E. Reconstruction of Nonconforming Single-Family Dwellings. Existing nonconforming ~~single-family~~ dwellings may be rebuilt in any zone if unintentionally destroyed by any means to an extent exceeding 80% of its fair market value as indicated in Section 3.190(D), provided the reconstruction of the dwellings complies with the following standards:
1. The ~~dwelling building~~ shall be rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone. This does not allow any construction beyond the property lines; and
 2. The square footage of the replacement structure does not exceed the square footage of the original structure by more than 10%; and
 3. The height of the building shall comply with the maximum height for the underlying zone; and
 4. If the property is within an area subject to ~~architectural~~ design review or historic preservation standards, the design of the replacement structure shall comply with those ~~architectural~~ standards; and
 5. ~~The off-street parking spaces shall not be reduced from the number provided prior to the destruction of the dwelling; and~~

6. Substantial construction of the ~~dwelling building~~ shall begin within two years of the date of destruction; and
 7. All other City and Building Codes relative to construction, including but not limited to, geologic concerns, stormwater management, grading, driveways, sidewalks, etc. shall apply. (~~Section 3.190.E. added by Ordinance 09-04, dated October 5, 2009.~~)
- F. Reconstruction of Existing Non-Conforming Overwater Buildings. Nonconforming overwater buildings located between 16th and 41st Street within the Civic Greenway Overlay Area existing prior to 2013, and between 41st and approximately 54th Street in the Neighborhood Greenway Overlay Area existing prior to 2015 may be rebuilt if unintentionally destroyed by any means to an extent exceeding 80% of its fair market value as indicated in Section 3.190.D, provided the reconstruction of the building complies with the following standards:
1. The building shall be rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone. This does not allow any construction beyond the property lines; and
 2. The square footage of the replacement structure and/or replacement uses does not exceed the square footage of the original structure and use classifications by more than 10%; and
 3. The height of the building shall be the same or less than the existing building height prior to destruction; and
 4. If the property is within an area subject to ~~architectural~~ design review or historic preservation standards, the design of the replacement structure shall comply with those ~~architectural~~ standards; and
 5. Substantial construction of the building shall begin within two years of the date of destruction, unless an extension has been granted in accordance with Section 9.100; and
 6. All other City and Building Codes relative to construction, including but not limited to, geologic concerns, stormwater management, grading, driveways, sidewalks, etc. shall apply. (~~Section 3.190.F added by Ord 14-09, 10-6-14; amended by Ord 15-09, 12-7-2015~~)

SECTION 47: ADOPTION “3.090 COTTAGE CLUSTER DEVELOPMENT STANDARDS” of the Astoria Development Code is hereby *added* as follows:

ADOPTION

3.090 COTTAGE CLUSTER DEVELOPMENT STANDARDS(*Added*)

A. Purpose. A cottage cluster development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

B. Development Standards

1. Applicability. Cottage clusters must meet the standards of this Section (3.090).
2. Minimum Lot Size and Dimensions. Cottage clusters must meet the minimum lot size, width, and depth standards that apply to detached single-family dwellings in the same zone.
3. Maximum Density. A cottage cluster must have at least 4 detached dwelling units per acre. There is no maximum density limit for a cottage cluster development.
4. Setbacks and Building Separation.

- a. Setbacks. In lieu of the setbacks listed in the underlying zone, a cottage cluster must meet the following setbacks:
 - (1) Front setback: 10 feet
 - (2) Side setbacks: 5 feet
 - (3) Rear setbacks: 10 feet
 - b. Building Separation. Cottages must be separated by a minimum distance of 6 feet. The minimum distance between all other structures, including accessory structures, must be in accordance with building code requirements.
 - 5. Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings are included in the average floor area calculation for a cottage cluster. The footprint for each dwelling unit in a cottage cluster must not exceed 900 square feet.
 - 6. Building Height. the maximum building height for all structures is 25 feet or two stories, whichever is greater.
- C. Design Standards. Cottage clusters must meet the following design standards:
 - 1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 3.090(1)):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - (1) Have a main entrance facing the common courtyard;
 - (2) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (3) Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
 - 2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 3.090(1)):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in Section 1.400).
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.
 - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
 - g. A cottage cluster development with multiple cottage clusters must provide at least one common courtyard for each cottage cluster.
 - 3. Community Buildings. Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care,

or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which counts towards the maximum average floor area.
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - (1) The common courtyard;
 - (2) Shared parking areas;
 - (3) Community buildings; and
 - (4) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

5. Parking Design. In addition to the standards of Article 7, parking areas for cottage clusters must meet the following:

- a. Parking location and access.
 - (1) Off-street parking spaces and vehicle maneuvering areas may not be located:
 - (A) Within of 20 feet from any street property line, except alley property lines;
 - (B) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - (2) Off-street parking spaces may not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- b. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- c. Garages and carports.
 - (1) Garages and carports (whether shared or individual) must not abut common courtyards.
 - (2) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum average floor area calculation for cottages.
 - (3) Individual detached garages must not exceed 400 square feet in floor area.
 - (4) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

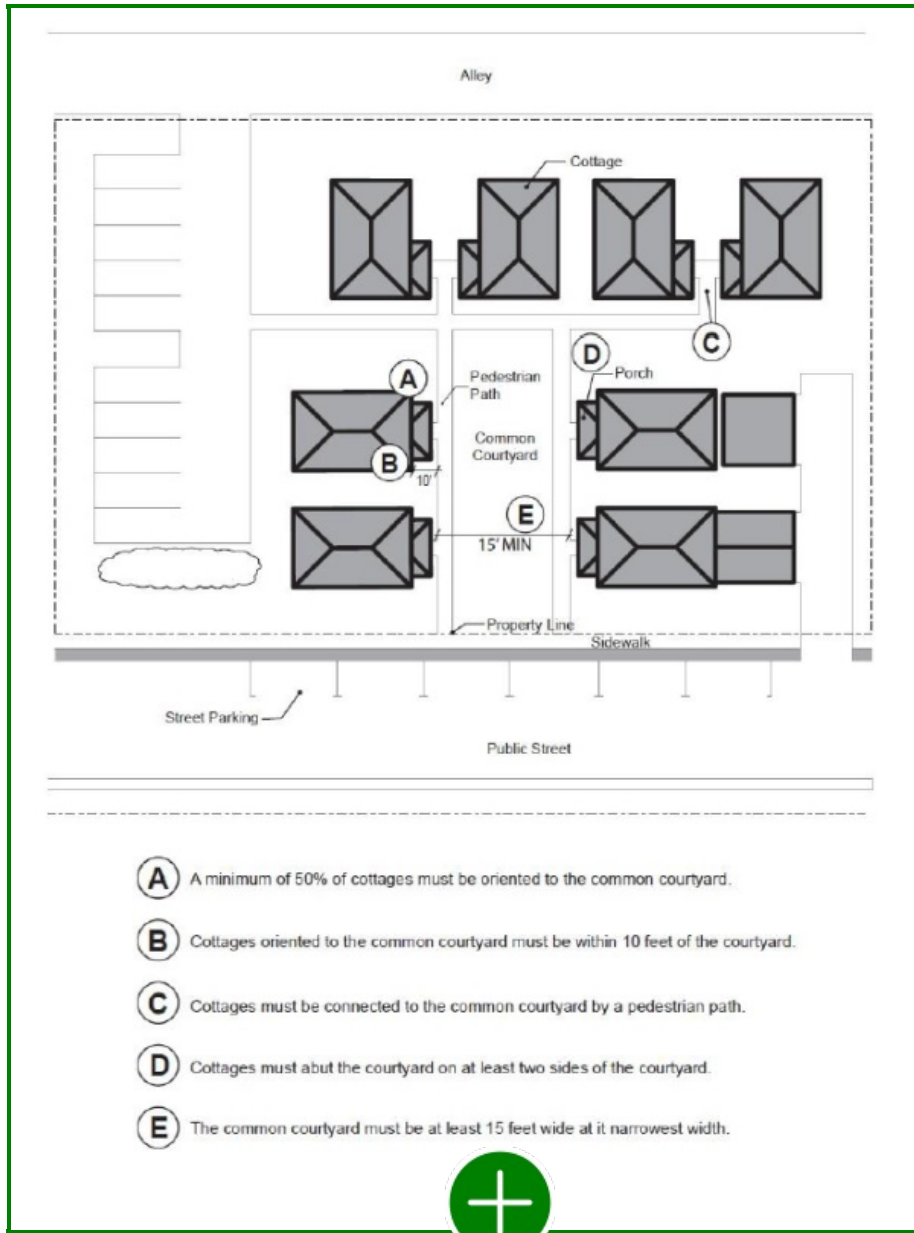
6. Accessory Structures. Accessory structures may not exceed 400 square feet in floor area, inclusive of all accessory structures in a cottage cluster development.

7. Existing Structures. On a lot or parcel to be used for a cottage cluster development, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster development area under the following conditions:

- a. The existing dwelling may be nonconforming with respect to the requirements of this code and must maintain compliance with Section 3.190.
- b. The existing dwelling may be expanded up to the maximum height allowed by this Section; however, existing dwellings that exceed the

- maximum height of this section may not be expanded.
- c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
- d. The existing dwelling may be excluded from the calculation of orientation toward the common courtyard, per this Section.

Figure 3.090(1)



A.



SECTION 48: AMENDMENT “4.160 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT” of the Astoria Development Code is hereby amended as follows:

AMENDMENT

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-family, ~~Accessory Dwelling Unit~~two-family, and multi-family ~~structures~~dwelling, 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. (~~Section 4.160 amended by Ordinance 21-02, 2-16-21~~)

- A. 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.
- B. Off-street parking may only be located over an aquatic area if all of the following conditions are met:
 - 1. Parking will be on an existing pile-supported structure; and
 - 2. Suitable shoreland areas are not available; and
 - 3. The amount of aquatic area committed to parking is minimized; and
 - 4. The aquatic area is in a Development designation.
 - 5. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area. (~~Section 4.160.B.5 amended by Ord 19-05, 6-17-2019~~)
- C. Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local Code requirements.
- D. 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.
- E. 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.
- F. 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.
- G. Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.
- H. 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:
 - 1. A substantial public benefit is demonstrated; and
 - 2. The proposed use does not unreasonably interfere with public trust rights; and
 - 3. Feasible alternative upland locations do not exist; and
 - 4. Potential adverse impacts, as identified in the impact assessment, are minimized.

SECTION 49: AMENDMENT “7.110 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

7.110 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS

All parking and loading areas required under this ordinance, except those for a ~~detached~~ single-family dwelling, ~~or~~ Accessory Dwelling Unit, ~~or two-family dwelling~~ on an individual lot unless otherwise noted, shall be developed and maintained as follows: ~~(Section 7.110 amended by Ordinance 21-02, 2-16-21; Section 7.110 amended by Ordinance 14-03, 4-21-14)~~

- A. Location on site. Required yards adjacent to a street, shall not be used for parking and loading 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. The vehicle may extend past the bumper guard into a landscaped area a maximum of 2.5'. ~~(Section 7.100.C amended by Ord 19-05, 6-17-2019)~~
- 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.

An increase to 75% compact may be approved administratively by the Community Development Director upon a finding that anticipated use would not require compliance. An increase greater than 75% may be approved by the Community Development Director as a Type II Variance in accordance with Article 9.

- 3. Where a landscaped area, fence, or wall is adjacent to a parking space, the parking space shall be ten (10) feet wide.
- 4. A maximum of 2.5' of a parking stall required length may extend beyond the wheel barrier into a landscaped area. The parking stall shall not extend into a pedestrian walkway area. ~~(Section 7.110.D amended by Ordinance 14-03, 4-21-14)~~
- E. Access. Parking or loading areas having more than four (4) spaces in the same block 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. This does not prohibit individual driveways located within the same block for separate, independent uses. ~~(Section 7.110.E amended by Ord 19-05, 6-17-2019)~~
- F. Lighting. Parking or loading areas that will be used at nighttime shall be lighted. All areas shall comply with applicable lighting standards in Section 3.128. ~~(Section 7.110.F amended by Ord 19-05, 6-17-2019)~~
- G. Landscaping.

1. Landscaping shall be provided as required in Section 7.170 and Section 3.105 through 3.120.
2. Required landscaped yards shall not be used for parking. (~~Section 7.110.G amended by Ordinance 14-03, 4-21-14~~)

H. Additional Requirements.

1. Directional signs and pavement marking shall be used to control vehicle movement in parking area. (~~Section 7.110.H amended by Ordinance 14-03, 4-21-14~~)

I. Aisle Widths. Aisles with parking adjacent on one or both sides, depending on angle of parking spaces:

	Minimum Width
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

SECTION 50: **REPEAL** “11.160 CLUSTER DEVELOPMENT PROVISIONS” of the Astoria Development Code is hereby *repealed* as follows:

R E P E A L

~~11.160 CLUSTER DEVELOPMENT PROVISIONS~~ (*Repealed*)

- 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.
- 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.

SECTION 51:**AMENDMENT** “12.060 CLASSIFICATION OF VARIANCES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.060 CLASSIFICATION OF VARIANCES

- A. Type II. Type II 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 Type II variances may be granted.

Type II variances include:

1. Location of structures in relation to required yards;
2. Variances from minimum lot width, depth, and lot coverage; (~~Section 12.060.A amended by Ord 19-05, 6-17-2019~~)
3. ~~Variances from other quantitative standards by 10% or less.~~
4. 3. Variances from the requirements of the Flood Hazard Overlay Zone section 2.800 to 2.825. (~~Section 12.060.A.4 added by Ordinance 09-03, 8/3/09~~)
5. 4. Variance from fence height up to a maximum of 8'. (~~Section 12.060.A.5 added by Ord 19-05, 6-17-2019~~)
6. 5. Variance from off-street parking for a maximum of two spaces for multi-family dwellings and non-residential uses. (~~Section 12.060.A.6 added by Ord 19-05, 6-17-2019~~)
7. 6. Variance from off-street parking for single-family and two-family dwellings, including their accessory uses. (~~Section 12.060.A.7 added by Ord 19-05, 6-17-2019~~)

- B. Type III. Type III includes variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. A Type III variance may be granted by the Planning Commission.

Type III variances include, but are not limited to:

1. Variances from quantitative standards other than those identified in Section 12.060.A ~~by more than 10%~~;
2. Variances from other provisions of this ~~chapter except density and use restrictions Code not otherwise listed.~~ (~~Section 12.060.B amended by Ord 19-05, 6-17-2019~~) (~~Section 12.060 amended by Ord 19-05, 6-17-2019~~)

- 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.

E. A variance may not be granted for density, maximum buildable area, or use restrictions.

SECTION 52:**ADOPTION** “13.040 LAND DIVISION TYPES” of the Astoria Development Code is hereby *added* as follows:

A D O P T I O N

13.040 LAND DIVISION TYPES(*Added*)

This ordinance prescribes the types of land divisions permitted within the City and the processes required to review them. The permitted types of land divisions are:

A. Subdivision

A subdivision is a land division that results in the creation of 4 or more lots within a calendar year. Multiple requests that have the result of creating 4 lots within a calendar year must be reviewed as a subdivision, even if each request creates 3 lots or fewer, unless otherwise exempted by this ordinance. It requires approval of a preliminary plat by the Planning Commission and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A subdivision preliminary plat decision may be appealed to the City Council as described in this ordinance. A subdivision final plat decision may not be appealed. A subdivision is subject to Sections 13.100 through 13.150 and 13.400 through 13.630.

B. Major Partition

A major partition is a land division that results in the creation of 3 or fewer lots and a street within a calendar year. It requires approval of a preliminary plat by the Planning Commission and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A major partition preliminary plat decision may be appealed to the City Council as described in this ordinance. A major partition final plat decision may not be appealed. A major partition is subject to Sections 13.200 through 13.250 and 13.400 through 13.630.

C. Minor Partition

A minor partition is a land division that results in the creation of 3 or fewer lots within a calendar year and does not result in the creation of a street. It requires approval of a preliminary plat by the Community Development Director and approval of a final plat by the Community Development Director. These reviews may not be completed concurrently. A minor partition preliminary plat decision may be appealed to the Planning Commission as described in this ordinance. A minor partition final plat decision may not be appealed. A minor partition is subject to Sections 13.300 through 13.350 and 13.400 through 13.630.

D. Expedited Land Division

An expedited land division is a type of land division intended to reduce the time necessary for review of land divisions creating new housing lots or units. There is no lot or unit limit for an expedited land division, provided the land division complies with the requirements of ORS 197.360. Expedited land divisions are reviewed in a single submittal (i.e., no differentiation between preliminary and final plat) but otherwise subject to the same process and standards as a minor partition except where adjustments are necessary to comply with ORS 197.360 through 197.380.

E. Middle Housing Land Division

A middle housing land division is a type of land division intended to allow middle housing property owners to divide a middle housing project into a number of child lots equal to the number of units in a middle housing development on the original lot. There is no lot limit or threshold for a middle housing land division except that there must be exactly 1 unit per resulting lot and each resulting unit must be served by independent utility systems. Middle housing land divisions are reviewed in a single submittal (i.e., no differentiation between preliminary and final plat) but otherwise subject to the same process and standards as a minor partition except where adjustments are necessary to comply with ORS 92.010 through 92.192 and 197.360 through 197.380.

SECTION 53: AMENDMENT “2.205 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.205 USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted in this CR Zone if the Community Development Director determines that the uses will not violate standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Arts and crafts studio.
- B. Family day care center.
- C. Home occupation, which satisfies the requirements of Section 3.095.
- D. Single-family dwelling.
- E. Two-family dwelling.
- F. Accessory Dwelling Unit. ~~Carriage house dwelling, meeting the requirements of Section 3.050.~~
- G. Cottage cluster development meeting the requirements of Section ~~3.050~~3.090.
- H. Residential home.
- I. ~~Accessory Dwelling Unit. (Section 2.205.9 added by Ordinance 21-02, 2-16-21) (Section 2.205 added by Ord 14-09, 10-6-14)~~

SECTION 54: AMENDMENT “2.215 SETBACKS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.215 SETBACKS

Uses in the CR Zone will comply with the following minimum setback requirements or the setback requirements of applicable overlay zones, whichever requirements are greater.

- A. The minimum front setback shall be 10 feet. Front steps are permitted to encroach into front setbacks.
- B. The minimum side setback shall be five (5) feet, except on corner lots where the side setback on the street side shall be a minimum of 10 feet.
- C. The minimum rear setback shall be 15 feet, except on corner lots where the rear setback shall be a minimum of five (5) feet.
- D. Uses in the CR Zone that are part of a cottage cluster development will comply with the setback requirements in Section ~~3.050~~3.090.

~~(Section 2.215 added by Ord 14-09, 10-6-14)~~

SECTION 55: AMENDMENT “2.035 YARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.035 YARDS

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

- A. The minimum front yard will be 20 feet.
- B. The minimum side yard will be five (5) feet, except on corner lots the side yard on the street side will be 15 feet.
- C. The minimum rear yard will be 20 feet, except on corner lots the rear yard will be five (5) feet.

SECTION 56: AMENDMENT “2.080 YARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)

SECTION 57: AMENDMENT “2.170 YARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

SECTION 58: AMENDMENT “2.210 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.210 CONDITIONAL USES PERMITTED

The following uses and their accessory uses are permitted in the CR Zone if the Planning Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in Sections 2.215 through 2.230, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Day care center, only in the community building of a cottage cluster development meeting the requirements of Section ~~3.050~~ 3.090.
- B. Public or semi-public use.
- C. Temporary use meeting the requirements of Section 3.240.

(Section 2.210 added by Ord 14-09, 10-6-14)

SECTION 59: AMENDMENT “2.435 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Day care center.
- B. Indoor family entertainment or recreation establishment.
- C. Light manufacturing.
- D. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City code Sections 8.750 to 8.800), and associated uses except as follows:
 - 1. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.435.D.2.
 - 2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units. (~~Section 2.435.D amended by Ord 19-07, 7-1-2019~~)
- E. Temporary use meeting the requirements of Sections 3.240.H. Transportation service establishment.
- F. Recycling establishment.
- G. ~~Residential facility, in a new or existing structure: Located above or below the first floor, with commercial facilities on the first floor. Located in the rear of the first floor with commercial facilities in the front portion of the structure. (Section 2.435.G amended by Ord 19-05, 6-17-2019)~~
- H. Wholesale trade, warehouse, mini-storage, or distribution establishment (see Section 11.170).
- I. Conference Center. (~~Section 2.435(K) added by Ordinance 94-06, 6-6-94~~)

SECTION 60: AMENDMENT “2.430 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Business service establishment.
- B. Commercial laundry or dry cleaning establishment.

- C. Commercial or public off-street parking lot.
- D. Communication service establishment.
- E. Eating and drinking establishment without drive-thru facilities.
- F. Education service establishment.
- G. Family day care center in existing a legal dwelling unit.
- H. Home occupation in existing a legal dwelling unit, ~~located above or below the first floor, with commercial facilities on the first floor of existing structure. (Section 2.430.M amended by Ord 19-05, 6-17-2019)~~
 - I. ~~Multi-family dwelling in a new or existing structure: For properties with frontage on Marine Dr. or Commercial St., permitted only in the upper floor(s) or non-street elevations of the ground floor.~~
 - J. I. Personal service establishment.
 - K. J. Professional service establishment.
 - L. K. Public or semi-public use.
 - M. L. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
 - N. ~~M. Residential home~~ Residential Home or Residential Facility in a new or existing structure: a. Located above or below the first floor with commercial facilities on the first floor of the structure. b. Located in the rear of the first floor with commercial facilities in the front portion of the structure.
 - O. N. Retail sales establishment.
 - P. O. Single-family, ~~and~~ two-family, and multi-family dwelling in a new or existing structure:
 - 1. Located above or below the first floor with commercial facilities on the first floor of the structure.
 - 2. Located in the rear of the first floor with commercial facilities in the front portion of the structure. ~~(Section 2.430.O amended by Ord 19-05, 6-17-2019; Section 2.435.O amended by Ordinance 93-15, 12-20-93)~~
 - Q. P. Studio for artists.
 - R. Q. Transportation facilities. ~~(Section 2.430.Q added by Ordinance 14-03, 4-21-14)~~
 - S.

SECTION 61: AMENDMENT “2.025 CONDITIONAL USE PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Bed and breakfast, or inn.
- B. Group Living Facility, limited to a maximum occupancy of 15 persons. ~~Congregate care facility.~~
- C. Day care center.
- D. ~~Nursing home.~~
- E. Public or semi-public use.
- F. Temporary use meeting the requirements of Section 3.240.
- G. ~~(Section 2.025.7 deleted by Ordinance 21-02, 2-16-21; Section 2.025.7 added by Ordinance 04-10, 11-1-04)~~
- H. Home Stay Lodging, which satisfies requirements in City Code Sections 8.750 to

8.800. (Section 2.025.8 amended by Ord 19-07, 7-1-2019; added by Ordinance 04-10, 11-1-04)

SECTION 62: AMENDMENT “2.920 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.920 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 2.924 through 2.934, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. ~~Congregate care facility.~~ Group Living Facility.
- B. Family day care center.
- C. Heliport associated with a hospital.
- D. Home occupation which satisfies the requirements in Section 3.095.
- ~~E. Nursing home.~~
- ~~F. E. Medical or health care service establishments.~~
- ~~G. F. Multi-family dwelling.~~
- ~~H. G. Residential facility.~~
- ~~I. H. Residential home.~~
- ~~J. I. Single-family dwelling, located above or below the first floor, with permitted commercial facilities on the first floor of the structure.~~
- ~~K. J. Two-family dwelling.~~
- ~~L. K. Transportation facilities. (Section 2.920.L formerly 14.115.12 added by Ordinance 14-03, 4-21-14) (Section 2.920 renumbered by Ord 14-09, 10-16-14)~~

SECTION 63: AMENDMENT “2.938 USES PERMITTED OUTRIGHT”
of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.938 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 2.942 through 2.948, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. ~~Congregate care~~ Long-Term Care Group Living Facilities.
- B. Heliport associated with a hospital.
- C. Hospital.
- ~~D. Nursing home.~~
- E. Medical or health care service establishment.
- ~~F. Transportation facilities. (Section 2.938.F formerly 14.160.6 added by Ordinance 14-03, 4-21-14) (Section 2.938 renumbered by Ord 14-09, 10-16-14)~~

SECTION 64: AMENDMENT “2.230 HEIGHT OF STRUCTURES” of
the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.230 HEIGHT OF STRUCTURES

No structure will exceed a height of 28 feet above grade, except where applicable overlay zones allow otherwise.

~~(Section 2.230 added by Ord 14-09, 10-6-14)~~

SECTION 65: AMENDMENT “2.315 YARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.~~

SECTION 66: AMENDMENT “2.320 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.320 LOT COVERAGE

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

SECTION 67: AMENDMENT “2.335 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.335 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size. ~~(Section 2.335.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. Where feasible, joint access points and parking facilities for more than one use should be provided.
- E. All uses will comply with applicable access, parking, and loading standards in Article 7.
- F. Conditional Uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8.
- H. 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.
- I. 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. ~~(Section~~

- ~~2.335.B to 2.335.I renumbered as scrivener error due to duplication of numbers)~~
- J. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.335.10 added by Ord 19-05, 6-17-2019)~~
 - K. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.

(Ordinances 14-03, 19-05)

SECTION 68: AMENDMENT “2.350 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Eating or drinking establishment.
- B. Home occupation in existing a legal dwelling unit.
- C. Cottage cluster development meeting the requirements of Section 3.090. ~~Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows: Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel, except as noted in Section 2.350.C.2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units. (Section 2.350.C amended by Ord 19-07, 7-1-2019)~~
- D. Tourist-oriented retail sales or service establishment.
- E. Conference Center. ~~(Section 2.350(E) added by Ordinance 94-06, 6-6-94)~~
- F. Transportation facilities. ~~(Section 2.350.F added by Ordinance 14-03, 4-21-14)~~

SECTION 69: AMENDMENT “2.325 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.325 LANDSCAPED OPEN AREA

A minimum of ~~20~~10 percent of the total lot area will be maintained as a landscaped open area.

SECTION 70: AMENDMENT “2.375 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.375 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. 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.
- C. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size. (~~Section 2.375.C amended by Ord 19-05, 6-17-2019~~)
 - D. Where feasible, joint access points and parking facilities for more than one use should be provided.
 - E. All uses will comply with access, parking, and loading standards in Article 7. 6. Conditional Uses will meet the requirements in Article 11.
 - F. Signs will comply with requirements in Article 8.
 - G. 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.
 - H. 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.
 - I. 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.
 1. Facility design shall take maximum advantage of river views.
 2. 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.
 3. 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 earth tones, with bright or brilliant colors used only for accent. Buildings shall not create a false historical appearance of a previous period or era.
 4. 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.
 5. 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.
 6. Buildings should minimize the impact on views and vistas from surrounding or adjacent properties through orientation or location on the site.
 7. On-site parking shall be designed to be as unobtrusive as possible, through site location and landscaping.
 - J. All uses shall comply with applicable lighting standards in Section 3.128. (~~Section 2.375.J added by Ord 19-05, 6-17-2019~~)
 - K. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.

(Ordinances 94-06, 19-05, 19-06, 19-07)

SECTION 71:AMENDMENT “2.395 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Animal hospital or kennel.
- B. Automotive sales or service establishment.
- C. Day care center.
- D. Gasoline service station.
- E. Hospital.
- F. ~~(Section 2.395(F) deleted by Ordinance 98-01, 1-5-98)~~ Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), and associated uses except as follows: 1. Structures or portions of structures occupied as a residential dwelling unit after January 1, 2019 and/or originally constructed as a residential dwelling unit may not be used as a motel or hotel. 2. Structures or portions of structures originally constructed as a motel or hotel of greater than three units may be utilized as a motel and/or hotel regardless of current use as residential units.
- G. Light Manufacturing.
- H. Recycling establishment.
- I. Repair service establishment not allowed as an Outright Use.
- J. Temporary use meeting the requirements of Sections 3.240.
- K. Wholesale trade or warehouse establishment.

SECTION 72:AMENDMENT “2.415 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.415 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. 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.
- C. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.415.C amended by Ord 19-05, 6-17-2019)~~
- ~~D. 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.~~
- ~~E. D.~~ All uses will comply with access, parking, and loading standards in Article 7.
- ~~F. E.~~ Conditional uses will meet the requirements in Article 11.
- ~~G. F.~~ Signs will comply with requirements in Article 8.
- ~~H. G.~~ 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.
- ~~I. H.~~ 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.
- ~~J. I.~~ For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- ~~K. J.~~ All uses located within ~~an the Civic Greenway~~ Overlay Zone area will comply with the applicable requirements in Article 14 of this code of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. ~~(Section 2.415.K added by Ord 19-06, 7-1-2019)~~
- ~~L. All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.~~ ~~(Section 2.415.L added by Ord 19-06, 7-1-2019)~~

- ~~M. All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138. (Section 2.415.M added by Ord 19-06, 7-1-2019)~~
- ~~N. K. All uses shall comply with applicable lighting standards in Section 3.128. (Section 2.415.N added by Ord 19-05, 6-17-2019)~~
- ~~O. All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200. (Section 2.415.O added by Ord 20-02, 1-21-2020)~~

(Ordinances 94-06, 98-01, 00-08, 11-02, 11-08, 14-03, 19-05, 19-06, 19-07, 20-02)

SECTION 73: AMENDMENT “2.425 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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 and to allow residential as a subordinate, secondary use. 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.

SECTION 74: AMENDMENT “2.445 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.445 OTHER APPLICABLE USE STANDARDS

- A. 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.~~
- B. Outdoor sales and/or service areas over 100 square feet in size are not permitted in this zone, except for restaurants.
- C. 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.
- D. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas and shall not exceed 100 square feet in size. ~~(Section 2.445.D amended by Ord 19-05, 6-17-2019)~~
- E. Indoor storage will not be the principal use of property.
- F. All uses with access, parking, or loading areas will comply with standards in Article 7.
- G. Conditional Uses will meet the requirements in Article 11.
- H. Signs will comply with requirements in Article 8.
- I. 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.
- J. 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.
- K. For uses located within the Astor-East Urban Renewal District, refer to the Urban

- Renewal Plan for additional standards.
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.445.L added by Ord 19-05, 6-17-2019)~~
- M. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
~~All uses located within the Urban Core Overlay Zone area will comply with the requirements of the Urban Core Overlay Zone in Sections 14.175 to 14.200. (Section 2.445.M added by Ord 20-02, 1-21-2020)~~

(Ordinances 93-15, 94-06, 14-03, 19-05, 19-07, 20-02)

SECTION 75: AMENDMENT “2.470 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

~~(Section 2.470 Amended by Ordinance 02-03, 2-4-02)~~

SECTION 76: AMENDMENT “2.475 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Automotive repair, service, and garage.
- B. Business Incubator. ~~(Section 2.475.B Added by Ordinance 02-03, 2-4-02)~~
- C. Bulk fuel and ice dealer.
- D. Cold storage and/or ice processing facility.
- E. Commercial testing laboratory.
- F. Construction contractor's office and related outdoor storage.
- G. Laundry, cleaning, and garment services.
- H. Light manufacturing, including but not limited to:
 - 1. Electrical and electronic machinery, equipment and supplies (except storage batteries).
 - 2. Transportation equipment.
 - 3. Instruments - photographic, medical and optical goods.
- I. Mailing, reproduction, commercial art and photography, and graphic services.
- J. Photo finishing laboratory.
- K. Printing, publishing and allied industries.

- L. Public use appropriate to and compatible with the allowable uses within the zone and the surrounding neighborhood. ~~(Section 2.475.L Amended by Ordinance 02-03, 2-4-02)~~
- M. Public utility structures and buildings.
- N. Repair service establishment.
- O. Research and development laboratories.
- P. Transportation, communications, electric, gas, and sanitary services.
- Q. Truck and equipment storage and parking, and material storage yard.
- R. Vocational school except vocational high school
- S. Wholesale trade, warehouse, and/or distribution establishment.
- T. Mini-storage in structures that include residential use existing prior to January 1, 2012. A maximum of 20% of the ground floor area may be utilized for mini-storage use. ~~(Section 2.475.T added by Ordinance 12-07, 4-2-12)~~
- U. Transportation facilities. ~~(Section 2.475.U added by Ordinance 14-03, 4-21-14)~~

~~(Section 2.475 Amended by Ordinance 02-03, 2-4-02)~~

SECTION 77:AMENDMENT “2.485 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.485 OTHER APPLICABLE USE STANDARDS

- A. Outdoor Storage. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.485.A amended by Ord 19-05, 6-17-2019)~~
- B. 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. ~~(Section 2.485.B Amended by Ordinance 02-03, 2-4-02)~~
- C. Signage. Signs will comply with requirements in Article 8.
- D. Building Height. No structure will exceed 45 feet above grade.
- E. 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. ~~(Section 2.485.E Amended by Ordinance 02-03, 2-4-02)~~
- F. 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. ~~(Section 2.485.F Amended by Ordinance 02-03, 2-4-02)~~
- G. 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. ~~(Section 2.485.G Added by Ordinance 02-03, 2-4-02)~~

- H. Outside lighting. Lighting shall not exceed 28' in height. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.485.H amended by Ord 19-05, 6-17-2019; Section 2.485.H Amended by Ordinance 02-03, 2-4-02)~~
- I. Lot Coverage. Buildings shall not cover more than 90% of each lot area. ~~(Section 2.485.I Added by Ordinance 02-03, 2-4-02)~~
- J. Landscaped Open Area. A minimum of 10% of each lot area shall be maintained as landscaped open area. ~~(Section 2.485.J Added by Ordinance 02-03, 2-4-02)~~
- K. 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.
 - 1. Professional service establishment;
 - 2. Business service establishment;
 - 3. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area. ~~(Section 2.485.K Added by Ordinance 02-03, 2-4-02)~~
- L. 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.
 - 1. Professional service establishment;
 - 2. Business service establishment;
 - 3. Retail sales establishment not exceeding 3,000 square feet of gross floor area;
 - 4. Eating and drinking establishment without drive-through facilities, not exceeding 3,000 square feet of gross floor area. ~~(Section 2.485.L Added by Ordinance 02-03, 2-4-02)~~
- M. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. (Section 2.485.M added by Ord 19-06, 7-1-2019)~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.

(Ordinances 02-03, 12-07, 14-03, 19-05, 19-06)

SECTION 78: AMENDMENT “2.505 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Water-dependent commercial or industrial use.
- B. Navigational structure.
- C. *Water-dependent public recreational facility, including boat ramp, dock, moorage and marina for commercial and recreational marine craft.
- D. Shoreline stabilization.
- E. *Flowlane disposal of dredged material.

- F. Pipeline, cable, and utility crossing.
- G. *Storm water and treated wastewater outfall.
- H. Communication facility.
 - I. Temporary dike for emergency flood protection limited to 60 days subject to State and Federal requirements.
 - J. *New dike construction.
- K. Maintenance and repair of existing structure or facility.
- L. 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.
- M. The following water-related commercial and industrial uses:
 - 1. Boat and/or marine equipment sales;
 - 2. Fish or shellfish retail or wholesale outlet;
 - 3. *Charter fishing office;
 - 4. Sports fish cleaning, smoking, or canning establishment;
 - 5. *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;
 - 6. 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;
 - 7. *Cold storage and/or ice-processing facility independent of seafood processing facility.
- N. Navigation aid.
- O. 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.
- P. Bridge crossing.
- Q. Transportation facilities. (~~Section 2.505-Q added by Ordinance 14-03, 4-21-14~~)

*Not permitted at South Tongue Point.

SECTION 79:**AMENDMENT** “2.510 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Mining and mineral extraction.
- B. Active restoration.
- C. Bridge crossing support structure.
- D. Aquaculture and water-dependent portions of aquaculture facility.
- E. In-water log dump, sorting operation.
- F. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
- G. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
- H. 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.
- I. Water-related recreational use.
- J. Water-related commercial or industrial use other than those listed under Section

- 2.505(M) of this zone.
- K. Piling as necessary for any of the conditional uses 1 through 10 listed above.
- L. Temporary use meeting the requirements of Section 3.240.
- M. 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(M) added by Ordinance 94-05, 6-6-94)~~

SECTION 80: AMENDMENT “2.515 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby amended as follows:

AMENDMENT

2.515 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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).
- B. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
- C. 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.
- D. 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.
- E. There shall be no height limit for structures in the Aquatic One Development Zone.
- F. 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.
- G. 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)).
- H. Projects in the Tongue Point Mediated Panel Agreement area must comply with the applicable policies in the Comprehensive Plan, Section CP.180(G).
- I. 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).
- J. Accessory structures in the Aquatic One Development Zone are limited in size to a maximum of 10% of the primary structure.
- K. 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(E), or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgement.
- L. 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(K) added by Ordinance 94-05, 6-6-94)~~
- M. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.515.M added by Ord 19-05, 6-17-2019)~~
- N. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.515.N added by Ord 19-05, 6-17-2019)~~
- O. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075~~ All uses located within an overlay zone area will comply with the applicable requirements

in Article 14 of this code.
~~.(Section 2.515.O added by Ord 19-06, 7-1-2019)~~

(Ordinances 94-05, 14-03, 19-05, 19-06)

- A. ~~All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125.~~All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
~~(Section 2.515.P added by Ord 19-06, 7-1-2019)~~

SECTION 81: **AMENDMENT** “2.530 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Water-dependent commercial and industrial use.
- B. Small boat building and repair.
- C. Water-dependent facilities including dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
- D. Public pier.
- E. Navigational structure.
- F. Shoreline stabilization.
- G. Pipeline, cable, and utility crossing.
- H. Storm water and treated wastewater outfall.
- I. Communication facility.
- J. New dike construction.
- K. Maintenance and repair of existing structure or facility.
- L. Public use associated with a maritime related use. ~~(Section 2.530.L amended by Ord 14-09, 10-16-14)~~
- M. Flowlane disposal of dredged material.
- N. 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.
- O. The following water-related commercial uses:
 - 1. Boat and/or marine equipment sales;
 - 2. Fish or shellfish retail or wholesale outlet;
 - 3. Charter fishing office;
 - 4. Sports fish cleaning, smoking or canning establishment;
 - 5. 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.
- P. Navigation aid.
- Q. Piling as necessary for any of the permitted uses 1 through 16 listed above.
- R. Transportation facilities. ~~(Section 2.530.R added by Ordinance 14-03, 4-21-14)~~

SECTION 82: AMENDMENT “2.535 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
- B. 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.
- C. Aquaculture and water-dependent portions of aquaculture facility.
- D. Water-dependent or water-related recreational use not listed elsewhere in this zone.
- E. Active restoration.
- F. Bridge crossing and bridge crossing support structure.
- G. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the City's Comprehensive Plan.
- H. Fill in conjunction with any of the conditional uses 1 through 7 listed above pursuant to the applicable standards in Section 4.050.
- I. Mining and mineral extraction.
- J. Dredging in conjunction with any of the conditional uses 1 through 9 listed above, pursuant to the applicable standards in Section 4.050.
- K. Water-related commercial or industrial use not listed under Section 2.530.
- L. Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.
- M. Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront.
- N. Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.
- O. Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront.
- P. 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(J). (~~Section 2.535(P) amended by Ordinance 00-03, 3-20-00~~)
- Q. Conference Center which provides significant visual access to the waterfront. (~~Section 2.535(Q) added by Ordinance 94-06, 6-6-94~~)
- R. Piling in conjunction with any of the above conditional uses. (~~Section 2.535(R) renumbered by Ordinance 94-06, 6-6-94~~)
- S. Temporary use meeting the requirements of Section 3.240. (~~Section 2.535(S) renumbered by Ordinance 94-06, 6-6-94~~)

SECTION 83: AMENDMENT “2.555 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Water-dependent commercial and industrial use.
- B. Small boat building and repair.
- C. Dock, moorage, pier, terminal, transfer facility and marina for commercial and recreational marine craft, for passengers, or for waterborne commerce.
- D. Public pier.
- E. Navigational structure.
- F. Shoreline stabilization.
- G. Pipeline, cable, and utility crossing.
- H. Storm water and treated wastewater outfall.
- I. Communication facility.
- J. New dike construction.
- K. Maintenance and repair of existing structure and facility.
- L. Flowlane disposal of dredged material.
- M. 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.
- N. The following water-related commercial uses:
 - 1. Boat and/or marine equipment sales;
 - 2. Fish or shellfish retail or wholesale outlet;
 - 3. Charter fishing office;
 - 4. Sports fish cleaning, smoking or canning establishment;
 - 5. 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.
- O. Navigation aide.
- P. Piling as necessary for any of the permitted uses 1 through 15 listed above.
- Q. Transportation facilities. (Section 2.555.Q added by Ordinance 14-03, 4-21-14)

SECTION 84: **AMENDMENT** “2.560 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.

- A. Aquaculture and water-dependent portions of aquaculture facility.
- B. Water-dependent or water-related recreational use not listed elsewhere in this zone.
- C. Active restoration.
- D. Bridge crossing and bridge crossing support structure.
- E. A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Astoria Comprehensive Plan.
- F. Fill in conjunction with any of the conditional uses A through E listed above, pursuant to the applicable standards in Section 4.070.
- G. Mining and mineral extraction.
- H. Dredging in conjunction with any of the conditional uses A through G listed above, pursuant to the applicable standards in Section 4.050.
- I. Water-related commercial or industrial use.

- J. Eating and drinking establishment open to the general public which provides significant visual access to the waterfront.
- K. Hotel, motel, inn, bed and breakfast which provides significant visual access to the waterfront.
- L. Tourist-oriented retail sales establishment which provides significant visual access to the waterfront.
- M. Indoor amusement, entertainment, and/or recreation establishment which provides significant visual access to the waterfront.
- N. Professional, business and medical office.
- O. Residential use meeting the requirements of 2.565(H).
- P. Temporary use meeting the requirements of Section 3.240.
- Q. Conference Center which provides significant visual access to the waterfront. ~~(Section 2.560(Q) added by Ordinance 94-06, 6-6-94)~~
- R. Piling in conjunction with any of the conditional uses A through Q listed above. ~~(Section 2.560(R) renumbered by Ordinance 94-06, 6-6-94)~~

SECTION 85: AMENDMENT “2.580 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Estuarine enhancement.
- B. Riprap for protection of use existing as of October 7, 1977, unique natural resources, historical or archeological resources, or public facility.
- C. Maintenance and repair of existing structure or facility.
- D. Active restoration of fish habitat, wildlife habitat, or water quality.
- E. Filling in conjunction with any of the permitted uses 1 through 4, above, pursuant to the applicable standards in Section 4.070.
- F. Tidegate installation and maintenance in existing functional dike.
- G. Dredging to obtain fill material for dike maintenance pursuant to the dike maintenance dredging standards.
- H. Pipeline, cable, and utility crossing.
 - I. 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.
- J. Dredging in conjunction with any of the permitted uses 1 through 9, above, pursuant to the applicable standards in Section 4.050.
- K. Navigation aid.
- L. Communication facility.
- M. Bridge crossing support structure.
- N. Boat ramp for public use where no dredge or fill is needed for navigational access.
- O. Undeveloped low intensity water-dependent recreation.
- P. Project for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- Q. Research and educational observation.
- R. Piling and pile supported structure in conjunction with any of the permitted uses 1 through 17 above.
- S. Passive restoration.
- T. Bridge crossing.
- U. Transportation facilities, excluding electric car charging stations. ~~(Section 2.580-U added by Ordinance 14-03, 4-21-14)~~

SECTION 86:**AMENDMENT** “2.585 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Aquaculture and water-dependent portions of aquaculture facility.
- B. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- C. Temporary alteration.
- D. Beach nourishment at sites designated in the Comprehensive Plan.
- E. Filling in conjunction with conditional uses 1 through 4, above, pursuant to the applicable standards in Section 4.070.
- F. High-intensity water-dependent recreation including boat ramp, marina, and individual dock.
- G. Minor navigational improvement.
- H. Mining and mineral extraction.
- I. Dredging in conjunction with any of the conditional uses 1 through 8, above, pursuant to the applicable standards in Section 4.050.
- J. Low-intensity water-dependent commercial or industrial use requiring occupation of water-surface area by means other than fill.
- K. In-water log storage.
- L. Piling in conjunction with any of the conditional uses A through K, above.
- M. Temporary use meeting the requirements of Section 3.240.
- N. In pile supported buildings existing prior to October 1, 2002, non-water-dependent or non-water-related uses as follows:
 - 1. Arts and crafts studios.
 - 2. Bed and breakfast, home stay lodging (which satisfies requirements in City Code Sections 8.750 to 8.800), or inn. (~~Section 2.585.N.2 amended by Ord 19-07, 7-1-2019~~)
 - 3. Home occupation.
 - 4. Professional and business office, personal service establishment limited to beauty and barber services and garment alterations.
 - 5. Residential home.
 - 6. Single-family dwelling.
 - 7. Two-family dwelling.
 - 8. Multi-family dwelling.
 - 9. 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.
 - 10. Accessory Dwelling Unit. (~~Section 2.585.N.10 added by Ordinance 21-02, 2-16-21~~)(~~Section 2.585(N) added by Ordinance 02-16, 12-2-02~~)

SECTION 87: **AMENDMENT** “2.590 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.590 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

- A. 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).
- B. 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.
- C. 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.
- D. No use shall be allowed in an Aquatic Conservation Zone (A-3) which would cause a major alteration of the estuary.
- E. The maximum height of structures in the Aquatic Conservation Zone shall be 20 feet above the grade of adjacent shorelands.
- F. 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.
- G. 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.
- H. 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)).
- I. ~~Accessory structures in the Aquatic Conservation Zone are limited in size to a maximum of 10% of the primary structure.~~
- J. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.590.J added by Ord 19-05, 6-17-2019)~~
- K. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.590.K added by Ord 19-05, 6-17-2019)~~
- L. ~~All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code. ~~(Section 2.590.L added by Ord 19-06, 7-1-2019)~~

(Ordinances 14-03, 19-05, 19-06, 19-07)

SECTION 88: **AMENDMENT** “2.610 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.

- A. Maintenance and repair of existing structure or facility.
- B. Fill as necessary for conditional use number 1, above, pursuant to the applicable standards in Section 4.070.
- C. Active restoration.
- D. Pipeline, cable and utility crossing.
- E. Dredging as necessary for conditional uses 1 through 4, above, pursuant to the applicable standards in Section 4.050.
- F. Aquaculture facility limited to temporary removable structures which require no dredge or fill.
- G. Boat ramp for public use where no dredging or fill for navigational access is needed.
- H. Bridge crossing support structure.
- I. Piling as necessary for conditional uses 1 through 9, above.
- J. Temporary alteration.
- K. Communication facility.
- L. Transportation facilities, excluding electric car charging stations. ~~(Section 2.610.L added by Ordinance 14-03, 4-21-14)~~

SECTION 89: AMENDMENT “2.615 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.615 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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).
- B. 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.
- C. 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.
- D. The maximum height of structures in the Aquatic Natural Zone shall be 20 feet above the grade of adjacent shorelands.
- E. 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.
- F. 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.
- G. 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)).
- H. Accessory structures in the Aquatic Natural Zone are limited in size to a maximum of

- ten percent of the primary structure.
- I. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.615.I added by Ord 19-05, 6-17-2019)~~
- J. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.615.J added by Ord 19-05, 6-17-2019)~~
- K. ~~All uses located within the Neighborhood Greenway Overlay Zone area will comply with the requirements of the Neighborhood Greenway Overlay Zone in Sections 14.130 to 14.138.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code. ~~(Section 2.615.K added by Ord 19-06, 7-1-2019)~~

(Ordinances 14-03, 19-05, 19-06)

SECTION 90: AMENDMENT “2.655 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. Water-dependent industrial use.
- B. Water-dependent commercial use.
- C. *Water-dependent recreational facility, including boat ramp, dock, moorage and marina for commercial and recreational marine craft.
- D. *Other water-dependent commercial and recreational uses.
- E. Shoreline stabilization.
- F. Navigational aide.
- G. Temporary dike for emergency flood protection limited to 60 days, subject to State and Federal regulations.
- H. Water-related commercial and industrial use.
- I. Transportation facilities. ~~(Section 2.655.I added by Ordinance 14-03, 4-21-14)~~

*Not permitted at South Tongue Point.

SECTION 91: AMENDMENT “2.660 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. 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.
- B. 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.
- C. Water-related recreational use.

- D. Aquaculture facility.
- E. Temporary use meeting the requirements of Section 3.240.
- F. Non-water-dependent and non-water-related use which is accessory to and in conjunction with permitted water-dependent and water-related use.
- G. 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(G) added by Ordinance 94-05, 6-6-94)~~

SECTION 92: **AMENDMENT** “2.665 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.665 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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).
- B. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
- C. 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.
- D. Water-dependent recreation and water-dependent commercial uses shall be located so as not to interfere with water-dependent marine industrial uses of areas.
- E. There shall be no height limitation for structures sited within the Marine Industrial Shorelands Zone.
- F. 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)).
- G. 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).
- H. Accessory structures in the Marine Industrial Shorelands Zone are limited in size to a maximum of ten percent of the lot or parcel size.
- I. 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.
- J. 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(J) added by Ordinance 94-05, 6-6-94)~~
- K. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.665.K added by Ord 19-05, 6-17-2019)~~
- L. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.665.L added by Ord 19-05, 6-17-2019)~~
- M. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.~~
~~(Section 2.665.M added by Ord 19-06, 7-1-2019)~~
- ~~N: (Ordinances 94-05, 19-05, 19-06)~~

SECTION 93: **AMENDMENT** “2.680 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. *Charter fishing office.
- B. Cold storage and/or ice processing facility.
- C. *Marina and high intensity water-dependent recreation.4. Marine equipment sales establishment.
- D. *Petroleum receiving, dispensing and storage for marine use.
- E. Seafood receiving and processing.
- F. Ship and boat building and repair.
- G. Maintenance and repair of existing structure or facility.
- H. Navigation aide.
- I. Temporary dike for emergency flood protection subject to State and Federal regulations.
- J. Shoreline stabilization.
- K. Public park or recreation area.
- L. Water-dependent industrial, commercial and recreational use.
- M. *Manufactured Dwelling in an approved park.
- N. Transportation facilities. ~~(Section 2.680.N added by Ordinance 14-03, 4-21-14)~~

* Not permitted at South Tongue Point.

SECTION 94: **AMENDMENT** “2.690 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.690 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.690.B amended by Ord 19-05, 6-17-2019)~~
- C. All uses will comply with access, parking, and loading standards in Article 7.
- D. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
- E. Signs will comply with requirements in Article 8.
- F. 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.
- G. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
- H. 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.

- I. Whenever possible all structures shall be designed and orientated to maintain views of the river from public rights-of-way.
- J. 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).
- K. Accessory structures in the General Development Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.690.L by Ord 19-05, 6-17-2019)~~
- M. ~~All uses located within the Bridge Vista Overlay Zone area will comply with the requirements of the Bridge Vista Overlay Zone in Sections 14.085 to 14.125. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.~~
(Section 2.690.M added by Ord 19-06, 7-1-2019)

(Ordinances 94-06, 14-03, 19-05, 19-06)

SECTION 95: AMENDMENT “2.705 PERMITTED USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Tourist oriented retail sales establishment.
- B. Eating, drinking and entertainment establishment without drive-through facility.
- C. Specialized food store, such as bakery, delicatessen and seafood market.
- D. ~~Hotel, motel, inn, bed and breakfast, and associate uses:~~
- E. Personal service establishment, excluding funeral homes. ~~(Section 2.705(E) amended by Ordinance 12-11, 11-5-12)~~
- F. Indoor family-oriented amusement, entertainment and/or recreation establishment.
- G. Theater.
- H. Seafood receiving and processing.
 - I. Small boat building and repair.
 - J. Boat and/or marine equipment sales.
- K. Park and museum.
- L. Shoreline stabilization.
- M. Navigation aide.
- N. Conference Center. ~~(Section 2.705.N) added by Ordinance 94-06, 6-6-94)~~
- O. Transportation facilities. ~~(Section 2.705.O added by Ordinance 14-03, 4-21-14)~~
- P. Multi-family Dwelling.
- Q. Residential Facility.

SECTION 96: AMENDMENT “2.710 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Arts and crafts studio.
- B. Commercial or public parking lot.
- C. ~~Multi-family dwelling.~~
- D. Non-tourist oriented retail sales establishment.
- E. Professional and business office.
- F. Public or semi-public use appropriate to and compatible with the district.
- G. Repair service establishment, not including automotive, heavy equipment, or other major repair service.
- H. Temporary use meeting the requirements of Section 3.240.

SECTION 97: AMENDMENT “2.715 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.715 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.
- C. ~~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.~~
- D. Signs will comply with requirements in Article 8. No structure will exceed a height of 45 feet above grade.
- E. Commercial and recreational facilities having a tourist orientation shall be designed to take maximum advantage of river views.
- F. 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)).
- G. New businesses with frontage on north-south oriented streets shall meet the following requirements:
 - 1. 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.
 - 2. New or renovated storefronts will be designed to relate to existing adjacent businesses in terms of scale, color and use of materials.
 - 3. Where appropriate, store front windows along north-south streets will be restored to "display window" condition.
 - 4. The number of garage entry doors along the street will be kept to a minimum.
 - 5. The Planning Commission may require landscaping, lighting, street furniture or other amenities as part of a renovation or new use.
- H. Accessory structures in the Tourist-Oriented Shorelands Zone are limited in size to a maximum of 10% of the lot or parcel size.
- I. All uses shall comply with applicable lighting standards in Section 3.128.
- J. ~~All uses located within the Civic Greenway Overlay Zone area will comply with the requirements of the Civic Greenway Overlay Zone in Sections 14.035 to 14.075. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.~~
- K. ~~(Ordinances 94-06, 94-07, 12-11, 14-03, 19-05, 19-06)~~

SECTION 98:**AMENDMENT** “2.735 CONDITIONAL USES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

- A. Marine research and/or education facility.
- B. Restoration or mitigation, where consistent with the maintenance of natural values.
- C. Low-intensity recreation.
- D. Transportation facilities, excluding electric car charging stations. ~~(Section 2.735.D added by Ordinance 14-03, 4-21-14)~~

SECTION 99:**AMENDMENT** “2.740 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.740 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS

- A. 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.
- B. When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
- C. 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:
 - 1. Temporary stabilization measures;
 - 2. 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.
- D. The maximum height of structures in the S-5 Zone shall be 20 feet above grade.
- E. ~~Accessory structures in the Natural Shorelands Zone are limited in size to a maximum of 10% the lot or parcel size.~~
- F. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.740.F added by Ord 19-05, 6-17-2019)~~
- G. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas.
- H. All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
~~(Section 2.740.G added by Ord 19-05, 6-17-2019)~~

(Ordinances 14-03, 19-05)

SECTION 100: AMENDMENT “2.842 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. High-intensity recreation.

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

SECTION 101: AMENDMENT “2.875 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

- A. Forest management, including logging, access roads, spraying, slash burning and other activities regulated by the Oregon Forest Practices Act.
- B. Public facilities, including water reservoirs and distribution lines, power lines, roads and similar uses.
- C. Low-intensity recreation. ~~(Section 2.875(C) amended by Ordinance 96-01, 1-16-96)~~
- D. Transportation facilities, excluding electric car charging stations and transit stops.

~~(Section 2.875.D added by Ordinance 14-03, 4-21-14)~~

SECTION 102: AMENDMENT “2.880 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.880 OTHER APPLICABLE USE STANDARDS

- A. Forest management activities shall be regulated in accordance with the Oregon Forest Practices Act.
- B. 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.
- C. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.880.C added by Ord 19-05, 6-17-2019)~~
- D. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~(Section 2.880.D added by Ord 19-05, 6-17-2019)~~

~~(Ordinances 96-01, 14-03, 19-05)~~

SECTION 103: **AMENDMENT** “2.890 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.890 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.

~~(Section 2.890 renumbered by Ord 14-09, 10-16-14)~~

SECTION 104: **AMENDMENT** “2.892 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.892 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 2.890 through 2.902, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Eating and drinking establishment without drive-through facility.
- B. Home occupation, which satisfies requirements in Section 3.095.
- C. Museum.
- D. Park.
- E. Restaurant as an accessory use to an Inn which has been approved as a Conditional Use. See Section 3.230.
- F. Retail sales establishment.
- G. Transportation facilities.

~~(Section 2.892 formerly 14.045.7 added by Ordinance 14-03, 4-21-14) (Section 2.892 renumbered by Ord 14-09, 10-16-14)~~

SECTION 105: **AMENDMENT** “2.896 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.896 LOT COVERAGE

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

~~(Section 2.896 renumbered by Ord 14-09, 10-16-14)~~

SECTION 106: **AMENDMENT** “2.898 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.898 LANDSCAPED OPEN AREA

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

~~(Section 2.898 renumbered by Ord 14-09, 10-16-14)~~

SECTION 107: AMENDMENT “2.900 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.900 HEIGHT OF STRUCTURES

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

~~(Section 2.900 renumbered by Ord 14-09, 10-16-14)~~

SECTION 108: AMENDMENT “2.902 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.902 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.902.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and the specific regulations of the C-4 Zone in Section 8.180.
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
~~(Section 2.902.K amended by Ord 19-06, 7-1-2019)~~
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.902.L added by Ord 19-05, 6-17-2019)~~

~~(Section 2.902 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 14-03, 14-03, 19-05, 19-06, 19-07)

SECTION 109: AMENDMENT “2.904 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.904 PURPOSE

The purpose of the Family Activities Zone is to provide family-oriented uses to complement the Aquatics Center and adjacent museums.

~~(Section 2.904 renumbered by Ord 14-09, 10-16-14)~~

SECTION 110: AMENDMENT “2.908 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.908 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 2.910 through 2.916, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Arts and crafts studio.
- B. Commercial off-street parking lot.
- C. Day care center.
- D. Family day care center.
- E. Indoor family entertainment or recreation establishment not otherwise permitted as an outright use.
- F. Professional service establishment.
- G. Public or semi-public use.
- H. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.908 renumbered by Ord 14-09, 10-16-14)~~

SECTION 111: AMENDMENT “2.910 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.910 LOT COVERAGE

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

~~(Section 2.910 renumbered by Ord 14-09, 10-16-14)~~

SECTION 112: AMENDMENT “2.912 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.912 LANDSCAPED OPEN AREA

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

~~(Section 2.912 renumbered by Ord 14-09, 10-16-14)~~

SECTION 113: AMENDMENT “2.914 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.914 HEIGHT OF STRUCTURES

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

~~(Section 2.914 renumbered by Ord 14-09, 10-16-14)~~

SECTION 114: AMENDMENT “2.916 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.916 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.916.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, ~~the Specific regulations of the C-3 Zone in Section 8.150.~~
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.916.L added by Ord 19-05, 6-17-2019)~~

~~(Section 2.916 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 14-03, 14-09, 19-05)

SECTION 115: AMENDMENT “2.918 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.918 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.

~~(Section 2.918 renumbered by Ord 14-09, 10-16-14)~~

SECTION 116: AMENDMENT “2.922 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.922 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 2.924 through 2.934, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Arts and crafts studio.
- B. Business service establishment.
- C. Day care center.
- D. Educational service establishment.
- E. Personal service establishment.
- F. Public or semi-public use.
- G. Retail sales establishment not exceeding 3,000 square feet gross floor area.
- H. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.922 renumbered by Ord 14-09, 10-16-14)~~

SECTION 117: AMENDMENT “2.924 YARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.924 YARDS

The minimum yard requirements in an AH-HC Zone will be as follows:

- A. The minimum front yard will be 10 feet. However, the minimum front yard for porches, bay windows, and stairways will be 6 feet.
- B. The minimum rear yard will be 5 feet.

~~(Section 2.924 renumbered by Ord 14-09, 10-16-14)~~

SECTION 118: AMENDMENT “2.926 DENSITY” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.926 DENSITY

Residential uses will have a minimum density of 13 units per acre.

~~(Section 2.926 renumbered by Ord 14-09, 10-16-14)~~

SECTION 119: AMENDMENT “2.928 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.928 LOT COVERAGE

Buildings will not cover more than 80% of the lot area.

~~(Section 2.928 renumbered by Ord 14-09, 10-16-14)~~

SECTION 120: AMENDMENT “2.930 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.930 LANDSCAPED OPEN AREA

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

~~(Section 2.930 renumbered by Ord 14-09, 10-16-14)~~

SECTION 121: AMENDMENT “2.932 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.932 HEIGHT OF STRUCTURES

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

~~(Section 2.932 renumbered by Ord 14-09, 10-16-14)~~

SECTION 122: AMENDMENT “2.934 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.934 OTHER APPLICABLE USE STANDARDS

- A. All uses except single-family and two-family dwellings shall meet the landscaping requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. (~~Section 2.934.B amended by Ord 19-05, 6-17-2019~~)
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- L. 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.
- M. The western 100' of land along the 20th Street right-of-way shall be reserved for medical and health care facilities.
- N. 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.
- O. All uses shall comply with applicable lighting standards in Section 3.128. (~~Section 2.934.O amended by Ord 19-05, 6-17-2019~~)

(~~Section 2.934 renumbered by Ord 14-09, 10-16-14~~)

(Ordinances 14-03, 14-09, 19-05)

SECTION 123: AMENDMENT “2.936 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.936 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.

(~~Section 2.936 renumbered by Ord 14-09, 10-16-14~~)

SECTION 124: AMENDMENT “2.940 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.940 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 2.942 through 2.948, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Business service establishment.
- B. Day care center.
- C. Educational service establishment.
- D. Personal service establishment.
- E. Professional service establishment.
- F. Public or semi-public use.
- G. Residential facility.
- H. Retail sales establishment not exceeding 3,000 square feet gross floor area.
- I. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.940 renumbered by Ord 14-09, 10-16-14)~~

SECTION 125: **AMENDMENT** “2.942 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.942 LOT COVERAGE

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

~~(Section 2.942 renumbered by Ord 14-09, 10-16-14)~~

SECTION 126: **AMENDMENT** “2.944 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.944 LANDSCAPED OPEN AREA

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

~~(Section 2.944 renumbered by Ord 14-09, 10-16-14)~~

SECTION 127: **AMENDMENT** “2.946 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.946 HEIGHT OF STRUCTURES

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

~~(Section 2.946 renumbered by Ord 14-09, 10-16-14)~~

SECTION 128: AMENDMENT “2.948 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.948 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.948.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- L. 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.
- M. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.948.M added by Ord 19-05, 6-17-2019) (Section 2.948 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 14-03, 14-09, 19-05)

SECTION 129: AMENDMENT “2.950 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.950 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.

~~(Section 2.950 renumbered by Ord 14-09, 10-16-14)~~

SECTION 130: **AMENDMENT** “2.952 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.952 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 2.956 through 2.964, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Educational or research service establishment.
- B. Home occupation which satisfies the requirements of Section 3.095.
- C. Medical or health care service establishment.
- D. Retail sales establishment not exceeding 3,000 square feet gross floor area.
- E. Seafood processing in association with an educational or research service establishment.

~~(Section 2.952 renumbered by Ord 14-09, 10-16-14)~~

SECTION 131: **AMENDMENT** “2.956 LOT SIZE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.956 LOT SIZE

The minimum lot size requirements in the CA Zone will be 5,000 square feet.

~~(Section 2.956 renumbered by Ord 14-09, 10-16-14)~~

SECTION 132: **AMENDMENT** “2.958 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.958 LOT COVERAGE

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

~~(Section 2.958 renumbered by Ord 14-09, 10-16-14)~~

SECTION 133: **AMENDMENT** “2.960 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.960 LANDSCAPED OPEN AREA

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

~~(Section 2.960 renumbered by Ord 14-09, 10-16-14)~~

SECTION 134: AMENDMENT “2.962 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.962 HEIGHT OF STRUCTURES

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

~~(Section 2.962 renumbered by Ord 14-09, 10-16-14)~~

SECTION 135: AMENDMENT “2.964 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.964 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.964.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030.
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.964.L added by Ord 19-05, 6-17-2019)~~

~~(Ordinances 14-09, 19-05)~~

~~(Section 2.964 renumbered by Ord 14-09, 10-16-14)~~

SECTION 136: AMENDMENT “2.966 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.966 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.

~~(Section 2.966 renumbered by Ord 14-09, 10-16-14)~~

SECTION 137: AMENDMENT “2.968 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.968 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 2.969 through 2.972, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Commercial off-street parking lot.
- B. Day care center.
- C. Family day care center.
- D. Indoor family entertainment or recreation establishment.
- E. Museum.
- F. Personal service establishment.
- G. Public or semi-public use.
- H. Temporary use meeting the requirements of Section 3.240.
- I. Medical offices. ~~(Section 2.968.I formerly 14.240.9 added by Ordinance 10-03, 3-1-10) (Section 2.968 renumbered by Ord 14-09, 10-16-14)~~

SECTION 138: AMENDMENT “2.969 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.969 LOT COVERAGE

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

~~(Section 2.969 renumbered by Ord 14-09, 10-16-14)~~

SECTION 139: AMENDMENT “2.970 LANDSCAPED OPEN AREA.” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.970 LANDSCAPED OPEN AREA.

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

~~(Section 2.970 renumbered by Ord 14-09, 10-16-14)~~

SECTION 140: **AMENDMENT** “2.971 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.971 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.

~~(Section 2.971 renumbered by Ord 14-09, 10-16-14)~~

SECTION 141: **AMENDMENT** “2.972 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.972 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. ~~This requirement does not apply to outdoor retail sales areas. Section 2.972-B amended by Ord 19-05, 6-17-2019)~~
- C. 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.~~
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
- H. 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.
- I. 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.
- J. For uses located within the Astor-East Urban Renewal District, refer to the Urban Renewal Plan for additional standards.
- K. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable. (Section 2.972.K amended by Ord 19-06, 7-1-2019)~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- L. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.972.L added by Ord 19-05, 6-17-2019)(Section 2.972 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 10-03, 14-03, 14-09, 19-05, 19-06)

SECTION 142: **AMENDMENT** “2.975 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.975 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.

~~(Section 2.975 renumbered by Ord 14-09, 10-16-14)~~

SECTION 143: AMENDMENT “2.977 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.977 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 2.978 through 2.981, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Business service establishment. (Not allowed on properties between 23rd and 29th Street north of Marine Drive.) ~~(Section 2.977.A amended by Ordinance 18-04, 3-19-2018)~~
- B. Day care center.
- C. Eating and drinking establishment without drive-through facility.
- D. Family day care center.
- E. Gasoline service station. (Not allowed on properties between 23rd and 29th Street north of Marine Drive.) ~~(Section 2.977.E amended by Ordinance 18-04, 3-19-2018)~~
- F. Public or semi-public use.
- G. Restaurant as an accessory use to an Inn. See Section 3.230.
- H. Temporary use meeting the requirements of Section 3.240.
- I. Transportation service establishment. (Not allowed on properties between 23rd and 29th Street north of Marine Drive.) ~~(Section 2.977.I amended by Ordinance 18-04, 3-19-2018)~~ ~~(Section 2.977 renumbered by Ord 14-09, 10-16-14)~~

SECTION 144: AMENDMENT “2.978 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.978 LOT COVERAGE

Buildings will not cover more than 80% of the lot area.

~~(Section 2.978 renumbered by Ord 14-09, 10-16-14)~~

SECTION 145: AMENDMENT “2.979 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.979 LANDSCAPED OPEN AREA

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

~~(Section 2.979 renumbered by Ord 14-09, 10-16-14)~~

SECTION 146:**AMENDMENT** “2.980 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.980 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 between 23rd and 29th Street which are limited to a maximum height of 45 feet above grade.

~~(Section 2.980 renumbered by Ord 14-09, 10-16-14; Section 2.980 amended by Ord 18-04, 3-19-2018)~~

SECTION 147:**AMENDMENT** “2.981 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.981 OTHER APPLICABLE USE STANDARDS

- A. Landscaping shall meet the requirements of Sections 3.105 through 3.120.
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.981.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. Signs will comply with requirements in Article 8 and specifically, the Specific regulations of the C-3 Zone in Section 8.150.
- H. 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.
- I. 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.
- J. ~~All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable. (Section 2.981.J amended by Ord 19-06, 7-1-2019)~~ All uses located within an overlay zone area will comply with the applicable requirements in Article 14 of this code.
- K. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.981.K added by Ord 19-05, 6-17-2019) (Section 2.981 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 14-06, 18-04, 19-05, 19-06)

SECTION 148: **AMENDMENT** “2.984 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.984 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 2.984 formerly 14.300 amended by Ordinance 99-19, 9-21-99; Section 2.984 renumbered by Ord 14-09, 10-16-14)~~

SECTION 149: **AMENDMENT** “2.985 USES PERMITTED OUTRIGHT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.985 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 2.987 through 2.992, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Arts and crafts studio.
- B. Family day care center.
- C. Home occupation, which satisfies the requirements of Section 3.095.
- D. Single-family dwelling. ~~(Section 2.985.D formerly 14.305.4 amended by Ordinance 99-19, 9-21-99)~~
- E. Two-family dwelling.
- F. Multi-family dwelling.
- G. Personal service establishment.
- H. Professional service establishment.
- I. Residential home.
- J. Residential facility. ~~(Section 2.985(D to J) formerly 14.305(4 to 10) renumbered by Ordinance 99-19, 9-21-99)~~
- K. Transportation facilities. ~~(Section 2.985.K formerly 14.305.11 added by Ordinance 14-03, 4-21-14)~~
- L. Accessory Dwelling Unit. ~~(Section 2.985.L added by Ordinance 21-02, 2-16-21)~~

~~(Section 2.985 renumbered by Ord 14-09, 10-16-14)~~

SECTION 150: **AMENDMENT** “2.986 CONDITIONAL USES PERMITTED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.986 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 2.987 through 2.992, additional Development Code provisions, the Comprehensive Plan, and other City laws:

- A. Bed and breakfast or inn.
- B. Day care center.
- C. Eating and drinking establishment without drive-through facility.
- D. Public or semi-public use.
- E. Restaurant as an accessory use to an Inn which has been approved as a Conditional Use. See Section 3.230.
- F. Retail sales establishment not exceeding 6,000 square feet gross floor area.
- G. Temporary use meeting the requirements of Section 3.240.

~~(Section 2.986 renumbered by Ord 14-09, 10-16-14)~~

SECTION 151: **AMENDMENT** “2.987 YARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.987 YARDS

There shall be no minimum yard requirements in the AH-MP Zone.

~~(Section 2.987 formerly 2.14.315 amended by Ordinance 99-19, 9-21-99; Section 2.987 renumbered by Ord 14-09, 10-16-14)~~

SECTION 152: **AMENDMENT** “2.988 DENSITY” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.988 DENSITY

Residential development shall have a minimum density of 18 units per net acre.

~~(Section 2.988 formerly 14.320 amended by Ordinance 99-19, 9-21-99; Section 2.988 renumbered by Ord 14-09, 10-16-14)~~

SECTION 153: **AMENDMENT** “2.989 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

2.989 LOT COVERAGE

There shall be no lot coverage standards in the AH-MP Zone.

~~(Section 2.989 formerly 14.325 amended by Ordinance 99-19, 9-21-99; Section 2.989 renumbered by Ord 14-09, 10-16-14)~~

SECTION 154: AMENDMENT “2.990 LANDSCAPED OPEN AREA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.990 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 2.990 formerly 14.330 amended by Ordinance 99-19, 9-21-99; Section 2.990 renumbered by Ord 14-09, 10-16-14)~~

SECTION 155: AMENDMENT “2.991 HEIGHT OF STRUCTURES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.991 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 2.991 formerly 14.335 amended by Ordinance 99-19, 9-21-99; (Section 2.991 renumbered by Ord 14-09, 10-16-14)~~

SECTION 156: AMENDMENT “2.992 OTHER APPLICABLE USE STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.992 OTHER APPLICABLE USE STANDARDS

- A. Each lot or parcel shall abut a street, alley, or access easement for a width of at least 25 feet. ~~(Section 2.992.A formerly 14.340.1 added by Ordinance 99-19, 9-21-99)~~
- B. All uses shall comply with the requirements of Section 3.215 for outdoor storage areas. This requirement does not apply to outdoor retail sales areas. ~~(Section 2.992.B amended by Ord 19-05, 6-17-2019)~~
- C. 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.
- D. 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.
- E. All uses will comply with access, parking, and loading standards in Article 7.
- F. Conditional uses will meet the requirements in Article 11.
- G. 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.
- H. 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.
- I. 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.
 - J. All uses will comply with the requirements of the Gateway Overlay Zone in Sections 14.005 to 14.030 and/or the Civic Greenway Overlay Zone in Sections 14.035 to 14.075 as applicable. ~~(Section 2.992.J amended by Ord 19-06, 7-1-2019)~~
 - K. All uses shall comply with applicable lighting standards in Section 3.128. ~~(Section 2.992.K amended by Ord 19-05, 6-17-2019)~~
 - L. Development may be located around the Mill Pond provided that public access locations are developed and maintained at intervals around the Mill Pond.
 - M. 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.
 - N. Residential development shall be designed so that front doors will not be located along the 29th Street right-of-way. ~~(Section 2.992.N formerly 14.340.4) added by Ordinance 99-19, 9-21-99)~~
 - O. For purposes of applying the Gateway Overlay and Civic Greenway Overlay Zones, the Astoria Mill Pond shall be deemed as on-land development not over-water. ~~(Section 2.992.O added by Ord 19-06, 7-1-2019)~~
 - P. Section 14.060, Standards for On-Land Development of the Civic Greenway Overlay Zone do not apply to on-land or over-water Mill Pond single-family and/or two-family residential development in the AH-MP Zone (Attached Housing-Mill Pond). ~~(Section 2.992.P added by Ord 19-06, 7-1-2019)~~

~~(Section 2.992 renumbered by Ord 14-09, 10-16-14)~~

(Ordinances 99-19, 14-03, 14-09, 19-05, 19-06, 21-02)

SECTION 157: AMENDMENT “3.005 ACCESS TO STREETS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.005 ACCESS TO STREETS

Every lot shall abut a street, other than an alley, for at least 25 feet, except as follows:

- A. recorded easement of 25' may be used to satisfy this requirement; or
- B. pre-existing platted lot fronting on an alley may use the alley for access to street if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City.

~~(Section 3.005 amended by Ord 19-05, 6-17-2019; Section 3.005 amended by Ordinance 14-03, 4-21-14)~~

SECTION 158: AMENDMENT “3.010 ON-SITE PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.010 ON-SITE PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION

- A. Purpose and Intent. Section 3.010 implements the pedestrian and bicycle access and connectivity policies of City of Astoria Transportation System Plan. It is intended to

provide for safe, reasonably direct, and convenient pedestrian and bicycle access and circulation.

- B. Applicability. Section 3.010 applies to new development and changes in land use involving a new or modified street connection. Except where the standards of a roadway authority other than the City supersede City standards, this section applies to all connections to a street, and to driveways and walkways. The Community Development Director may grant adjustments of 10% or less of the quantitative standard pursuant to Class 1 variance procedures in Article 12. The Planning Commission may grant adjustments of more than 10% of the standard pursuant to Class 2 variance procedures in Article 12. For transportation facility improvement requirements, refer to Section 3.015.
- C. Standards. Applicable development shall conform to all of the following standards for pedestrian access and circulation:
1. Continuous Walkway System. A walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 2. Safe, Direct, and Convenient Walkways. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, open spaces, recreational areas/playgrounds, and public rights-of-way based on all of the following criteria:
 - a. The walkway is designed primarily for pedestrian and bicycle safety and convenience, meaning it is reasonably free from hazards and obstructions, and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Community Development Director or Planning Commission as applicable may require landscape buffering between access ways and adjacent parking lots or driveways to mitigate safety concerns.
 - b. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - c. The walkway network connects to primary building entrances and, where required, meets Americans With Disabilities Act requirements.
 3. Vehicle/Walkway Separation. Except as required for parking area and driveway crossings, per Subsection 4 below, where a walkway abuts a driveway it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the Community Development Director or Planning Commission may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas; for example, a row of bollards designed for use in parking areas, with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 4. Parking Area and Driveway Crossings. Where a walkway crosses a parking area or driveway, it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast). The crossing may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and other types of non-permanent applications are discouraged, but may be approved for lesser-used crossings not exceeding 24 feet in length.
 5. Walkway Width and Surface. Walkways shall be constructed of concrete, asphalt, brick/masonry pavers, or another durable surface, as approved by the City Engineer and meeting Americans With Disabilities Act requirements, with a surface not less than six (6) feet wide. The Community Development Director or Planning Commission as applicable may require a wider walkway where pedestrian traffic warrants.
 6. Mid-Block Walkways. Walkways through blocks for pedestrian and bicycle access shall be provided at least every 330 feet for blocks that exceed the spacing standards in Table 1 of the Transportation System Plan. Road

crossings shall be similarly provided and these are addressed in the Transportation System Plan and the Astoria Engineering Design Standards for Roadways (Chapter 4).

7. Shared-Use Pathways. Shared-use pathways, designed for use by bicyclists, pedestrians, and other non-motorized users, shall conform to the transportation standards of Section 3.015, and Figure 18 in the Astoria Transportation System Plan. Where approved, shared-use pathways shall be constructed of asphalt, concrete, or another durable surface, as approved by the City Engineer and meeting Americans With Disabilities Act requirements. The City may reduce the width of the paved shared-use path to a minimum of eight (8) feet in constrained areas located in steep, environmentally sensitive, rural, historic, or development-limited areas of the City.

~~(Section 3.010 added by Ordinance 14-03, 4-21-14)~~

SECTION 159: AMENDMENT “3.045 CLEAR-VISION AREA” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

3.045 CLEAR-VISION AREA

Refer to Section 6.100 (Vision Clearance Area) of the City Code.

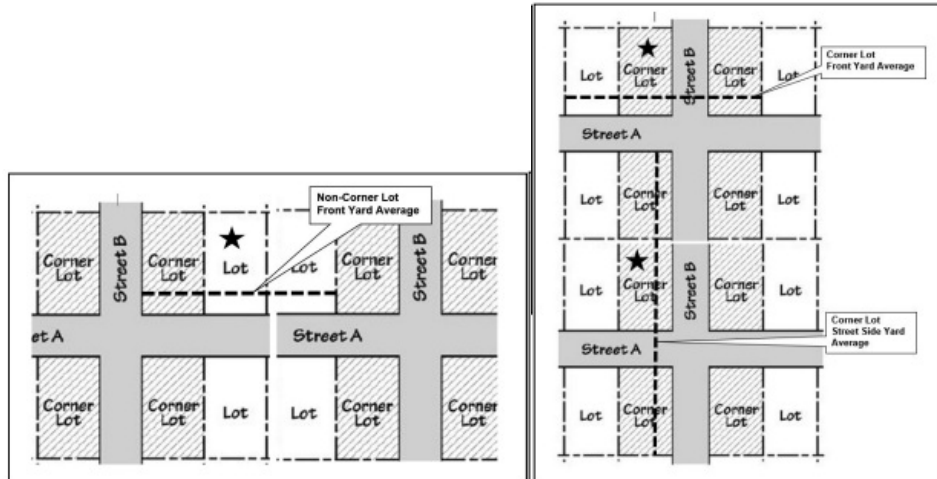
~~(Section 3.045 amended by Ordinance 14-03, 4-21-14)~~

SECTION 160: AMENDMENT “3.070 EXCEPTIONS TO YARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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 and Street Side Yard Exceptions. The following exceptions to the front and street side yard requirements are authorized for a lot in any zone:
 1. Lots with Development on Both Abutting Lots. If there are dwellings on both abutting lots with front and/or street side yards, as applicable, of less than the required depth for the zone, the front and/or street side yard of the lot may equal the average front and/or street side yard of the abutting lots. ~~(Section 3.070.B.1 amended by Ord 19-05, 6-17-2019)~~
 2. Lots with Development on only One Abutting Lot. If there is a dwelling on only one abutting lot and/or lot across the right-of-way as noted in Section B.3, with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and/or lot across the right-of-way, and the required front and/or street side yard depth. ~~(Section 3.070.B.2 amended by Ord 19-05, 6-17-2019)~~
 3. Corner Lot. On a corner lot, if there is a dwelling on one abutting lot and the lot across the right-of-way on the same side of the street with a front and/or street side yard of less depth than the required depth for the zone, the front and/or street side yard for the lot may equal a depth halfway between the depth of the abutting lot and the lot across the right-of-way on the same side of the street. ~~(Section 3.070.B.3 added by Ord 19-05, 6-17-2019)~~



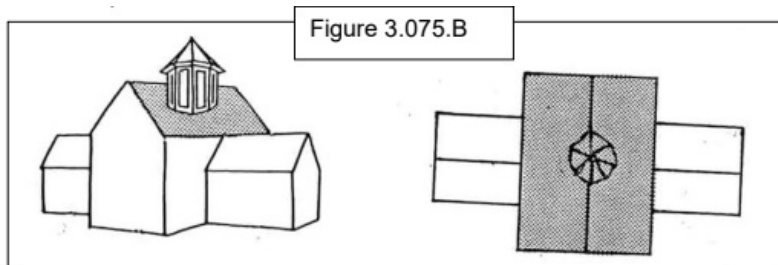
4. Alley Setback. An alley is defined as a right-of-way and is considered as a street side yard resulting in corner lot setback requirements. The street side yard setback on an alley may be reduced to 5' unless a smaller setback is allowed in the zone upon written approval by the City Engineer based on location of public utilities within the right-of-way and processed as an administrative Type I permit by the Planner. ~~(Section 3.030.B.4 added by Ord 19-05, 6-17-2019)~~
- C. Structures Within Yards. The following structures may be located within the required yard setback area unless otherwise limited by compliance with other requirements such as Building Codes, Attached Housing-Mill Pond Zone construction restrictions, or other Code requirements.
1. Decks, walkways, or uncovered porches, 12 inches or less in height above grade.
 2. Stairs of a maximum 3' in width and required landings for the stairs to access existing building entrances. This does not include deck/porch areas not required per Building Codes for the stair construction. ~~(Section 3.070.C.2 added by Ord 19-05, 6-17-2019)~~
 3. Ramp and/or other access required for handicap accessibility meeting American With Disabilities Act and Building Code requirements. ~~(Section 3.070.C.3 added by Ord 19-05, 6-17-2019)~~
 4. Stairs of a maximum 3' in width for new construction. This does not include landings, deck/porch areas, or stairs in excess of 3' in width. ~~(Section 3.070.C.4 added by Ord 19-05, 6-17-2019)~~ ~~(Section 3.070.C amended by Ord 19-05, 6-17-2019)~~
- 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)~~
- E. Existing Encroachments Beyond the Property Line. In order to reduce encroachments of existing structures constructed beyond the property line, a structure may be altered and/or moved to reduce the encroachment without the need to comply with the required setbacks along that property line nor the need for a variance if it meets the following requirements.
1. The portion of the existing structure encroaching beyond the property line was constructed prior to 1976 as verified by aerial or other dated photograph, County Assessor records, and/or other document of verification acceptable to the City; or
 2. The encroachment was constructed by a previous owner; or
 3. The encroachment was due to an act of nature such as a landslide, and not including neglect or deferred maintenance; and
 4. It is not feasible or reasonable to comply with the full required setback such as other development on the lot, lot dimensions, geologic issues, topography, etc. ~~(Section 3.070.E added by Ord 19-05, 6-17-2019)~~

SECTION 161: AMENDMENT “3.075 EXCEPTION TO BUILDING HEIGHT LIMITATIONS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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. The minimum height required for elevators, stairs, mechanical penthouses, fire towers, skylights, flag poles, aerals, and similar objects but not including storage space or other equipment. (~~Section 3.075.A.2 amended by Ord 19-06, 7-1-2019~~)
 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~~)
 4. Exempt rooftop features shall not contain equipment, signage, and/or exterior attachments other than communication services equipment, to the exterior of any enclosure. (~~Section 3.075.A.4 added by Ord 19-06, 7-1-2019~~)
- B. The total area covered by these features shall not exceed 30% of the roof area on which they are located.



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

SECTION 162: AMENDMENT “3.095 HOME OCCUPATIONS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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 non-resident persons associated with the business, and with only an occasional customer coming to the site a maximum of twice per week.

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. (~~Section 3.095.A amended by Ord 19-05, 6-17-2019~~)

B. Class B.

1. A Class B home occupation is one where one of the following factors occur:
 - a. Customers come to the home more than twice per week; or
 - b. One non-resident associated with the business would come to the site; additional non-resident persons associated with the business may be allowed if they do not come to the site; or
 - c. The home occupation is conducted in an adjacent structure.

Examples include counseling, hair styling, woodworking, and contract construction. (~~Section 3.095.B.1 amended by Ord 19-05, 6-17-2019~~)

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.

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.

SECTION 163:**AMENDMENT** “3.100 HOME STAY LODGING” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.100 HOME STAY LODGING

- A. Purpose. The City’s purpose in regulating Home Stay Lodgings is to allow for economic use of underutilized bedrooms in dwellings; provide financial assistance to preserve both the housing stock and historic properties within the City; to ensure that Home Stay Lodging facilities are appropriately located; are compatible with surrounding allowed uses; are conducive to the public peace, health, safety, and welfare of the City; do not reduce the number of potential long-term housing units; and support tourism.
- B. Standards.
1. Primary Residence. Every Home Stay Lodging shall be located in the owner’s primary residence.
 2. Occupancy. The Home Stay Lodging shall be owner occupied while occupied by transients.
 3. Location. Home Stay Lodgings may be allowable in conjunction with an Accessory Dwelling Unit as follows:
 - a. R-1 Zone: Home Stay Lodging shall not be allowed in conjunction with an Accessory Dwelling Unit.
 - b. R-2 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.
 - c. R-3 Zone: Home Stay Lodging shall require an Administrative Conditional Use permit through the Community Development Department if located in conjunction with an Accessory Dwelling Unit.
 - d. Home Stay Lodging facility shall not be allowed within an Accessory Dwelling Unit.
 4. No Kitchen. Home Stay Lodgings may not contain a kitchen.
 5. Mobile vehicles. Home Stay Lodging shall not be located in motor homes, travel trailers, or other mobile vehicles.

~~(Section 3.100 added by Ord 19-07, 7-1-2019)~~

SECTION 164:**AMENDMENT** “3.105 LANDSCAPING” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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, two-family dwelling, and Accessory Dwelling Units. ~~(Section 3.105.A amended by Ordinance 21-02, 2-16-21)~~

SECTION 165: AMENDMENT “3.110 LANDSCAPING REQUIRED” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

3.110 LANDSCAPING REQUIRED

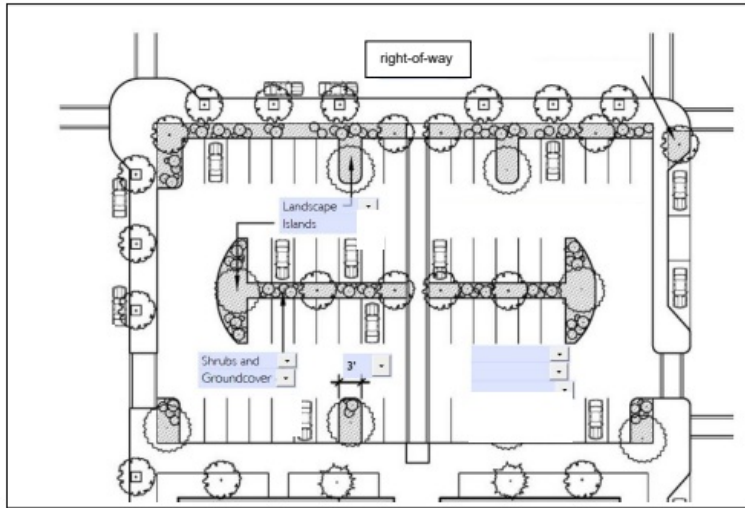
At the time a building permit is requested for new construction, or for remodeling with a value of at least 33% of the assessed value of the structure, ~~or in the event of a change of use or installation of new parking areas,~~ the property shall come into compliance with the landscape requirements 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.

SECTION 166: AMENDMENT “3.120 LANDSCAPING REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
 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. An exception to allow a maximum of one row of parking spaces within a parking area to exceed the maximum ten spaces between landscaped planters by one or two spaces may be approved as an administrative Type I permit if the amount of overall required landscaping is not reduced.



(Section 3.120.A.8 amended by Ord 19-05, 6-17-2019)

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.
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~~)
15. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area. (~~Section 3.120.A.15 added by Ord 19-05, 6-17-2019~~)

SECTION 167: AMENDMENT "3.125 NATIVE PLANTS" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.125 NATIVE PLANTS

The following shall apply to landscaping within the Riverfront Vision Plan Overlay Area Zones.

- A. Use of Native Plants. Landscaping shall consist of native plants from the list of

recommended native trees, shrubs, grasses and groundcover listed in Section 3.125(B), or that are otherwise determined to be native plants in documents such as the following: *Flora of the Pacific Northwest* (1973) by Hitchcock & Conquist; *Gardening with Oregon Native Plants, West of the Cascades* (2008) by Oregon State University Extension Service; or a comparable document recommended by the City staff will be the reference for determining other native plants.

The Community Development Director, or designee, may approve plants that are not native if it is determined that the plant better addresses environmental constraints, habitat value, transparency, height, resilience, and maintenance needs.

B. Recommended List of Native Plants. The following is a list of recommended native plants for use in the Astoria riverfront areas.

1. Trees

a. Native Trees

Acer circunatum - Vine Maple

Alnus rubra - Red Alder

Amelanchier grandiflora - Serviceberry

Malus fusca - Western Crabapple

Pinus contorta – Shore Pine

Rhamnus purshiana – Cascara

b. Street Trees - 15 feet diameter

Acer rubrum - Bowhall, R. Columnare

Fagus fastigiata - Dawyck Purple Beech

c. Trees for parking lots and other uses

Acer palmatum - Japanese maple varieties

Arbutus unedo - Strawberry Tree

Prunus serrulata - Kwanzan, Mt. Fuji, Shirofugen var.

Fraxinus pennsylvanica 'Patmore' - Raywood ash

2. Shrubs

a. Native Shrubs

Arbutus menziesii - madrone

Cornus sericea ssp. sericea - Red-osier Dogwood

Gaultheria shallon - salal

Oemleria cerasiformis - Indian Plum

Malus fusca - Western Crabapple

Myrica pacifica – Wax myrtle

Physocarpus capitatus - Pacific Ninebark

Prunus virginiana - Common Chokecherry

Ribes lobbii - Pioneer Gooseberry

Ribes sanguineum - Red Currant

Rosa gymnocarpa - Baldhip Rose

Rosa nutkana - Nootka Rose

Salix fluviatilis - Columbia River Willow

Salix hookeriana – Hookers Willow

Salix sessilifolia - Soft-leafed Willow

Salix sitchensis - Sitka Willow

Sambucus cerulea - Blue Elderberry

Sambucus racemosa - Red Elderberry

Spiraea douglasii - Douglas' Spirea

Symphoricarpos albus - Common Snowberry

- b. Non-native shrubs – widely used ornamentals with many varieties in each of the following plant groups

Barberry

Ceanothus

Cistus

Chaenomeles (Flowering quince)

Escallonia

Euonymus

Fuschia (hardy)

Laurel – 'Schipka'

Rhododendron

Rosa rugosa

Salix purpurea – Alaska blue willow

Syringa vulgaris - Lilac

Viburnum (Hydrangea, etc.)

3. Herbaceous Perennials, Grasses and Groundcover Plants

a. Natives

Adiantum pedatum - Northern Maidenhair Fern

Alopecurus geniculatus - Water Foxtail

Aquilegia formosa - Red Columbine

Angelica arguta - Sharptooth Angelica
Arnica amplexicaulis var. *piperi* - Claspig Arnica
Aruncus sylvester - Goatsbeard
Aster *Aruncus subspicatus* - Douglas' Aster
Athyrium filix-femina - Lady Fern
Blechnum spicant - Deer Fern
Boykinia occidentalis - Slender Boykinia
Cardamine oligosperma - Little Western Bittergrass
Carex deweyana ssp. *leptopoda* - Dewey's Sedge
Carex unilateralis - One-sided Sedge
Chrysosplenium glechomaefolium - Pacific Water-carpet
Claytonia perfoliata or *Montia perfoliata* - Miner's Lettuce
Corydalis scouleri - Western Corydalis
Cyperus aristatus - Awned flatsedge
Cyperus erythrorhizos - Red-Rooted flatsedge
Cyperus strigosus - Straw-colored flatsedge
Dicentra formosa - Pacific Bleedingheart
Dicentra formosa ssp. *oregana* - Oregon Bleeding Heart
Epilobium ciliatum spp. *glandulosum* - Common Willow-reed
Epilobium ciliatum spp. *watsonii* - Watson's Willow-reed
Festuca occidentalis - Western Fescue-grass
Festuca subuliflora - Coast Range Fescue-grass
Festuca subulata - Bearded Fescue-grass
Fragaria vesca var. *bracteata* - Wood Strawberry
Fragaria vesca var. *crinita* - Wood Strawberry
Galium trifidum - Small Bedstraw
Gentianella amerella spp. *acuta* - Northern Gentian
Geum macrophyllum - Oregon Avens
Heracleum lanatum - Cow-parsnip

Heuchera glabra - Smooth Alumroot
Heuchera micrantha - Smallflowered Alumroot
Juncus ensifolius - Dagger-leaf Rush
Lupinus rivularis - Stream Lupine
Mertensia platyphylla - Western Bluebells
Mitella pentandra - Five-stamened Mitrewort
Montia sibirica - Candy Flower
Oxalis trilliifolia - Trillium-leaved Wood-sorrel
Polypodium glycyrrhiza - Licorice Fern
Polystichum munitum - Sword Fern
Pteridium aquilinum - Bracken Fern
Pyrola asarifolia - Wintergreen
Scirpus cyperinus - Woolly Sedge
Streptopus amplexifolius - Clasping-leaved Twisted-stalk
Tellima grandiflora - Fringecup
Thalictrum occidentale - Western Meadowrue
Tiarella trifoliata - Laceflower Trillium
Vancouveria hexandra - White Inside-out Flower
Viola glabella - Stream Violet
b. Non-native ornamentals
Alchemilla mollis – Lady’s mantle
Aquilegia - Columbine
Ajuga
Cranesbill geraniums
Digitalis – foxglove
Helebore
Heuchera – coral bells
Hosta
Lavandula - Lavender
Rosmarinus officinalis - Rosemary

Sedums

Thalictrum – meadow rue

~~(Section 3.125.B moved from 14.075.B and added by Ord. 15-03, 6-15-15)~~

SECTION 168: **AMENDMENT** “3.128 LIGHTING STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

3.128 LIGHTING STANDARDS

Outdoor lighting shall be designed and placed so as not to cast glare into adjacent properties or rights-of-way. Light fixtures shall be designed to direct light downward and minimize the amount of light directed upward. The Community Development Director may require the shielding or removal of such lighting where it is determined that existing lighting is adversely affecting adjacent properties or contributing to light directed into the night sky.

~~(Section 3.128 added by Ord 19-05, 6-17-2019)~~

SECTION 169: **AMENDMENT** “3.130 MAINTENANCE OF PUBLIC ACCESS TO THE WATER” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- D. Applicability. Public access is used broadly 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. ~~(Section 3.130.D added by Ord 19-05, 6-17-2019)~~

SECTION 170: **AMENDMENT** “3.140 MANUFACTURED HOME ON INDIVIDUAL LOT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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, ground-level storage area of at least 56 square feet as an integral part of the structure. The garage or carport shall be constructed at the time of the manufactured home placement and shall be completed prior to occupancy of the dwelling. (~~Section 3.140.A.6 amended by Ord 19-05, 6-17-2019~~)
 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, Secondary, Eligible/Significant, or Eligible/Contributing. (~~Section 3.140.A.7 amended by Ord 19-05, 6-17-2019~~)

SECTION 171: AMENDMENT “3.150 MICROWAVE RECEIVING DISH/DEVICE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.150 MICROWAVE RECEIVING DISH/DEVICE

- A. The following standards shall be applicable to all microwave receiving dishes/devices.
1. Residential Zones. All private microwave receiving dishes/devices in residential zones larger than 20 in diameter for conical dishes or 3 square feet if not conical, shall be located as follows:
 - a. in the rear yard, no closer than five (5) feet from any rear or side lot line; and
 - b. screened by sight obscuring fences and/or dense landscape buffers; and
 - c. mounted as close to existing grade level as possible. In residential zones; and
 - d. not mounted on the roofs of structures. (~~Section 3.150.A.1 amended by Ord 19-05, 6-17-2019~~)
 2. All Other Zones or Devices. All microwave receiving dishes/devices except as noted in Section 3.150.A.1, shall be reviewed and approved by the Community Development Director and shall be located as follows:
 - a. to ensure they have minimal visual impact; and
 - b. screened by sight obscuring fences, dense landscape buffers, and/or location of dish/device so that it is not highly visible from adjacent

properties or right-of-way.

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 amended by Ord 19-05, 6-17-2019)~~

- 3. Permits. No microwave receiving dish/device shall be installed until a permit has been obtained from the Community Development Department. ~~(Section 3.150.A.3 amended by Ord 19-05, 6-17-2019)~~

- B. Historic Properties. A Microwave Receiving Dish/Device shall not be located on the front or street side facade of a structure designated as historic. ~~(Section 3.150.B added by Ord 19-05, 6-17-2019)~~

SECTION 172: **AMENDMENT** “3.155 MULTI-FAMILY DWELLING” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

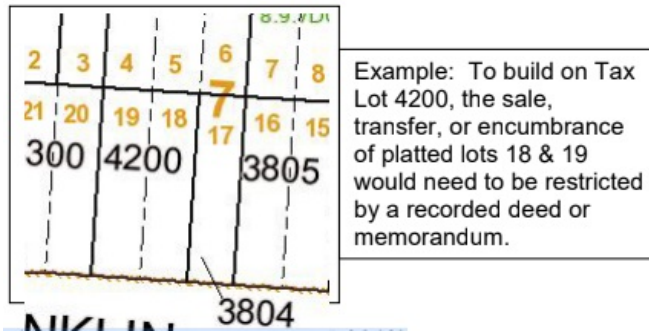
SECTION 173: **AMENDMENT** “3.158 LEGAL LOT DETERMINATION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

3.158 LEGAL LOT DETERMINATION

- A. Process. The Community Development Director or the Planner may determine whether a lot individually or in combination with contiguous property held in a single ownership has an area or dimension meeting the lot size requirements of the zone in which the property is located for a proposed use. Requests for a Legal Lot Determination shall be submitted in writing to the Community Development Department for review and approval. The Community Development Director or Planner may require a current title report or other evidence of ownership prior to making a determination. Conditions of any Determination shall include conditions as are necessary for the lot, individually or in combination with contiguous property, to be deemed as buildable in accordance with City regulations. The existence of a County Tax Lot designation is not considered as a determination of legal lot for zoning purposes. This determination may be used to review subsequent applications to the department.
- B. Combining of Lots. When a project will extend into adjacent lots, parcels, or tracts whether to meet lot size requirements, for the placement of structures or accessory uses, or to provide for requirements such as parking, the Community Development Director or Planner shall require that the properties be combined either through a Property Line Adjustment or by recording a deed or memorandum containing a

covenant preventing the separate sale, transfer, or encumbrance of either property except in compliance with building codes, City of Astoria Development Code, and other applicable land use regulations.



(Section 3.158 added by Ord 19-05, 6-17-2019)

SECTION 174: AMENDMENT “3.210 OFF-STREET SALES AND STORAGE LOTS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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, display, or outdoor lighting shall comply with applicable lighting standards in Section 3.128. (Section 3.210.A.4 amended by Ord 19-05, 6-17-2019)

SECTION 175: AMENDMENT “3.215 OUTDOOR STORAGE AREA ENCLOSURES” of the Astoria Development Code is hereby *amended* as follows:

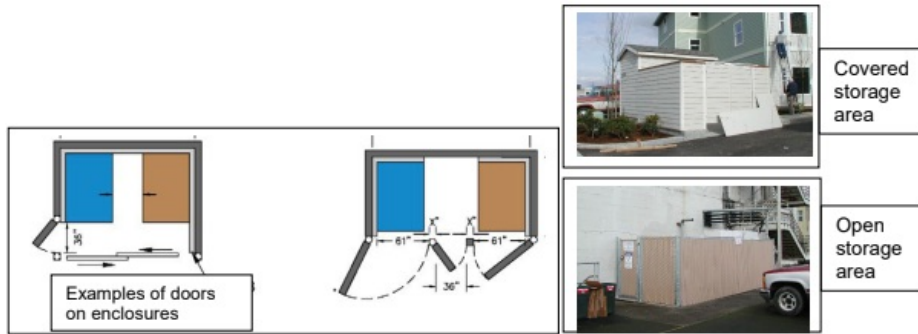
AMENDMENT

3.215 OUTDOOR STORAGE AREA ENCLOSURES

- A. Outdoor Storage Area Enclosure Required. Outdoor storage areas shall be enclosed to provide physical and/or visual buffers. Required enclosures shall be maintained in such condition as to not become so defective, unsightly, or in such condition of deterioration, disrepair, or unsanitary condition that the same causes potential depreciation of the values of surrounding properties or is materially detrimental to nearby properties and/or improvements.
- B. Applicability. The provisions of this Section shall apply to all new construction or major renovation of the existing structures, where major renovation is defined as construction valued at ~~25~~33% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. The provisions shall also apply to all new storage areas; relocation of an existing storage area; and/or expansion of an existing storage area.
- C. In addition to other Code requirements such as Historic and/or Design Review, enclosures

shall be provided as follows:

1. Outdoor storage areas shall be enclosed by appropriate vegetation, fencing, or walls, except for single-family, two-family residential use, and Accessory Dwelling Unit. ~~(Section 3.215.3.a amended by Ordinance 21-02, 2-16-21)~~
2. Section 3.215 does not apply to outdoor retail sales areas.
3. An enclosed storage area visible from directly adjacent ~~other~~ properties and/or rights-of-way shall be required to include a cover to buffer the view from other properties and/or rights-of-way. The minimum clearance inside a covered enclosure shall be 7'6" with a 6'8" high entryway for pedestrian access.
4. Enclosed storage areas greater than 7' tall shall contain a pedestrian access door in addition to the main service doors.
5. The design and location of any enclosed solid waste disposal storage area shall be reviewed and approved by the collection service company.
6. Unless approved by the Planner, access to enclosed storage areas shall not be blocked by parking spaces.



~~(Section 3.215 added by Ord 19-05, 6-17-2019)~~

SECTION 176: AMENDMENT “3.230 RESTAURANT AS AN ACCESSORY USE TO AN INN” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 before 7:00 a.m. or after 9:00 p.m. ~~(Section 3.230.B amended by Ord 19-05, 6-17-2019)~~
- 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.
- F. Associated Business Activities. Approved associated business activities within an inn are not subject to the requirements of Section 3.230. ~~(Section 3.230.F amended by Ord 19-05, 6-17-2019)~~

SECTION 177: AMENDMENT “3.240 TEMPORARY USE PROVISIONS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

3.240 TEMPORARY USE PROVISIONS

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

A. Duration of Permits.

1. Time Limit. A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.
2. Permit Extensions. Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100(B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied. ~~(Section 3.240.A, amended by Ordinance 10-06, 4-19-10)~~

- 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. (Section 3.240.C, deleted by Ordinance 10-06, 4-19-10)~~

SECTION 178: AMENDMENT “3.300 REGULATION OF EROSION CONTROL AND STORMWATER MANAGEMENT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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:

CLEARING: Any activity that removes vegetative cover while leaving the root system intact.

EROSION: Movement of soil by water or wind.

EXCAVATION: Removal of topsoil, gravel, sand, rock or any other type of soil material.

FILL: Placement of topsoil, gravel, sand, rock or any other type of soil material.

FILL, STRUCTURAL: Fill that is intended to support structures.

GRADING: Any combination of excavation and/or fill activities.

REGULATED ACTIVITIES: The clearing, grading, excavation, filling, or stripping

of land, and post construction activities.

SEDIMENTATION: Deposition of soil moved by water or wind from its site of origin.

STRIPPING: Removal of vegetation and roots.

TRACKING: Movement of soil from a disturbed area onto streets, sidewalks, or adjacent property by vehicle tracks or tires.

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)~~

SECTION 179: **AMENDMENT** “3.305 PERMITS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- 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)~~

SECTION 180: **AMENDMENT** “3.310 INFORMATION REQUIRED” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 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 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)~~

SECTION 181:**AMENDMENT** “3.315 GRADING STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- 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.
- 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)

SECTION 182: **AMENDMENT** “3.320 EROSION AND SEDIMENTATION CONTROL STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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”.
 - 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)~~

SECTION 183: AMENDMENT “3.325 STORMWATER MANAGEMENT STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

SECTION 184: AMENDMENT “3.330 ENFORCEMENT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- 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 3 Ordinances 94-07, 95-05, 98-04, 01-05, 04-08, 04-10, 09-04, 10-06, 14-03, 14-09, 15-03, 15-09, 17-07, 19-05, 19-06, 21-02)

SECTION 185:AMENDMENT “4.220 WATER-DEPENDENT AND WATER-RELATED USE CRITERIA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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. Passive recreation associated with another use such as a hotel, is classified the same as the associated use, and not classified as a water-dependent use. Active recreation associated with another use such as a hotel may be separately classified as water-dependent but is separate from the primary use and does not change the classification of the primary use.); or ~~(Section 4.220.A.2 amended by Ord 19-14, 10-21-2019)~~
 - 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.
 - 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).

[\(Article 4 Ordinances 95-04, 19-14\)](#)

SECTION 186: **AMENDMENT** “6.010 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 historic 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.

~~{6.010 amended by Ordinance 13-08, 8-19-2013}~~

SECTION 187: **AMENDMENT** “6.020 SPECIAL PROVISIONS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.
3. Restoration or reconstruction of historic signs are encouraged and will be reviewed by the Historic Preservation Officer to verify that they are a historic restoration or reconstruction. Any change in design and/or wording is not considered to be a historic sign restoration/reconstruction and would be subject to the Sign Ordinance regulations. ~~{6.020.A.3 added by Ordinance 13-08, 8-19-2013}~~

SECTION 188: **AMENDMENT** “6.040 HISTORIC LANDMARK ESTABLISHMENT” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

6.040 HISTORIC LANDMARK ESTABLISHMENT

- A. Application. The Historic Landmarks Commission, City Council or a property owner may initiate the proceedings for designation of a Historic Landmark.

The application should include the following information as applicable: history of the structure; tenants both residential and commercial; exterior features and materials; alterations to the structure; architect; date of construction; outbuildings; photographs, both historic and current; and any other information available. ~~{6.040.A amended by Ordinance 13-08, 8-19-2013}~~

- 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, Secondary, Eligible/Significant, and Eligible/Contributing Classifications. For the purposes of Historic Landmark designation, buildings, structures, appurtenances, objects, signs, sites and districts which are classified as Primary, Secondary, Eligible/Significant, or Eligible/Contributing shall be automatically considered a Historic Landmark. ~~{6.040.C amended by Ordinance 13-08, 8-19-2013}~~
- D. Procedures. Upon receipt of a complete application requesting that a building, structure, appurtenance, object, sign, 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 Landmarks Commission may approve, modify or reject such request in accordance with Section 9.030 based on the criteria in Section 6.040.E. ~~{6.040.D added by Ordinance 13-08, 8-19-2013}~~

- E. Criteria for Historic Landmark Designation. The Historic Landmarks Commission shall consider and weigh the following criteria in making a determination of potential historic significance:
1. Physical Integrity. Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.
 2. Architectural Significance. Rarity of type and/or style. Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last examples surviving in the City. Property is a prototype or significant work of an architect, builder, or engineer noted in the history of architecture and construction.
 3. Historical Significance. Property is associated with significant past events, personages, trends or values and has the capacity to evoke one or more of the dominant themes of national or local history.
 4. Importance to Neighborhood. Property's presence contributes and provides continuity in the historical and cultural development of the area.
 5. Symbolic Value. Through public notice, interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.
 6. Chronology. Property was developed early in the relative scale of local history or was early expression of type/style. The age of the building, structure, site, or object should be at least 50 years, unless determined to be of exceptional significance.
 7. The request shall be consistent with the applicable goals and policies of the Comprehensive Plan. ~~{6.040.E added by Ordinance 13-08, 8-19-2013}~~

SECTION 189:AMENDMENT "6.050 EXTERIOR ALTERATION" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 as described in Section 6.040. The following are considered to be normal maintenance and repair and are not subject to this Section including, but not limited to: ~~{6.050.A amended by Ordinance 13-08, 8-19-2013}~~
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 more than one foot unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark. ~~{6.050.A.2 amended by Ordinance 13-08, 8-19-2013}~~
 3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in size, dimension, and material. ~~{6.050.A.3 amended by Ordinance 13-08, 8-19-2013}~~
 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, dimensions, and appearance. ~~{6.050.A.6 amended by Ordinance 13-08, 8-19-2013}~~
 7. Painting and related preparation.
 8. Installation of decorative stained and/or leaded glass in existing windows. ~~{6.050.A.8 added by Ordinance 13-08, 8-19-2013}~~
 9. Fences, retaining walls, and/or landscaping features unless the existing features are noted in the historic designation as contributing features to the historic property. ~~{6.050.A.9 added by Ordinance 13-08, 8-19-2013}~~
- B. Certificate of Appropriateness, Exterior Alteration. Unless otherwise exempted, no person, corporation, or other entity shall change, add to, or modify a building, structure, appurtenance, object, sign, or site in such a way as to affect its exterior appearance, if such structure is listed or identified as a Historic Landmark as described in Section 6.040 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. ~~{6.050.B amended by Ordinance 13-08, 8-19-2013}~~

- C. Type I Certificate of Appropriateness, Exterior Alteration. -Immediate Approval. Projects that are limited in scope or minor alterations that meet the criteria listed below are classified as Type I Certificate of Appropriateness, Exterior Alteration permits. Historic Design review performed by the Historic Preservation Officer or Community Development Director or designee shall be administrative and shall not require public hearing nor public notice. An application form shall be furnished by the Community Development Director and submitted by the applicant. ~~{6.050.C amended by Ordinance 13-08, 8-19-2013}~~
1. ~~The Historic Preservation Officer shall review and approve the following~~ Type I permit requests include the following:
 - a. There is no change in historic character, appearance or material composition from the existing structure or feature; or
 - b. 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
 - c. The proposed alteration is required for the public safety due to an

unsafe or dangerous condition; or

d. The proposed alteration relates to signage in scale to the architectural style of the building. [6.050.C.1 amended by Ordinance 13-08, 8-19-2013]

2. In addition to the Type I permit reviews listed in Section 1 above, ~~the Historic Preservation Officer shall review and approve~~ the following be reviewed as a Type I permit requests if it meets the following:

a. Criteria.

- (1) Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
- (2) Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
- (3) Will not result in an increase in building footprint or envelope except for mechanical venting.

b. Type I Permit Requests:

- (1) Installation of mechanical equipment and venting located on other than the primary facade or street scape, or of less than one square foot if located on a non-primary facade street side. Ground mounted equipment shall be screened from view to the maximum extent practicable if visible from a City right-of-way.
- (2) Installation of contemporary composite material on the flat decking area of porches, decks, and/or stair treads.
- (3) Replacement of roofing material as follows:
 - (A) With similar material and/or composition shingles.
 - (B) Flat roofing not visible from the street scape may be a contemporary material.
 - (C) Original roof wood shingle or shakes, should be maintained in place whenever possible. Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - (D) Original roof tile, slate, or rolled composition roofing should be maintained in place whenever possible. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
- (4) Removal of an utilitarian chimney that is not a character defining feature.
- (5) Replacement of skirting material with fiber cement material or other compatible contemporary material.
- (6) Installation of roof and/or soffit vents.
- (7) Replacement of existing columns with similar design and dimension of contemporary material other than vinyl material.
- (8) Installation of television microwave receiving dish.
- (9) Construction of stairs and railings on any elevation that are not attached to a building.
- (10) Solar energy facilities as listed in Development Code Section 16.030.A as a Solar Permit Type I, Administrative Review, Outright Use. ~~[Section 6.050.C.2.b.10 added by Ordinance 13-10, 11-4-2013]~~ ~~[6.050.C.2 added by Ordinance 13-08, 8-19-2013]~~

D. Type II Certificate of Appropriateness, Exterior Alteration ~~Administrative Review~~.

Projects that are limited in scope or minor alterations that meet the criteria below are classified as Type II Certificate of Appropriateness permits. Historic Design review performed by the Historic Preservation Officer or Community Development Director or designee shall be administrative, ~~and shall not require public hearing before the Historic Landmarks Commission~~. These reviews shall be considered as a limited land use decision and shall require a public notice and opportunity for appeal in accordance with Article 9 of the Astoria Development Code.

~~The Historic Preservation Officer shall review and approve the following~~ Type II permit requests ~~if it meets~~ include the following:

1. Criteria.
 - a. Located on the rear or interior side yard, not adjacent to a public right-of-way, except as noted below; and/or
 - b. Reconstruction and/or replacement of porch and/or stairs on any elevation; and/or
 - c. May result in an increase in building footprint of no more than 10%, and will not result in an increase in building envelope except for mechanical venting.
2. Type II Permit Requests:
 - a. Construction of outbuildings or enclosures (less than 200 square feet).
 - b. Awnings on residential property.
 - c. Awnings on any elevation of a commercial property.
 - d. Handicap accessible ramps on any elevation.
 - e. Reconfiguration with not more than 10% increase in footprint, and/or reconstruction of existing decks or porches with similar materials and/or with a change in materials.
 - f. Reconstruction of existing stairs and balustrades with a historic design.
 - g. Replacement and/or reconfiguration of basement windows on any elevation.
 - h. Installation of flat mounted skylight located on other than the primary facade or street scape.
 - i. Changes to fences, retaining walls, and/or landscaping features that are noted in the historic designation as contributing features to the historic property.
 - j. Replacement of non-historic features such as aluminum or vinyl windows or siding, steel or fiberglass doors, etc. with a design, size, and material that is consistent with the existing historic features of the structure.
 - k. Removal of a chimney that is considered as a character defining feature as noted in the historic designation.
 - l. Solid waste disposal area enclosure.
 - m. Construction of stairs and railings on any elevation that are attached to a building.
 - n. Solar energy facilities as listed in Development Code Section 16.030.B as a Solar Permit Type II, Administrative Review, Conditional Use. ~~[Section 6.050.D.2.n added by Ordinance 13-10, 11-4-2013]~~ ~~[6.050.D added by Ordinance 13-08, 8-19-2013]~~

E. Type III Certificate of Appropriateness, Exterior Alteration—Historic Landmarks Commission Review. Projects that do not meet the criteria for a Type I or Type II review are classified as Type III Certificate of Appropriateness permits. Historic Design review performed by the Historic Landmarks Commission based upon the standards in the Development Code shall be considered discretionary and shall require a public hearing, notice, and opportunity for appeal in accordance with Article 9 of the Astoria Development Code. ~~[6.050.E added by Ordinance 13-08, 8-19-2013]~~

F. Historic Design Review Criteria. Type II and Type III Certificate of Appropriateness exterior alteration requests shall be reviewed by the Historic Landmarks Commission or Historic Preservation Officer as indicated in Section 6.050 following receipt of a complete application.

The following standards, ~~in compliance with the Secretary of the Interior's Standards for Historic Preservation,~~ shall be used to review Type II and Type III exterior alteration requests. The standards summarized below involve the balancing of competing and conflicting interests. The standards are intended to be used as a guide in the Historic Landmark Commission's deliberations and/or the Historic Preservation Officer's decision. ~~[6.050.F amended by Ordinance 13-08, 8-19-2013]~~

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.
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.

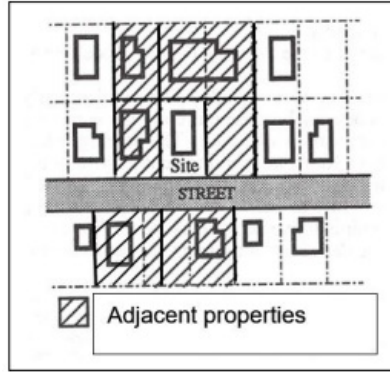
SECTION 190: **AMENDMENT** “6.070 NEW CONSTRUCTION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

6.070 NEW CONSTRUCTION

- A. Certificate of Appropriateness, New Construction. No person, corporation, or other entity shall construct a new structure adjacent to or across a public right-of-way from a Historic Landmark as described in Section 6.040, without first obtaining a Certificate of Appropriateness for New Construction 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. (~~Section 6.070.A amended by Ord 19-05, 6-17-2019; 6.070.A amended by Ordinance 13-08, 8-19-2013~~)



- B. Historic Landmarks Commission Historic 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. ~~[6.070.B title amended by Ordinance 13-08, 8-19-2013]~~
- C. Historic Design Review in Overlay Zones. When reviewing a New Construction permit application within a Riverfront Vision Overlay Zone, the ~~Historic Landmarks Commission review shall apply to all historic designated buildings visible within three blocks of the project site not just the adjacent historic structure.~~ The additional Overlay Zone design review standards of Section 14.000~~2.C~~ shall apply. If a development proposal requires review by both the Historic Landmarks Commission and Design Review Commission the applicable design review criteria shall be reviewed by the Historic Landmarks Commission. ~~If the proposed development is not adjacent to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Overlay Zone shall be completed by the Design Review Commission. (Section 6.070.C added by Ord 19-06, 7-1-2019)~~

SECTION 191: **AMENDMENT “6.080 DEMOLITION AND MOVING”**
of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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 as described in Section 6.040 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.
~~[6.080.A amended by Ordinance 13-08, 8-19-2013]~~

- 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.

- 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.

SECTION 192:**AMENDMENT** “6.090 ADMINISTRATIVE PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

6.090 ADMINISTRATIVE PROCEDURES

- A. The Historic Landmarks Commission and/or Historic Preservation Officer 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. ~~{6.090.A amended by Ordinance 13-08, 8-19-2013}~~
- B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer 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 and/or Historic Preservation Officer'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. ~~{6.090.B amended by Ordinance 13-08, 8-19-2013}~~
- C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Historic Preservation Officer 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. A decision of the Historic Preservation Officer may be appealed to the Historic Landmarks Commission. A decision of the Historic Landmarks Commission may be appealed to the City Council. ~~{6.090.C amended by Ordinance 13-08, 8-19-2013}~~
(Ordinances 13-08, 13-10, 19-05, 19-06)

SECTION 193:**AMENDMENT** “ARTICLE 7 OFF-STREET PARKING AND LOADING” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

ARTICLE 7 OFF-STREET PARKING AND LOADING

~~{Section 7.180, Parking in the Downtown Area, Exception added by Ordinance 99-21, 11-1-99; Section 7.180 deleted by Ordinance 14-03, 4-21-14}~~

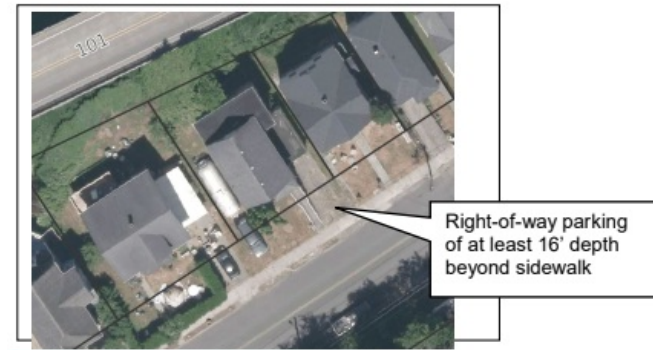
SECTION 194:**AMENDMENT** “7.030 LOCATION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- C. Allowed On-Street Parking. When on-street (within a right-of-way) parking spaces are allowed to be counted toward the required off-street parking spaces for a proposed use/site, the on-street parking spaces shall not be used exclusively by that use/site but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited. ~~(Section 7.030.C added by Ord 19-05, 6-17-2019)~~
- D. Existing Parking within Right-of-Way. Existing parking areas located within a right-of-way between the property line and the paved portion of the right-of-way may be counted toward the required off-street parking spaces as follows:
1. The parking area shall exist at the time of the proposed use application;
 2. The parking area shall meet minimum parking space dimensions and not extend into pedestrian walkway/sidewalk, or into adjacent properties;
 3. The City Engineer shall review and approve the location of the parking space;
 4. The applicant shall obtain an administrative Type I permit for use of the area for parking.
 5. The parking area shall be in compliance with City Code 6.100 (Clear Vision Ordinance) and shall not create a safety hazard.
 6. Recreational vehicles, boats, and/or non-operable vehicles shall not be parked and/or stored in the parking areas located within a right-of-way between the property line and the paved portion of the right-of-way as allowed in Section 7.030.D.



(Section 7.030.D added by Ord 19-05, 6-17-2019)

SECTION 195: AMENDMENT “7.120 DRIVEWAY DEVELOPMENT STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 and Development Code Section 3.008.D, in addition to requirements in the Astoria Engineering Design Standards for Roadways (Chapter 4).

~~(Section 7.120 amended by Ordinance 14-03, 4-21-14)~~

SECTION 196: AMENDMENT “7.150 ACCESSIBLE PARKING SPACES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

7.150 ACCESSIBLE PARKING SPACES

- A. Effective September 1, 1990, existing and new parking spaces for disabled persons shall be required by law at all public and government buildings.
- B. The size, location, dimension, and marking for accessible parking spaces shall be in accordance with current State and Federal regulations for accessible parking facilities.

~~(Section 7.150 amended by Ordinance 14-03, 4-21-14)~~

SECTION 197: AMENDMENT “7.170 LANDSCAPING OF OUTDOOR STORAGE OR PARKING AREAS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

7.170 LANDSCAPING OF OUTDOOR STORAGE OR PARKING AREAS

- A. 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.
- B. There shall be a 15’ landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5’ beyond a bumper guard into the landscaped area. ~~(Section 7.170.B added by Ord 19-05, 6-17-2019)~~

(Ordinances 99-21, 14-03, 19-05, 19-07, 21-02)

SECTION 198: AMENDMENT “7.100 MINIMUM PARKING SPACE REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

7.100 MINIMUM PARKING SPACE REQUIREMENTS

Table 7.100 – Off-Street Parking Space Requirements by Use.

The following are minimum off-street parking requirements by use category. The Community Development Director or Planning Commission, as applicable, may increase the required off-street parking based on anticipated need for a specific conditional use. Off-street vehicle parking requirements are calculated to include consideration of employee and customer/client uses.

For off-street parking requirement calculations, gross floor area as defined in Section 1.400 shall not include outdoor storage areas. Gross floor area for off-street parking calculations shall include exterior space utilized for the use which results in expanded use on the site such as outdoor seating area for an eating/drinking establishment.

(Section 7.100 amended by Ord 19-06, 7-1-2019; Section 7.100 amended by Ord 19-05, 6-17-2019)

Use Categories	Minimum Parking Requirements per Land Use (Fractions are rounded up to the next whole number.)
RESIDENTIAL CATEGORIES	
Single-family Dwelling, including manufactured homes or modular home on individual lots, and attached dwellings such as townhomes and condominiums <u>All Dwellings not otherwise listed</u>	<u>0.65 spaces per bedroom with a maximum of for single-family or two-family dwellings, including each unit in a cottage cluster development</u> <u>2 spaces per dwelling unit</u>
Two-family Dwelling (Duplex)	<u>2 spaces per dwelling unit</u>
Accessory Dwelling (second dwelling unit on a single-family lot)	No additional parking is required.
Manufactured Dwelling in a Park	<u>1.5 per dwelling unit</u>
Group Living Facility, Room and Board Facility Multi-family Dwelling including Group Housing	<u>4 spaces plus one per employee</u> <u>1.5 spaces per dwelling unit with more than one bedroom; 1.25 spaces per dwelling unit limited to one bedroom, or one bedroom group housing units; Calculation is based on the maximum specific number of employees on one shift, not total employment</u> <u>each type of units within the complex.</u>
Group Living Facility, Long-term Care Facility living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing where clients have no access to driving	1 space per 8 bedrooms plus one per employee Calculation is based on the maximum number of employees on one shift, not total employment.
Residential Home or Facility Residential and Adult Foster Care	<u>2 spaces plus 1 additional space per 3 beds for the home/facility</u>
(Section 7.100 Table for Residential Categories amended by Ordinance 21-02, 2-16-21)	
COMMERCIAL CATEGORIES	
Animal hospital or kennel	1 space per 300 sq. ft. gross floor area
Automotive repair & service, gas station	1 space per 1,000 sq. ft. gross floor area
Bed and Breakfast, Inn (Section 7.100 amended by Ord 19-07, 7-1-2019)	1 additional off-street space for each bedroom used for transient lodging plus off-street spaces required for the dwelling and associated uses such as assembly areas or restaurant. (Section 7.100 amended by Ord 19-07, 7-1-2019)
Daycare, Family/Home	1 space, plus required parking for dwelling
Daycare Center	1 space per employee
Eating and Drinking / Restaurant	1 space per 500 sq. ft. if no seating; 1 space per 250 sq. ft. with seating.
Educational Services, not a school	

(e.g., tutoring or similar services, excluding single student tutoring facilities)	1 space per 300 sq. ft. gross floor area
Home Stay Lodging (Section 7.100 amended by Ord 19-07, 7-1-2019)	1 additional off-street space for each bedroom used for transient lodging plus off-street spaces required for the dwelling. (Section 7.100 amended by Ord 19-07, 7-1-2019)
Home Occupation with customers and/or non-resident employees	1 additional space per anticipated customer/employee at a specific time in excess of one person at a time
Hotels, Motels, other transient lodging facilities not listed, and similar uses (Section 7.100 amended by Ord 19-07, 7-1-2019)	1 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Laundromat and dry cleaner	1 space per 350 sq. ft. gross floor area
Mortuary/Funeral Home	1 space per 300 sq. ft. gross floor area
Offices: General, medical/dental, professional	1 space per 500 sq. ft. gross floor area
Personal Services (i.e. salon, spa, barber, animal grooming, out-patient veterinary services)	1 space per chair, table, or booth for customers
Repair or Service other than automotive	1 space per 500 sq. ft. gross floor area
Retail Sales, General Merchandise	1 space per 500 sq. ft. gross floor area
Retail Sales, Bulk with a building (lumber and construction materials, furniture, appliances, and similar sales)	1 space per 1,000 sq. ft. gross floor area
Retail Sales, Outdoor with no building or building of less than 200 sq. ft. (i.e. automotive, nursery, bulk retail, produce, etc.)	1 space per 1,000 sq. ft. of site used for retail display/storage
INDUSTRIAL CATEGORIES	
Industrial Service, not otherwise categorized	1 space per 1,000 sq. ft. gross floor area
Light Manufacturing	1 space per 2 employees on the largest shift
Manufacturing and Production, Heavy Industrial with building greater than 5,000 sq. ft.	1 space per 2,500 sq. ft. gross floor area
Marina	0.25 spaces per boat berth or docking space
Mini-Storage	1 space per four units
Seafood Processing and Associated Uses	1 space per full-time equivalent employee plus 1 space per 10 seasonal employees. Seasonal parking may be reduced with proof that employees are bussed to site.
Wholesale, Warehouse, Freight Service	1 space per 1,500 sq. ft. gross floor area
INSTITUTIONAL CATEGORIES	
Community Service, including Government Offices and Services	Same requirement as non-institutional use for the category

Jail	1 space per 2,000 sq. ft. gross floor area
Medical Center/Hospital with overnight stay	1 space per 300 sq. ft. gross floor area
Membership organization, club, lodge	Same as specified use requirement such as eating and drinking establishment, public assembly, school, etc.
Parks and Open Space	Parking based on projected parking demand for planned uses. See Recreation, outdoor.
Public Assembly	1 space per 100 sq. ft. of public assembly area where no seats provided; or 1 space per five seats where provided
Religious Institutions and Houses of Worship	1 space per 100 sq. ft. of main assembly gross floor area; additional parking is not required for associated use areas if not used at same time as main assembly area
School, Pre-School through Middle-School	1.5 space per classroom
School, High School	7 spaces per classroom
School, College & Vocational	1 space per 400 sq. ft. of gross floor area; and 1 space per 2 dorm rooms
RECREATIONAL CATEGORIES	
Aquatic center, sports club, gym, rink, recreation center, health club, bowling alley, and other similar indoor entertainment	1 space per 400 sq. ft. gross floor area
Museum, art gallery, library	1 space per 600 sq. ft. gross floor area
Outdoor recreational park, Public playground	None
Outdoor recreational park, Commercial park	1 space per 1,000 sq. ft. gross land area
Sports Field	1 space per 100 sq. ft. of public assembly area where no seats provided; or 1 space per five seats where provided
Theater, indoor arena: Single venue	1 space per 3 seats
Theater, indoor arena: Multiplex	1 space per 6 seats
OTHER CATEGORIES	
Accessory Uses	Parking standards for accessory uses are the same as for primary uses, but are pro-rated based on the percentage of estimated overall parking demand, subject to City review and approval.
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the Community Development Director or Planning Commission, as applicable, may reduce or waive certain development and designs standards for temporary uses.
Transportation and Communications Facilities (operation, maintenance, preservation, and construction)	None, except where temporary parking is required for construction staging areas

(Section 7.100 amended by Ordinance 14-03, 4-21-14)

SECTION 199: AMENDMENT “7.105 BICYCLE PARKING” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

7.105 BICYCLE PARKING

- A. Standards. Bicycle parking spaces shall be provided for new development, change of use, and major renovation, at a minimum, based on the standards in Table 7.105. Major renovation is defined as construction valued at ~~33~~²⁵% or more of the assessed value of the existing structure.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automotive parking standard, pursuant to Section 7.062, the Community Development Director or Planning Commission, as applicable, may require bicycle parking spaces in addition to those in Table 7.105.

Table 7.105: Minimum Required Bicycle Parking Spaces

Use	Minimum Number of Spaces	Long and Short Term Bicycle Parking Percentages
Multi-Dwelling Unit Residential Structure with 4 or more dwelling units	1 bike space per 4 dwelling units	75% long term 25% short term
Commercial	1 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater	50% long term 50% short term
Industrial	1 bike spaces per primary use or 1 per 20 vehicle spaces, whichever is greater	25% long term 75% short term
Parks (active recreation areas greater than 10,000 sq. ft.)	4 bike spaces per 10,000 sq. ft.	100% short term
Schools (all types)	1 bike spaces per 4 classrooms	50% long term 50% short term
Institutional Uses and Places of Worship	1 bike space per 20 vehicle spaces	100% short term
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater	50% long term 50% short term

~~(Section 7.105.A Table amended by Ordinance 21-02, 2-16-21)~~

- B. Design and Location.
1. All bicycle parking shall be securely anchored to the ground or to a structure.
 2. All bicycle parking shall be designed so that bicycles may be secured to them without undue inconvenience, including being accessible without removing another bicycle.
 3. All bicycle parking should be integrated with other elements in the planter strip when in the public right-of-way.
 4. Direct access from the bicycle parking area to the public right-of-way shall be

provided at-grade or by ramp access, and pedestrian access shall be provided from the bicycle parking area to the building entrance.

5. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall not conflict with the vision clearance standards of City Code Section 6.100.

6. Short-term bicycle parking.

- a. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely.
- b. If more than 10 short-term bicycle parking spaces are required, at least 50% of the spaces must be sheltered. Sheltered short-term parking consists of a minimum 7-foot overhead clearance and sufficient area to completely cover all bicycle parking and bicycles that are parked correctly.
- c. Short-term bicycle parking shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automotive parking space.

7. Long-term bicycle parking. Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of sheltered and secure parking.

C. Exemptions. This Section does not apply to single-family, two-family, and three-unit multi-family housing, home occupations, and agricultural uses. The Community Development Director or Planning Commission as applicable may exempt other uses upon finding that, due to the proximity of public bicycle parking facilities, the nature of the use, or its location, it is unlikely to have any patrons or employees arriving by bicycle.

~~(Section 7.105 added by Ordinance 14-03, 4-21-14)~~

SECTION 200: **AMENDMENT** “8.010 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- A. The maintenance of public safety and traffic safety by ensuring that signs are appropriately designed, constructed, installed and maintained.
- B. The enhancement of the operation of businesses in the City by promoting the reasonable, orderly and effective display of signs.
- C. 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)~~

SECTION 201: **AMENDMENT** “8.020 ADOPTION OF UNIFORM SIGN CODE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

SECTION 202: **AMENDMENT** “8.030 CONFORMANCE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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)~~

SECTION 203: **AMENDMENT** “8.040 EXEMPT SIGNS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.A.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.A.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.
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.A.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.A.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.A.18 added by Ordinance 04-04, 5-3-04~~)

SECTION 204: AMENDMENT “8.050 PROHIBITED SIGNS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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, animation sign on vehicles, billboard vehicles, or similar devices.

This prohibition does not include the following signs:

- a. barber poles of maximum of 4’ in total fixture height may rotate;
- b. changeable text signs;
- c. time and temperature signs;
- d. signs, other than animation signs, on vehicles such as buses, delivery vehicles, etc. that are used other than solely for display of signage. (~~Section 8.050.A.3.d added by Ord 19-05, 6-17-2019~~) (~~Section 8.050.A.3 amended by Ord 19-05, 6-17-2019; 8.050.A.3 amended by Ordinance 04-04, 5-3-04; amended by Ordinance 12-03, 1-3-12~~)
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~~)
12. Signs shall not be installed on portions of structures exempt from building height such as elevator shafts and/or rooftop equipment enclosures. (~~Section 8.050.12 added by Ord 19-06, 7-1-2019~~)

SECTION 205:**AMENDMENT** “8.060 SIGN PERMITS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~
- 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)~~

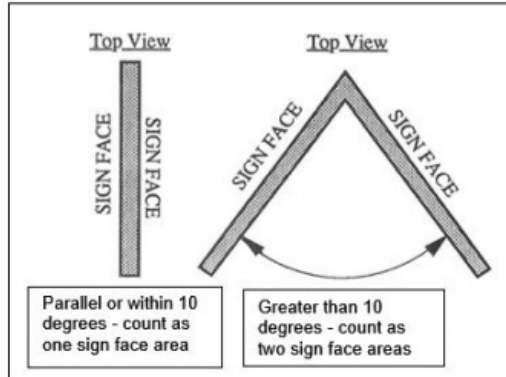
SECTION 206:**AMENDMENT** “8.070 GENERAL SIGN REGULATIONS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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. If the sign faces are not parallel or within 10 degrees of parallel, each is considered one sign face and both faces are counted. ~~(Section 8.070.A.1 amended by Ord 19-05, 6-17-2019; 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].
 7. Sign area square footage is based on frontage. Freestanding and monument signs are based on the site frontage, all other signs are based on the building frontage. ~~(Section 8.070.A.7 added by Ordinance 12-03, 1-3-12)~~
- 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).
- 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 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.
- 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~~)

SECTION 207: AMENDMENT “12.030 GENERAL CRITERIA” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

12.030 GENERAL CRITERIA

Variances 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. Variances from off-street parking, sign requirements, and Flood Hazard Overlay Zone are not subject to General Criteria (refer to Sections 12.040, 12.050, and 12.055 as applicable).” (~~Amended by Ordinance 09-03, 8/3/09~~)

- 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.

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. A variance may be granted for lot dimension and/or square footage (lot size) but not for density. (~~Section 12.030.C amended by Ord 19-05, 6-17-2019~~)

SECTION 208: AMENDMENT “12.040 CRITERIA FOR VARIANCE FROM STANDARDS RELATING TO OFF-STREET PARKING AND LOADING FACILITIES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.040 CRITERIA FOR 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:

- A. 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
- B. 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
- C. That the granting of the variance will not create a safety hazard.

(~~Section 12.040 amended by Ordinance 09-03, 8/3/09~~)

SECTION 209: AMENDMENT “12.050 CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO SIGNS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

12.050 CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO SIGNS

Variations from sign requirements, refer to Section 8.110. Sign variances are exempt from Sections 12.030 to 12.040.

~~(Amended by Ordinance 09-03, 8/3/09)~~

SECTION 210: AMENDMENT “12.055 CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO FLOOD HAZARD OVERLAY ZONE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

12.055 CRITERIA FOR VARIANCES FROM STANDARDS RELATING TO FLOOD HAZARD OVERLAY ZONE

The granting authority may grant a variance from the requirements of the Flood Hazard Overlay Zone Sections, if on the basis of the application, investigation, and the evidence submitted by the applicant, all of the following expressly written findings are made. In addition, the granting authority shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Code.

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the following items have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and,
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities

- such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
 - C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - E. Variances shall only be granted when all of the following requirements have been met:
 - 1. A showing of good and sufficient cause; and
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.
 - F. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - G. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 12.055(D)(1), and otherwise complies with the anchoring standards in Section 2.820(A)(1).
 - H. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - I. The Community Development Department shall report any variances to the Federal Insurance Administration upon request.

(Section 12.055 added by Ordinance 09-03, 8/3/09)

SECTION 211: AMENDMENT “12.090 ACTION ON TYPE II VARIANCE APPLICATION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.090 ACTION ON TYPE II 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.

~~(Section 12.090 title amended by Ord 19-05, 6-17-2019)~~

SECTION 212: AMENDMENT “12.100 APPEAL OF A TYPE II VARIANCE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.100 APPEAL OF A TYPE II VARIANCE

The decision of the Community Development Director on a Type II Variance may be appealed to the Planning Commission in accordance with 9.040.

~~(Section 12.100 amended by Ord 19-05, 6-17-2019)~~

SECTION 213: AMENDMENT “12.110 ACTION ON TYPE III VARIANCE APPLICATION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.110 ACTION ON TYPE III VARIANCE APPLICATION

Hearings on a Type III Variance will be held in accordance with 9.030.

~~(Section 12.110 amended by Ord 19-05, 6-17-2019)~~

SECTION 214: AMENDMENT “12.120 APPEAL OF A TYPE III VARIANCE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

12.120 APPEAL OF A TYPE III VARIANCE

The decision of the Planning Commission decision on a Type III Variance may be appealed to the City Council in accordance with 9.040.

~~(Ordinances 09-03, 19-05)Section 12.120 amended by Ord 19-05, 6-17-2019)~~

SECTION 215: AMENDMENT “ARTICLE 13 SUBDIVISION AND LAND PARTITION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

ARTICLE 13 SUBDIVISION AND LAND PARTITION

~~(Section 13.040, Definitions, deleted by Ordinance 14-03, 4-21-14)~~

SECTION 216: **AMENDMENT** “13.100 SUBDIVISION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW” of the Astoria Development Code is hereby amended as follows:

A M E N D M E N T

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. ODOT shall be invited to participate in the conference and consult with the subdivider. ~~(Section 13.100.A, amended by Ordinance 14-03, 4-21-14)~~
- 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.
- 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. ~~(Section 13.100.H deleted by Ordinance 10-06, 4-19-10)(Section 13.100.I deleted by Ordinance 10-06, 4-19-10)~~

SECTION 217: **AMENDMENT** “13.110 SUBDIVISION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
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.
 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.
 7. A Traffic Impact Study (TIS), pursuant to Subsection 3.015.A.5. (~~Section 13.110.C.7, added by Ordinance 14-03, 4-21-14~~)

SECTION 218: AMENDMENT “13.120 SUBDIVISION, FINAL PLAT - PROCEDURE FOR REVIEW” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

13.120 SUBDIVISION, FINAL PLAT - PROCEDURE FOR REVIEW

A. Survey Required.

1. 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. (~~Section 13.120.A.1 amended by Ordinance 10-06, 4-19-10~~)
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 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.

SECTION 219: AMENDMENT “13.210 MAJOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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.
- 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. (Section 13.210.G deleted by Ordinance 10-06, 4-19-10)(Section 13.210.H deleted by Ordinance 10-06, 4-19-10)

SECTION 220: AMENDMENT “13.310 MINOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.
- 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. (Section 13.310.G deleted by Ordinance 10-06, 4-19-10)(Section 13.310.H deleted by Ordinance 10-06, 4-19-10)
- H. 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.

SECTION 221: AMENDMENT “13.410 STREETS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

13.410 STREETS

- A. General. Streets shall be planned and constructed pursuant to the Transportation Standards in Section 3.015. (Section 13.410.A amended by Ordinance 14-03, 4-21-14)

~~(Section 13.410.A amended by Ordinance 14-03, 4-21-14) (Section 13.410.B to 13.410.N deleted by Ordinance 14-03, 4-21-14)~~

SECTION 222: AMENDMENT “13.430 BUILDING SITES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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. Every lot and parcel shall abut a street, other than an alley, for at least 25 feet, except as follows:
 - 1. recorded easement of 25’ may be used to satisfy this requirement; or
 - 2. pre-existing platted lot fronting on an alley may use the alley for access to street if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City. ~~(Section 13.430.B amended by Ord 19-05, 6-17-2019)~~
- 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.

SECTION 223: AMENDMENT “13.440 BLOCKS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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. Block size shall conform to the standards in Table 1 (Spacing Standards) of the Transportation System Plan. (~~Section 13.440.B amended by Ordinance 14-03, 4-21-14~~)
 - C. Walkways. The applicant may be required to dedicate and improve ten (10) foot walkways, with at least six (6) feet of all-weather surface, at 330-foot intervals across blocks that exceed the block standards in Table 1 (Spacing Standards) in the Transportation System Plan or to provide access to school, park, or other public areas. (~~Section 13.440.C amended by Ordinance 14-03, 4-21-14~~)

SECTION 224: AMENDMENT “13.610 IMPROVEMENT REQUIREMENTS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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:

- 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 be 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.
- 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.

(Section 13.610 amended by Ordinance 94-02, 2-7-94)

SECTION 225:AMENDMENT “13.680 TIME LIMITS AND EXTENSIONS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

13.680 TIME LIMITS AND EXTENSIONS

- A. Time Limit on Preliminary Plat. The preliminary plat for a subdivision or land partition shall be valid for two years from the date of Final Decision. For phased projects, recordation of a final plat for an earlier phase shall constitute the Final Decision date of preliminary plat approval for all subsequent phases.
- B. Submittal of Final Plat. The applicant shall submit a final plat to the City prior to the expiration of the preliminary plat and/or any extension(s). If the final plat is not approved, the preliminary plat shall be void.
- C. Recording of Final Plat. The applicant shall record the final plat within six months from the date of Final Decision of the final plat approval, unless an extension is approved by the granting authority on a showing of good cause. If the final plat is not recorded within six months, the final plat shall be null and void.
- D. Extension Time Limit.
 - 1. The Community Development Director may grant the first one-year extension of a preliminary plat.
 - 2. Following the first one-year extension of a preliminary plat by the Community Development Director, the following shall apply:
 - a. The Community Development Director may grant subsequent one-year extensions of a preliminary plat, which was initially approved by the Community Development Director; or
 - b. The Astoria Planning Commission may grant subsequent one-year extensions of a preliminary plat which they initially approved.
 - 3. A preliminary plat remains valid, if a timely request for extension has been filed, until an extension is granted or denied.
 - 4. No more than three extensions may be granted. No variances may be granted from this provision.
 - 5. This Ordinance shall apply to all preliminary plat extensions requested after the date of enactment regardless of the date of the original Final Decision. If a preliminary plat has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.
- E. Extension Criteria. Before an extension is approved, written findings will be made that the extension request complies with the following:
 - 1. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and
 - 2. The proposed project does not conflict with any changes to the Comprehensive Plan, Development Code, or other land use codes which were adopted since the last expiration date of the preliminary plat; and
 - 3. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the preliminary plat with regard to items such as, but not limited to:
 - a. Submittal of permit applications to City, State, and Federal agencies;

- b. Contracts for geologic or other site specific reports have been signed and are in effect;
 - c. Project site and/or building engineering, architectural design, or construction has begun.
4. In lieu of compliance with Section 3.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

F. Extension Procedures.

- 1. Applications for extensions shall be submitted in accordance with the Administrative Procedures in Article 9, except as noted in this Section. Extension requests shall be submitted to the Community Development Department prior to expiration.
- 2. Public notice and procedures on applications for extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the record for the original request, associated appeals, and associated extensions.
- 3. The administrative decision, public hearing, and/or Planning Commission decision concerning an extension may occur after the preliminary plat would have expired but for a timely filed request for an extension.
- 4. Appeals. The decision concerning an extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on extensions shall be limited to the issues relevant to the extension criteria only and not to issues relevant to the original preliminary plat decision.

~~(Section 13.680 added by Ordinance 10-06, 4-19-10)~~

SECTION 226: AMENDMENT “13.740 PENALTIES FOR VIOLATION” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

(Ordinances 94-02, 10-06, 14-03, 19-05)

SECTION 227: AMENDMENT “ARTICLE 1 BASIC PROVISIONS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

ARTICLE 1 BASIC PROVISIONS

~~(Section 1.210, Comprehensive Plan Background Reports, deleted by Ordinance 14-03, 4-21-14)(Section 1.220, Astoria Waterfront Planning Study, deleted by Ordinance 14-03, 4-21-14)(Section 1.230, Astoria Waterfront Revitalization Plan, deleted by Ordinance 14-03, 4-21-14)(Section 1.235, Astoria Transportation System Plan, added by Ordinance 99-22, 11-15-99; deleted by Ordinance 14-03, 4-21-14)(Section 1.240, Astoria Trails Master Plan, added by Ordinance 06-04, 6-19-06; amended by Ordinance 13-04, 5-6-13; deleted by Ordinance 14-03, 4-21-14)(Section 1.245, Port/Uniontown Transportation Refinement Plan, added by Ordinance 07-01, 2-20-07; deleted by Ordinance 14-03, 4-21-14)(Section 1.250, East Gateway Transportation System Plan, added by Ordinance 07-01, 2-20-07; deleted by Ordinance 14-03, 4-21-14)(Section 1.252, Astoria Historic Preservation Plan, added by Ordinance 08-08, 4-21-08; deleted by Ordinance 14-03, 4-21-14)(Section 1.253, Buildable Lands Inventory, added by Ordinance 11-06, 7-5-11; deleted by Ordinance 14-03, 4-21-14)~~

SECTION 228: **AMENDMENT** “1.030 INTERPRETATION” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.030 INTERPRETATION

- A. Applicability. 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. ~~(Section 1.030.A amended and renumbered by Ord 19-05, 6-17-2019)~~
- B. Authorization of Similar Uses. The Community Development Director and/or 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. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Community Development Director and/or Planning Commission finds are similar to those that are prohibited, are not allowed. (formerly Section 1.360) ~~(Section 1.030.B amended and renumbered by Ord 19-05, 6-17-2019)~~
- C. Code Interpretations. This section provides a process for resolving differences in the interpretation of the Code text. ~~(Section 1.030.C added by Ord 19-05, 6-17-2019)~~
- D. Code Interpretation Procedure. Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Community Development Director and shall be processed as follows:
 - 1. Where an interpretation requires discretion, the applicant shall submit a Miscellaneous Review Permit application for a Code Interpretation with applicable fee for a Type II permit. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request. The Community Development Director shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the Type II decision-making procedures in Article 9.
 - 2. The Community Development Director may refer the application to the Planning Commission and follow Type III decision-making procedures in Article 9.
 - 3. Where a code interpretation may have significant City-wide policy implications, the Community Development Director may bypass the procedures in Sections 1.030.D.1 to 1.030.D.2 and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Article 9.
 - 4. All decisions on a code interpretation shall be made in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application in

accordance with Article 9. ~~(Section 1.030.D added by Ord 19-05, 6-17-2019)~~

SECTION 229: **AMENDMENT** “1.045 NUMBER AND GENDER” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.045 NUMBER AND GENDER

In this code, words in the singular number may include the plural and words in the plural number may include the singular. Words in this code in the masculine gender may include the feminine and the neuter.

~~(Section 1.045 added by Ord 19-06, 7-1-2019)~~

SECTION 230: **AMENDMENT** “1.101 ESTABLISHMENT OF DESIGN REVIEW COMMISSION” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.101 ESTABLISHMENT OF DESIGN REVIEW COMMISSION

There is hereby created a Design Review Commission whose responsibilities are limited to design review in the Astoria Development Code other than those in Article 6, Historic Properties Ordinance, which is the responsibility of the Historic Landmarks Commission.

~~(Section 1.101 amended by Ord 19-06, 7-1-2019)~~

SECTION 231: **AMENDMENT** “1.103 PURPOSE AND DUTIES OF THE DESIGN REVIEW COMMISSION” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.103 PURPOSE AND DUTIES OF THE DESIGN REVIEW COMMISSION

- A. The purpose of the Design Review Commission is to evaluate the design of proposed projects based on established design review guidelines in the Astoria Development Code other than those in Article 6, Historic Properties Ordinance. The Commission will function in compliance with the procedures of Article 9 of the Astoria Development Code. ~~(Section 1.103.A amended by Ord 19-06, 7-1-2019; Section 1.103 added by Ordinance 98-04, 5-4-98)~~

SECTION 232: **AMENDMENT** “1.105 MEMBERSHIP” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 Commission 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 Commission.
 1. The Design Review Commission shall consist of five individuals and will include 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.
- C. The following shall apply to the Planning Commission, Historic Landmarks Commission, and Design Review Commission.
 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 227.030.
 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.
 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.
 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 their spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have 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)~~

(Section 1.105 amended by Ord 19-06, 7-1-2019)

SECTION 233: AMENDMENT "1.110 OFFICERS" of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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)~~

SECTION 234: **AMENDMENT** “1.115 SECRETARY” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.115 ~~SECRETARY~~(RESERVED)

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)~~

SECTION 235: **AMENDMENT** “1.120 MEETINGS” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

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 Commission. (Section 1.120.A.2 amended by Ord 19-06, 7-1-2019)

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 Commission should meet as needed. (Section 1.120.B amended by Ord 19-06, 7-1-2019)

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)~~

SECTION 236: **AMENDMENT** “1.355 PENALTIES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

1.355 PENALTIES

Except as otherwise provided in this Code, a violation of a provision of this code may be punishable as noted in City Code Section 1.010, Penalties.

~~(Section 1.355 added by Ord 19-05, 6-17-2019)~~

SECTION 237: **AMENDMENT** “1.135 EMPLOYEES AND EXPENSES”
of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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.

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

SECTION 238: **AMENDMENT** “1.140 EXPENDITURES” of the Astoria
Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

SECTION 239: **AMENDMENT** “1.145 RECOMMENDATIONS TO
CITY COUNCIL” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

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)~~

SECTION 240: **AMENDMENT** “1.400 DEFINITIONS” of the Astoria
Development Code is hereby *amended* as follows:

A M E N D M E N T

1.400 DEFINITIONS

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

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.

ACCESS WAY: A walkway providing a through connection for pedestrians and bicyclists between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

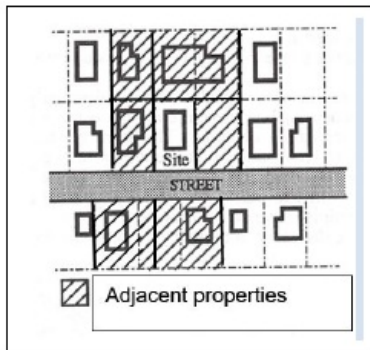
ACCESSORY DWELLING UNIT: See Residential Structure Types, Accessory Dwelling Unit.

ACCESSORY STRUCTURE IN A COTTAGE CLUSTER DEVELOPMENT: Includes shared accessory structures such as parking or storage buildings; and individual accessory structures such as garages attached to cottages, which may not face the common open space.

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.

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.

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. Electrical vehicle charging station not accessory to the primary use on the property is included in this category. Electrical vehicle charging station without a freestanding sign, except directional and/or informational signs less than four square feet each, may be classified as an accessory use to the primary use in a parking lot (including commercial or public off-street parking lot use classification) 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.

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 may provide a morning meal. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification.

BILLBOARD VEHICLE: Any wheeled vehicle, whether motorized or not, used primarily for the display of general advertising or general advertising for hire, by means of traversing or parking upon any public street or public parking space in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way. Also known as sign truck or billboard truck or mobile billboard. This definition does not apply to vehicles displaying images related to the same business or establishment of which the vehicle is an operating instrument for other purposes and does not apply to vehicles which are on the public road for the primary purpose of transportation, such as taxis and buses, even if such vehicles display general advertising.

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.

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 ENVELOPE: The outer bounds, both vertically and horizontally, of an enclosed structure.

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).

BUILDING, HISTORIC: Buildings which are designated as historic within Astoria are structures intended to shelter human activity. Examples include a house, barn, hotel, church, or similar construction. The term building, as in outbuilding, can be used to refer to historically and functionally related units, such as a courthouse and a jail, or a barn and a house.

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. A building line indicates the limit beyond which buildings or structures may not be erected. For lots contained in an official subdivision plat recorded before December 7, 1961, the building line may be taken as shown therein.

BUILDING MASS: The height, width, and depth of a structure including non-enclosed features such as unenclosed stairs and unenclosed decks. The mass of a structure is determined by the volume of the building; variation in building shape and form; the relationship between a structure and the size of adjacent structures; and the building site and its relationship to the sidewalk and street, and importance to human scale.

BUILDING OFFICIAL: The officer or other designated authority charged with the administration and enforcement of the Building Code, or a regularly authorized deputy.

BUILDING SCALE: See Scale, Building.

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.

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. ~~CARRIAGE HOUSE DWELLING UNIT: A dwelling unit on the second floor of a common parking structure.~~

CITY: The City of Astoria, Oregon.

CITY ENGINEER: The certified official or other designated authority charged with the administration of the Engineering Division of the City's Public Works Department or his/her designee.

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. ~~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.~~

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.

COMMON COURTYARD: A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

COMMON OPEN SPACE: An area improved for recreational use or gardening that all owners in the development own and maintain in common through a homeowner's association, condominium association, or similar mechanism.

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.

COMMUNITY DEVELOPMENT DIRECTOR: The person designated as having overall responsibility for the activities of the City's Community Development Department or his/her designee.

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. ~~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.~~

CONSISTENT: For the purpose of Article 6, Historic Properties Ordinance, consistent shall mean to be similar to the original historic feature in design, size, and/or material, or would meet the commonly acceptable intent of an original feature.

CONSTRUCTION SERVICE ESTABLISHMENT: Business primarily engaged in construction such as plumbing, mechanical, roofing, building construction, etc., including shop storage buildings and yards, dispatch facility with on-site storage of vehicles.

~~COTTAGE: A detached, site built, single family or two family dwelling unit that is part of a cottage cluster development.~~

~~COTTAGE CLUSTER: A group of four (4) to 12 cottages, arranged around a common open space. See Residential Structure Types, Cottage Cluster.~~

COTTAGE CLUSTER DEVELOPMENT: *See Residential Structure Types, Cottage Cluster Development.*

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.

DECLARANT: The person who files a declaration under ORS Chapter 92.

DECLARATION: The instrument by which the subdivision or partition plat was created.

DESIGN REVIEW: A process of review whereby the Historic Landmarks Commission, Design Review Commission, Planner, or their designee, 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 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.

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. (Added by Ordinance 14-03, 4-21-14)

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.

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 tidagate 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. MULTI-FAMILY: A building containing three or more dwelling units. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied. 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)~~

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. May be located in a building with non-residential uses, as allowed by the applicable zoning designation.

EASEMENT: A grant of the right to use a portion of land for specific purposes. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.

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.

FAIR MARKET VALUE, CLATSOP ASSESSOR RECORDS: Fair Market Value shall be as indicated on the records of the Clatsop County Assessor of the existing structure, not the value of the proposed alteration and/or new construction. When a fair market value is not available, the current assessed value as indicated on the records of the Clatsop County Assessor of the existing structure may be used. (Added by Ord 19-05, 6-17-2019)

~~**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.~~

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 other than trees, 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. (Amended by Ord 19-05, 6-17-2019)

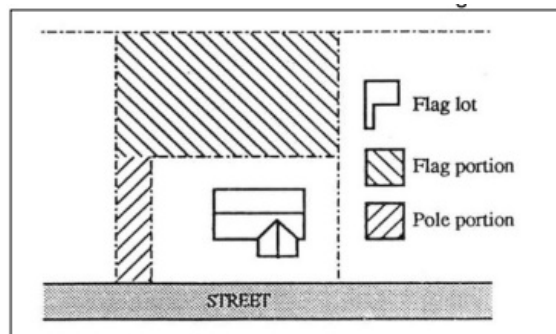
FENCE, SIGHT-OBSCURING: A fence or evergreen planting arranged to obstruct vision.

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

FINAL DECISION: The date upon which a decision has been rendered and the Order is signed, or the final resolution of all City, State, and Federal appeals, whichever is later. (Added by Ordinance 10-06, 4-19-10)

FITNESS CLUB OR GYM: A facility for instruction, training, or assistance in a program of physical exercise or weight reduction, which may include the use of a sauna, whirlpool bath, weight lifting room, massage, steam room, or other exercising or weight reduction machine or device. The facility may be classified as "Medical", and/or "Indoor Entertainment or Recreation" depending on the programs provided. (Added by Ordinance 20-02, 1-21-2020)

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.



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.~~ *See Residential Structure Types, Floating Residence.*

FLOOR AREA, GROSS: 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, and structures on all abutting tax lots associated with a development. It does not include the following, unless otherwise noted in specific code Sections:

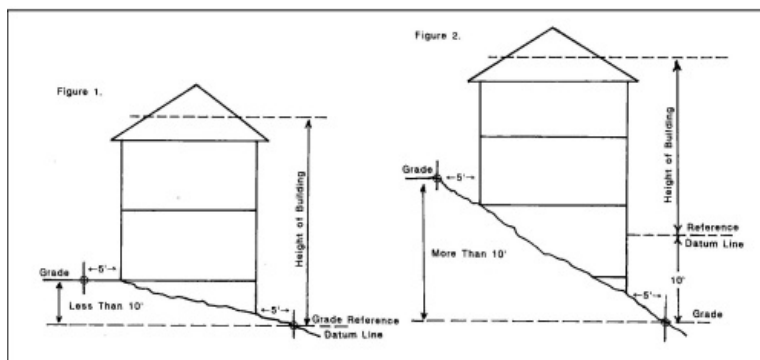
- A. Attic space providing headroom of less than seven feet.
- B. Basement providing headroom of less than seven feet.
- C. Unenclosed steps or fire escapes.
- D. Garages, carports; unenclosed porches; unenclosed decks greater than 12 high; or unenclosed balconies less than 100 square feet combined for all balconies on the same facade.
- E. Accessory uncovered off-street parking or loading spaces.
- F. Covered porticos and pedestrian entrances less than 50 square feet.
- G. Outdoor storage area enclosures less than 120 square feet. The square footage of multiple enclosures within 10' of each other shall be considered as one structure for the combined total square footage. (Amended by Ord 19-06, 7-1-2019)

FOOTPRINT: The outer bounds, horizontally, of all features of a structure including decks, stairs, and other non-enclosed features that are attached to the structure and are constructed 12” or more above grade. [Added by Ordinance 13-08, 8-19-2013]

FOSSIL FUEL AND PETROLEUM PRODUCT TERMINAL: Facility engaged in freight movement or wholesaling of bulk fossil fuels at facilities that are characterized by having marine, pipeline, or railroad transport access, transloading facilities for transferring a shipment between transport modes (such as from rail to ship), or bulk storage facilities of fossil fuels. Examples include petroleum terminals, liquid natural gas terminals, and coal terminals. Facilities that are not classified as “Fossil Fuel or Petroleum Terminals” include retail sales of fossil fuels, such as gasoline or propane filling stations, and end-user facilities that store fossil fuels for primary use at or near the site, such as manufacturing. (Added by Ord 20-02, 1-21-2020)

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.



GRANTING AUTHORITY: The Community Development Director, Astoria Planning Commission, Historic Landmarks Commission, and/or the Design Review Commission who review and approve land use requests. (Amended by Ord 19-06, 7-1-2019; Added by Ordinance 10-06, 4-19-10)

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.

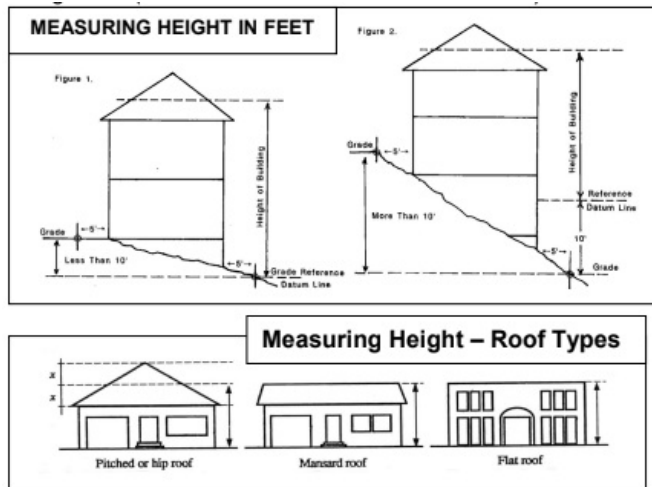
GROSS FLOOR AREA: See Floor Area, Gross. (Added by Ord 19-06, 7-1-2019)

GROUP HOUSING LIVING: Dwelling in which no more than 15 individuals reside who do not require treatment, excluding Residential Facility and Residential Home. See Residential Structure Types, Group Living.

GUIDELINES: For the purpose of the Riverfront Vision Plan Overlay Zones, the term guidelines shall mean code provisions that encourage or allow for design features or approaches and that provide flexibility and discretion for the appropriate review body to interpret and apply the guideline. (Added by Ord.15-03, 6-15-15)

HEIGHT, BUILDING: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deckline 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".)



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.

HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. Such facilities may or may not provide a morning meal. Rooms used by transient guests shall not include a kitchen. ~~(Astoria City Code Section 8.755) (Amended by Ord 19-07, 7-1-2019)~~

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, which may also provide incidental services such as restaurants, meeting rooms, or recreational facilities subject to Development Code standards. ~~(Amended by Ord 19-07, 7-1-2019)~~

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

INDOOR ENTERTAINMENT: A facility which provides entertainment for persons of all ages but may also be limited to persons over the age of 21 years, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, adult movie theaters, adult dance halls, fitness club, gym, and similar facilities. ~~(Added by Ord 19-05, 6-17-2019; amended by Ord 20-02, 1-21-2020)~~

INDOOR FAMILY ENTERTAINMENT OR RECREATION ESTABLISHMENT: A facility which provides entertainment or recreation for persons of all ages, and which may be passive or active. Examples include bowling alleys, movie theaters, swimming pools, racquet ball courts, light manufacturing production viewing areas, fitness club, gym, and similar facilities. ~~(Amended by Ord 19-05, 6-17-2019; amended by Ord 20-02, 1-21-2020)~~

INDUSTRIAL: A structure or use that involves a large-scale business, manufacturing business, seafood industry, warehousing, or other large-scale operation that is not general commercial in nature and/or residential. ~~(Added by Ord 19-05, 6-17-2019)~~

INITIAL PLAN: A sketch or schematic plan presented by a subdivider or applicant to the Planning Commission or Community Development Director, as applicable, 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. (~~Added by Ordinance 14-03, 4-21-14~~)

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 may provide a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions. (~~Amended by Ord 19-07, 7-1-2019~~)

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.

KITCHEN: Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven. (~~Added by Ord 19-07, 7-1-2019~~)

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).

LAND USE APPROVAL: The discretionary approval of a proposed development of land including Land Use Decisions as defined by ORS 197.015(10) and Limited Land Use Decisions defined by ORS 197.015(12).

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.

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. Processing, fabricating, assembly or disassembly of items takes place wholly within an enclosed building, and requires only a small amount of raw materials, land area, power, are easy to transport, and does not require large automated production lines. Facilities typically have less environmental impact than those associated with heavy industry. Examples include food products, brewery, distillery, clothing, electronics, wood working, etc. (~~Amended by Ordinance 14-03, 4-21-14~~)

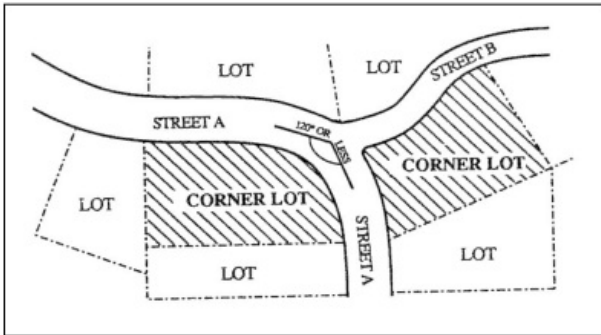
LOG DUMP/SORT AREA (in-water): The use of an area to transfer logs to or from the land to water, normally associated with log storage/sort yards, log booming or processing/shipping facilities where rafts are built or dismantled.

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.

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.

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. (Added by Ordinance 14-03, 4-21-14)

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 extending 12 above ground level of the lot upwards at any point on the structure including handrails, except eaves. (Amended by Ord 19-05, 6-17-2019)

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

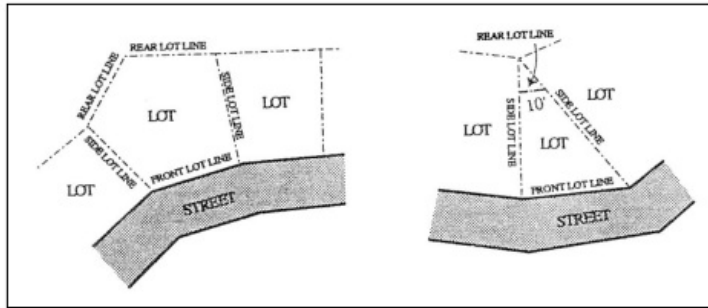
LOT LINE: The property line bounding a lot.

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 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.~~
See Residential Structure Types, Manufactured Dwelling.

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.

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.

MASS, BUILDING: See Building Mass. (Added by Ord 19-06, 7-1-2019)

MICRO HOUSING: *See Residential Structure Types, Micro Housing.*

MICROWAVE RECEIVING DISH/DEVICE: Any conical or dish shaped device or similar structure used for receiving television or other telecommunication signals transmitted from satellites or earth-based transmitters. Microwave receiving dishes/devices may also be known as Television Receive Only (TVRO) dishes, Satellite Direct Service (SDS) dishes, Multi-Distance Service (MDS) dishes and Earth Stations. Microwave receiving dish/device is for receiving only and shall not transmit, repeat, or reflect signals. (Amended by Ord 19-05, 6-17-2019)

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.~~ *See Residential Structure Types, Modular Home.*

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

MOTEL: A building in which lodging is provided for guests for compensation and where the majority of rooms have direct access to the outside without the necessity of passing through the main lobby of the building. (Amended by Ord 19-07, 7-1-2019)

MULTI-FAMILY DWELLING: *See Residential Structure Types, Multi-Family Dwelling.*

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.

OBJECT, HISTORIC: Objects which are designated as historic within Astoria are usually artistic in nature, or small in scale when compared to structures and buildings. Though objects may be movable, they are generally associated with a specific setting or environment. Examples of objects include monuments, sculptures, and fountains. ~~(Added by Ord 19-06, 7-1-2019)~~

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.

OUTDOOR STORAGE AREA: An area for storage of materials, products, solid waste disposal collection, recycling, utilities, mechanical equipment, and other storage unless otherwise defined. This does not include roof top equipment enclosures. ~~(Added by Ord 19-06, 7-1-2019)~~

OWNER: For purposes of transient lodging codes, the term owner only includes individuals, holding fee simple title to property, the beneficiaries of a revocable living trust, or a purchaser under a recorded instrument of sale. This does not include corporations, limited liability companies or similar organizations, an authorized agent of the owner, or those holding easements, leaseholds, or purchasers of less than fee interest. ~~(Added by Ord 19-07, 7-1-2019; Amended by Ord 14-03, 4-21-2014)~~

OWNER OCCUPIED: Occupancy of a residence by an individual owner. ~~(Added by Ord 19-07, 7-1-2019)~~

PARCEL: A unit of land that is created by a partitioning of land. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.

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. ~~(Added by Ordinance 14-03, 4-21-14)~~

PARTITION LAND: To divide an area of land into two or three parcels within a calendar year, but does not include:

- A. 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
- B. 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 size by the adjustment complies with any applicable Development Code requirement; or
- C. 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. ~~(Added by Ordinance 14-03, 4-21-14)~~

PARTITION PLAT: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition. ~~(Added by Ordinance 14-03, 4-21-14)~~

PATHWAY/SHARED-USE PATHWAY: A facility for pedestrian and bicycle access conforming to City standards and separated from the street right-of-way, which may or may not be within a public right-of-way. ~~(Added by Ordinance 14-03, 4-21-14)~~

PEDESTRIAN WAY: A right-of-way for pedestrian traffic. ~~(Added by Ordinance 14-03, 4-21-14)~~

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

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. ~~(Added by Ordinance 14-03, 4-21-14)~~

PERMIT: Any approval granted under the Astoria Development Code or City Code.

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.

PHASED PROJECT: Project involving construction of buildings and/or sites that are not completed all at the same time. All phases of a phased project are reviewed and approved under one permit with a time line for phased completion. ~~(Added by Ordinance 10-06, 4-19-10)~~

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.

PLAT: A final subdivision plat, replat or partition plat. ~~(Added by Ordinance 14-03, 4-21-14)~~

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)~~

PRELIMINARY PLAT: A tentative map and plan for a land division duly submitted to the Community Development Director for Commission or administrative consideration and approval and conforming in all respects to the requirements therefore specified in this Ordinance. ~~(Added by Ordinance 14-03, 4-21-14)~~

PRIMARY: See "Historic Primary Significant Contributing Structure".

PRIMARY RESIDENCE: Dwelling maintained as the permanent residence of the owner for not less than six months of the year. ~~(Added by Ord 19-07, 7-1-2019)~~

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.

PROPERTY LINE: The division line between two units of land. ~~(Added by Ordinance 14-03, 4-21-14)~~

PROPERTY LINE ADJUSTMENT: The relocation of a common property line between two abutting properties. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.

PUBLIC WORKS DIRECTOR: The duly appointed Public Works Director of the City of Astoria or his/her designee. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.

RECREATIONAL VEHICLE: A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designated primarily not for use as a permanent dwelling but as temporary occupancy for recreational, camping, travel, or seasonal use. (Added by Ordinance 09-03, 8-3-09)

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.

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.

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. ~~(Added by Ordinance 14-03, 4-21-14)~~

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. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.~~ *See Residential Structure Types, 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.~~ *See Residential Structure Types, Residential Home.*

RESIDENTIAL STRUCTURE TYPES:

ACCESSORY DWELLING UNIT: ~~A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside. (Amended by Ordinance 21-02, 2-16-21)~~ An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

COTTAGE: An individual dwelling unit that is part of a cottage cluster.

COTAGE CUSTER: A grouping of dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

COTTAGE CLUSTER DEVELOPMENT: A development site with one or more cottage clusters. All cottage cluster developments are subject to Section 3.090.

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.

GROUP LIVING FACILITY: A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses. Group Living is characterized by long-term (i.e., more than 30 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training, and/or treatment.

ROOM AND BOARD FACILITIES: Group Living establishments where no personal care, training, or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, or similar uses.

LONG-TERM CARE FACILITIES: Group Living establishments where personal care for children, the aged, and special categories or persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, congregate care, homes for the deaf or blind, or similar uses.

MANUFACTURED DWELLING: A dwelling unit constructed off-site which can be moved on public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.

MANUFACTURED HOME: A manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

MOBILE HOUSE: A manufactured dwelling constructed between January 1, 1962 and June 15, 1976 in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.

RESIDENTIAL TRAILER: A manufactured dwelling constructed before January 1, 1962 which was not constructed in accordance with federal manufactured housing construction and safety standards or the construction requirements of Oregon mobile home law.

MICRO HOUSING: A single, independent, residential dwelling unit consisting of one habitable room (excluding kitchen, bath, closets, storage areas, and built-ins). These units have a living room floor area of two hundred twenty square feet or less or a total gross unit size of three hundred twenty square feet or less.

MODULAR HOME: A home that is built off-site, as opposed to on-site. These homes are often called factory-built, system-built, or prefab or prefabricated homes. Modular homes may be built to either the Uniform Building Code or the manufactured home building code and are placed on a permanent foundation.

MULTI-FAMILY DWELLING: Three or more dwelling units on a lot or parcel in any configuration. May include rowhouses, apartment buildings, or residential condominiums, either renter-occupied or owner-occupied.

RESIDENTIAL FACILITY: A facility that provides housing and care for 6 to 15 individuals who need not be related under ORS 430.010 (for alcohol and drug abuse programs) or ORS 443.400 (for persons with disabilities). Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

RESIDENTIAL HOME: A residential treatment, training, or adult foster home licensed by or under the authority of the Department of Human Services under ORS 443.400 to 443.825; a residential facility registered under ORS 443-.480 to 443.500; or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. See also ORS 197.660.

SINGLE-FAMILY DWELLING: A building containing one dwelling unit. May include an accessory dwelling unit.

TWO-FAMILY DWELLING: Two dwelling units on a lot or parcel in any configuration.

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. It includes the sale of moped and other small powered vehicles as long as they are not displayed in an outdoor sales area. Retail Sales Establishment does not include gasoline service station, automotive sales establishment, or other sales of large motorized vehicles, or mobile homes. (Amended by Ord 19-05, 6-17-2019)

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

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. ~~(Added by Ordinance 14-03, 4-21-14)~~

RIGHT-OF-WAY: The area between the boundary lines of a street or other easement. ~~(Added by Ordinance 14-03, 4-21-14)~~

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.

ROADWAY: The portion of a street right-of-way developed for vehicular traffic. ~~(Added by Ordinance 14-03, 4-21-14)~~

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, 2-6-95)~~

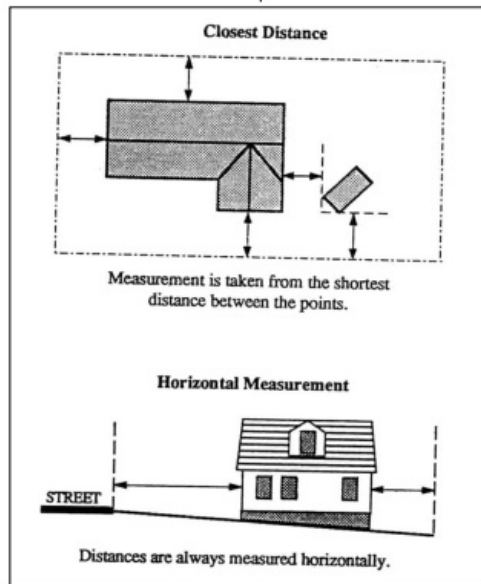
~~SANDWICH BOARD: (Deleted by Ordinance 00-11, 12-4-00)~~

SCALE, BUILDING: The appearance of a structure in relation to other structures in the vicinity. Scale is affected by variations in height, setbacks, and stepbacks of upper stories. ~~(Added by Ord 19-06, 7-1-2019)~~

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.

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



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

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.

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.

SHOULD: A requirement, unless it can be shown that to comply with the requirement would be unreasonable, impractical, or unfeasible. Economic hardship alone shall not be justification for noncompliance with the requirement, but may be considered in conjunction with other reasons for noncompliance. (Added by Ordinance 14-03, 4-21-14)

SIDEWALK: A paved walkway with rock, paved surfacing, or other approved material within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip. (Added by Ordinance 14-03, 4-21-14)

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.

ANIMATION SIGN: Any sign or part of a sign that contains text and/or other images that flash or move or otherwise change at intervals of less than once every ten (10) seconds. (Added by Ordinance 04-04, 5-3-04)

CHANGEABLE TEXT SIGN: Any sign or part of a sign that changes physical position, light intensity, or text and/or graphic images by use of intermittent on-and-off illumination or any movement or rotation or that gives the visual impression of such movement or rotation at intervals of more than once every 24 hours. Also known as “moveable text sign”, “electronic reader board”, “electronic message center”, or “multiple message sign”. (Added by Ordinance 04-04, 5-3-04)

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.

MONUMENT SIGN: A sign, other than a freestanding sign, in which the entire bottom is in contact with or is close to the ground and is not attached to any part of a building or other structure. A monument sign shall not exceed 10' in height. Any sign over 10' in height shall be classified as a “freestanding sign”. (Added by Ordinance 04-04, 5-3-04)

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.

OFF-PREMISE SIGN: A sign that identifies, advertises, or draws attention to a business, use, activity, goods, products, or services which are not sold, manufactured, or distributed on or from the premises on which the sign is located, or facilities not located on the premises on which the sign is located. (Added by Ordinance 04-04, 5-3-04)

OPENING OR COMING SOON SIGN: A sign intended to announce the opening of a business, use, or activity, or the construction of a new building or expansion of an existing building, excluding announcement of sales or activities and events within an existing business, use, or activity. (Added by Ordinance 04-04, 5-3-04)

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)

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.

SHORT TERM SIGN: A sign that is installed for more than 30 days but not more than 180 days. (Added by Ordinance 04-04, 5-3-04)

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.

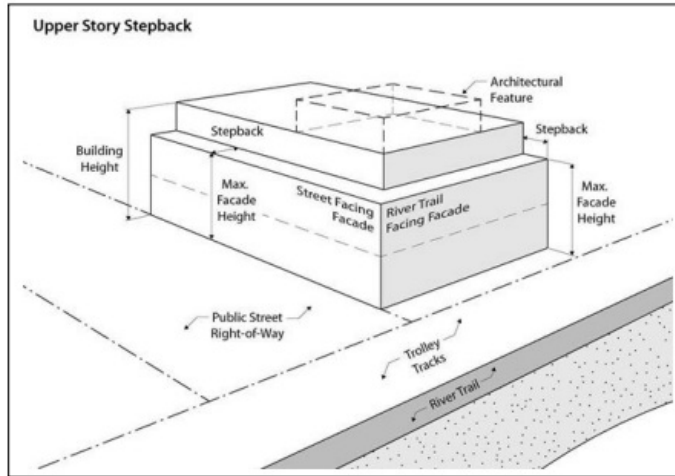
~~SINGLE-FAMILY DENSITY AREA: An area abutting a minor street not a business street, where for one block length or more all property on both sides of the street is, or as determined by the Planning Commission, will be occupied by no more than 4.50 families per acre exclusive of street right-of-way. (Added by Ordinance 14-03, 4-21-14)~~
SINGLE-FAMILY DWELLING: See Residential Structure Types, Single-Family Dwelling.

SITE, HISTORIC: Sites which are designated as historic within Astoria may include discrete areas significant solely for activities in that location in the past, such as battlefields, significant archaeological finds, designed landscapes (parks and gardens), and other locations whose significance is not related to a building or structure. (Added by Ord 19-06, 7-1-2019)

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

STANDARD: For the purpose of the Riverfront Vision Plan Overlay Zones, the term standards shall mean code provisions that require or prohibit specific design features, incorporate numerical or other clear and objective standards, and provide for limited or no discretion by the appropriate review body to interpret and apply the standard. (Amended by Ord 19-06, 7-1-2019; Added by Ord 15-03, 6-15-15)

STEPBACK: Building setbacks are stepped or progressive recessions in a building's face as the building rises higher. Setbacks are designed to reduce building mass to allow views around the building from above and/or from a distance, to allow more light down to the adjacent rights-of-way, and to improve the aesthetic experience of the building from adjacent rights-of-way. (Added by Ord 14-09, 10-6-14)



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. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point; An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

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. (Amended by Ordinance 14-03, 4-21-14)

ALLEY: A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof. (Added by Ordinance 14-03, 4-21-14)

ARTERIAL: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas. (Added by Ordinance 14-03, 4-21-14)

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. (Added by Ordinance 14-03, 4-21-14)

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. (Added by Ordinance 14-03, 4-21-14)

CUL-DE-SAC: (Dead End Street) A short street having one end open to traffic and being terminated by a vehicle turnaround. (Added by Ordinance 14-03, 4-21-14)

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. (Added by Ordinance 14-03, 4-21-14)

MAJOR STREET: Same as “arterial”. (Added by Ordinance 14-03, 4-21-14)

MARGINAL ACCESS STREET: A minor street parallel and adjacent to a major arterial street, providing access to abutting properties, but protected from through traffic. (Added by Ordinance 14-03, 4-21-14)

MINOR STREET: A street intended primarily for access to abutting properties. (Added by Ordinance 14-03, 4-21-14)

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.

STRUCTURE, HISTORIC: Structures which are designated as historic within Astoria differ from buildings, in that they are functional constructions meant to be used for purposes other than sheltering human activity. Examples include, an aircraft, ship, grain elevator, gazebo, and bridge. (Added by Ord 19-06, 7-1-2019)

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.

SUBDIVIDE: To effect a land division. (Added by Ordinance 14-03, 4-21-14)

SUBDIVIDE LAND: To divide an area or tract of land into four or more lots within a calendar year. (Added by Ordinance 14-03, 4-21-14)

SUBDIVIDER: An owner commencing proceedings under this Chapter to effect a land division by himself or through this lawful agent. (Added by Ordinance 14-03, 4-21-14)

SUBDIVISION: Either an act of subdividing land or an area or tract of land subdivided as defined in this Section. (Added by Ordinance 14-03, 4-21-14)

SUBDIVISION PLAT: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision. (Added by Ordinance 14-03, 4-21-14)

SUBSTANTIAL CONSTRUCTION: Physical alteration of the land and/or building to an extent that there is obvious progress toward completion of the project as follows: For new construction, it shall include walls extending up from grade level; for existing buildings, it shall include issuance of a building permit with inspections for work equal to or greater than 25% of the value of the project as indicated on the building permit; and if no building permit is required, proof that site work equal to or greater than 25% of the value of the project has been completed. Land value and permit costs shall not be included in the calculation for value of construction completed. (Added by Ordinance 10-06, 4-19-10)

SUBTIDAL: Below the level of extreme low tide.

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.

TIME SHARE: A dwelling unit that is occupied for other than permanent occupancy by one family and whose ownership is divided into periods of time under an arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit for a period of time less than a full year during any given year. Use of the dwelling for less than a 30-day period by one family shall be classified as transient lodging and the same as a hotel or motel. (Added by Ord 19-07, 7-1-2019)

TOURIST LODGING FACILITY: See Transient Lodging Facility. (Added by Ord 19-07, 7-1-2019)

TOURIST ORIENTED SALES OR SERVICE: A use or business which devotes 50% or more of its primary use gross floor area to uses or activities which are open and or physically accessible to the public and are reasonably expected to be of interest to visitors. A use or business that is primarily used by the general public such as a video rental establishment, pharmacy, etc. and also used by a visitor but not as a tourist destination for 50% of the primary use gross floor area, is not tourist-oriented. (Amended by Ord 19-05, 6-17-2019)

TRANSIENT: A transient includes any person entitled to occupy a residence for less than 30 consecutive calendar days. The day a transient guest checks out shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient. (Added by Ord 19-07, 7-1-2019)

TRANSIENT LODGING FACILITY: Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, vacation rental, or other such transient lodging facility known by their advertising and/or management platform names. Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period. (Added by Ord 19-07, 7-1-2019)

TRANSPORTATION FACILITY: Transportation facilities include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, electric car charging stations (without pricing signs), landscaping, and related improvements located within public rights-of-ways controlled by a public agency, consistent with the City Transportation System Plan. (Amended by Ordinance 14-03, 4-21-14)

TRANSPORTATION SERVICE ESTABLISHMENT: Business primarily engaged in moving of goods and/or persons such as freight company, bus depot, intermodal center, delivery vehicle and semi-truck storage areas, etc., but excluding bicycle rental facilities. (Added by Ord 19-05, 6-17-2019)

TWO-FAMILY DWELLING: [See Residential Structure Types, Two-Family Dwelling.](#)

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

USE, CEASE OF: Use shall be considered as ceased when the site and/or building is no longer used or available for occupancy by the specific use. A building or site vacant while being continuously marketed, repaired, or otherwise similarly unavailable for use is not considered to be a cessation of use. A building or site that is occupied by a different use shall be considered as a cessation of the former use. (Added by Ordinance 10-06, 4-19-10)

USE, START OF: Use shall be considered as begun when the applicant has physically moved into the site or is in the process of physically moving into the site in preparation of beginning occupation and/or operation. Actual operation and/or business open to the public need not occur to consider a use as begun. (Added by Ordinance 10-06, 4-19-10)

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.

VACATION RENTAL: A transient lodging facility available for transient rental, and which is not occupied by an owner or manager at the same time as the guests. This includes any accommodation meeting these requirements including facilities known by their advertising and/or management platform names, or other such transient lodging identification. For the purposes of this Code, a Vacation Rental is classified the same as a hotel or motel. (Added by Ord 19-07, 7-1-2019)

VISION CLEARANCE AREA: A triangular area of a lot at the intersection of streets, railroads, alleys, or driveways, as defined in City Code Section 6.100. (Amended by Ordinance 14-03, 4-21-14)

WALKWAY: A sidewalk or pathway, including any access way, allowing pedestrian and bicycle access and improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, Sidewalk. (Added by Ordinance 14-03, 4-21-14)

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.

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.

WIND ENERGY FACILITY: A system that converts wind energy into electricity through the use of a wind turbine generator and may include a nacelle, rotor, blade, tower, and/or turbine pad. A Small-Scale Wind Energy Facility shall be a system of less than 90' in height, rotor blade of less than 22' (380 square foot swept area). A Small-Scale Facility is classified as a utility and is subject to the height limitations of the zone. All other facilities are prohibited. (Added by Ord 19-05, 6-17-2019)

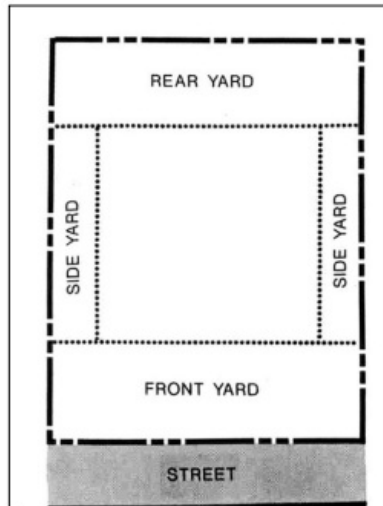
WOOD PROCESSING: Wood processing is an engineering discipline comprising the production of forest products, such as pulp and paper, construction materials, and tall oil. Paper engineering is a subfield of wood processing. Wood processing produces additives for further processing of timber, wood chips, cellulose, and other prefabricated material. It does not include the manufacturing of finished products from wood such as furniture or a woodworking shop. (Added by Ord 19-06, 7-1-2019)

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.



SECTION 241: AMENDMENT “9.010 APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES” of the Astoria Development Code is hereby amended as follows:

AMENDMENT

9.010 APPLICATION INFORMATION AND GENERAL REVIEW PROCEDURES

- A. Purpose. The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. (~~Section 9.010.A amended by Ord 19-05, 6-17-2019; 9.010.A renumbered as 9.010.C and 9.010.A added by Ordinance 17-06, 4-3-2017~~)
- B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures

contained in this article. The procedure Type assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in Sections 9.010.B.1 to 9.010.B.4 below. The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

1. Type I Procedure (Staff Review ~~—Zoning Checklist~~).

Type I decisions are made by the Community Development Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

2. Type II Procedure (~~Administrative~~ Staff Review with Notice).

Type II decisions are made by the Community Development Director, with public notice and an opportunity for appeal to the Planning Commission, Historic Landmarks Commission, or Design Review Commission.

Alternatively, the Community Development Director may refer a Type II application to the appropriate Commission/Committee for its review and decision in a public meeting.

- a. If the Community Development Director refers a Type II application to the Commission/Committee at the time of the application, it will be classified as a Type III with associated fees.
- b. If the Community Development Director refers a Type II application to the Commission/Committee after the public notice has been issued, it will be classified as a Type III with no additional fees.
- c. If the applicant requests that a Type II application be referred to the Commission/Committee after the public notice has been issued, it will be classified as a Type III and the applicant shall pay the difference of the fees. (~~Section 9.010.B.2 amended by Ord 19-05, 6-17-2019~~)

3. Type III Procedure (Quasi-Judicial Review ~~—Public Hearing~~).

Type III decisions are made by the Commission/Committee after a public hearing, with an opportunity for appeal to the City Council. In the case of a Quasi-Judicial zone change, a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy. (~~Section 9.010.B.3 amended by Ord 19-05, 6-17-2019~~)

4. Type IV Procedure (Legislative Review).

The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and Comprehensive Plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. (~~Section 9.010.B amended by Ord 19-05, 6-17-2019; 9.010.B renumbered as 9.010.D and 9.010.B added by Ordinance 17-06, 4-3-2017~~) (~~Section 9.010.B Table 9.010 deleted by Ord 19-05, 6-17-19; 9.010.B Table 9.010 added by Ordinance 17-06, 4-3-2017~~)

C. Content. An application for a land use action or permit shall consist of:

1. A complete application form and all supporting documents and evidence, including a site plan, elevations, and other pertinent information related to the subject property or structure. (~~Section 9.010.C.1 amended by Ordinance 17-06, 4-3-2017~~)
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. A notarized signature of the property owner may be required to verify consent. (~~Section 9.010.C.2 amended by~~)

~~Ordinance 17-06, 4-3-2017)~~

3. Legal description of the property affected by the application.
 4. City staff shall provide a zoning checklist to an applicant that identifies all required submittal information. The applicant is required to submit the completed zoning checklist with an application. ~~(Section 9.010.C.4 amended by Ord 19-05, 6-17-2019; 9.010.C.4 added by Ordinance 17-06, 4-3-2017)~~
 5. Signature of the applicant on the permit application is deemed to grant City staff and/or City representative permission to enter upon the exterior portion of the property for photos, site visits, inspections until the permit is finalized, all other inspections, and the project is deemed complete by the City. ~~(Section 9.010.C.5 added by Ord 19-05, 6-17-2019) (Section 9.010.C renumbered and amended by Ordinance 17-06, 4-3-2017)~~
- D. Submittal. A complete application and all supporting documents and evidence shall be submitted at least 30 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. ~~(Section 9.010.D amended by Ord 19-05, 6-17-2019; 9.010.D renumbered by Ordinance 17-06, 4-3-2017)~~
- E. 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. ~~(Section 9.010.E renumbered by Ordinance 17-06, 4-3-2017)~~
- F. 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. ~~(Section 9.010.F renumbered by Ordinance 17-06, 4-3-2017)~~
- G. 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 applicable Commission should be held on the same date if possible. If a development proposal requires review by both the Historic Landmarks Commission and Design Review Commission the applicable design review criteria shall be reviewed by the Historic Landmarks Commission. ~~(Section 9.010.G amended by Ord 19-05, 6-17-2019; 9.010.G renumbered and amended by Ordinance 17-06, 4-3-2017; former Section 9.010.E amended by Ordinance 14-03, 4-21-14)~~
- H. 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. ~~(Section 9.010.F amended by Ordinance 14-03, 4-21-14; Section 9.010.H renumbered by Ordinance 17-06, 4-3-2017)~~
- I. Pre-Application Meeting. Prior to submittal of a Type II, III, or IV application, a pre-application meeting with the Community Development Director and/or the Planner may be required. The Community Development Director shall determine the classification, submittal requirements, and the appropriate process for any application. ~~(Section 9.010.I amended by Ord 19-05, 6-17-2019; Section 9.010.H amended and renumbered by Ordinance 17-06, 4-3-2017; Amended by Ordinance 14-03, 4-21-14; 9.010.G added by Ordinance 13-10, 11-4-13)~~
- J. Determination of Permit Process. The Community Development Director may determine that a permit should be reviewed by a Commission/Committee in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole. ~~(Section 9.010.J renumbered by Ordinance 17-~~

~~06, 4-3-2017; amended by Ordinance 14-03, 4-21-14; 9.010.H added by Ordinance 13-10, 11-4-13)~~

K. Applications for Development Review.

1. Applications for development review may be initiated by one or more of the following:
 - a. One or more owners of the property which is the subject of the application; or
 - b. One or more purchasers or representatives of such property who submit a written approval of the property owner; or
 - c. One or more lessees in possession of such property who submits written consent of one or more owners to make such application; or
 - d. Person or entity authorized by the Board or Commission/Committee; or ~~(Section 9.010.K.d amended by Ord 19-05, 6-17-2019)~~
 - e. A Department of the City of Astoria when dealing with land involving public works, parks, economic development, or other City projects; or ~~(Section 9.010.K.e amended by Ordinance 17-06, 4-3-2017)~~
 - f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service; or
 - g. Any of the above may be represented by an agent who submits written authorization by his principal to make such application. ~~(Section 9.010.I added by Ordinance 14-03, 4-21-14; Section 9.010.K renumbered by Ordinance 17-06, 4-3-2017)~~

L. Coordinated Review.

1. In addition to the general notice provisions set forth in Section 9.020, the City shall invite the Oregon Department of Transportation (ODOT) and/or any other transportation facility, and public and utility service providers potentially affected by the application to pre-application conferences, as applicable. The City shall provide notice of a public hearing or an administrative action to potentially affected transportation facility and service providers.
2. Coordinated review of applications with ODOT and/or any other applicable transportation facility and service providers may also occur through Traffic Impact Study provisions, pursuant to Subsection 3.015.A.5. ~~(Section 9.010.J added by Ordinance 14-03, 4-21-14; Section 9.010.J amended and renumbered by Ordinance 17-06, 4-3-2017)~~

SECTION 242: **AMENDMENT** “14.152 DEVELOPMENT STANDARDS” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.152 DEVELOPMENT STANDARDS

The following development standards apply to development in the Uniontown Overlay Zone.

A. Height.

1. Maximum building height is 35 feet except as noted in subsection A.2 of this section.
2. Building height up to 45 feet is permitted when building stories above 28 feet are stepped back at least 10 feet in accordance with Section 14.152.C.
3. Exceptions to building height restrictions may be granted through provisions in Section 3.075.

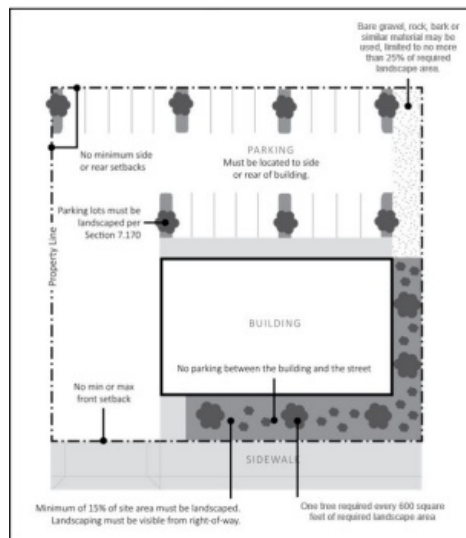
B. Setbacks. Setback standards apply only to new development approved as of January 1, 2020 or additions to existing buildings.

1. West Gateway Subarea.

- a. No minimum or maximum front setback standards apply to developments in the West Gateway Subarea.

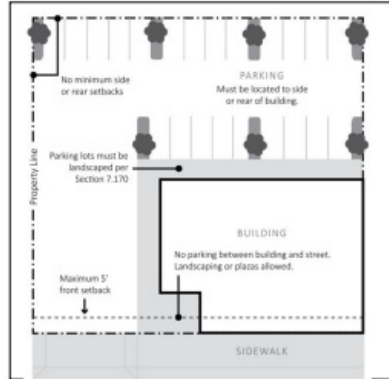
- b. Where buildings are set back from the street more than 5 feet, the setback area:
 - (1) Shall be landscaped according to the standards of Section 14.160; and/or
 - (2) Shall include a pedestrian walkway, plaza, courtyard, or other pedestrian-oriented amenity or public gathering space.
- c. Adjacent to the River Trail.
 - (1) The minimum setback adjacent to the River Trail shall be 10 feet on the south side of the trail.
 - (2) The setback area shall be landscaped according to the standards of Section 14.160; and/or shall include a pedestrian walkway, plaza, courtyard, or other pedestrian-oriented amenity or public gathering space.

Figure 14.152-1: Building Setbacks in the West Gateway Subarea



- d. The maximum setback for yards fronting W Marine Drive in the Uniontown Overlay Zone shall be five (5) feet (see Figure 14.152-2).
- e. Allowed Extensions of Maximum Setbacks. The maximum setback for yards fronting a public right-of-way in the Uniontown Overlay Zone may be extended to 20 feet for up to 50% of the building facade if the setback is used for a walkway, plaza, courtyard, or other pedestrian-oriented amenity or public gathering space.

Figure 14.152-2: Building Setbacks in the Core Subarea



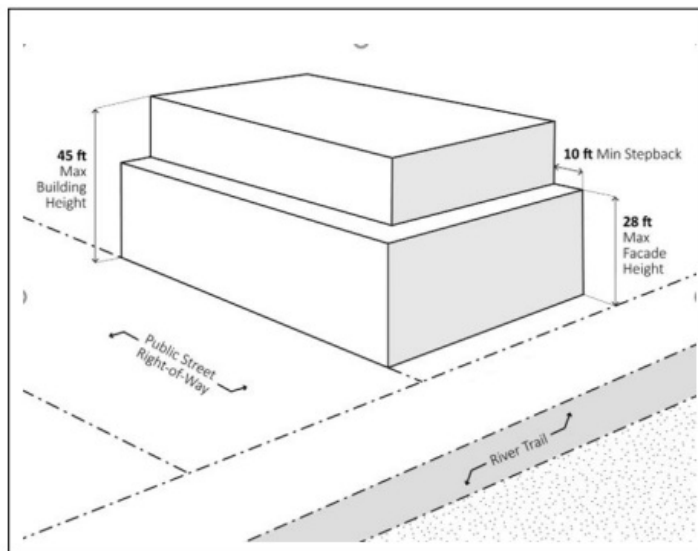
C. Stepbacks.

1. Purpose. The purpose of a stepback is to allow for less obstructed views from above the building and to create a less imposing building scale as viewed from the right-of-way or parallel/adjacent trail. A stepback is also designed to allow more light down to the adjacent or fronting right-of-way, sidewalk, or trail.
2. Additional Building Height. Where the height of a building or building addition is proposed to exceed 35 feet, at least that portion of the building exceeding 28 feet or two stories, whichever is less, shall provide a stepback of at least 10 feet from the plane of the proposed building or building addition that faces the right-of-way or River Trail (see Figure 14.152.-3).

Balcony railings constructed to a maximum height of 28' are not encroachments when the building facade above the top of rail is stepped back 10'.

For construction adjacent to the River Trail, balconies and/or fixed awnings shall not encroach into the required 10-foot stepback area; buildings shall be stepped back further in order to accommodate balconies and/or fixed awnings.

Figure 14.152-3: Building Stepbacks



(Section 14.152 added by Ord 19-11, 10-7-2019)

SECTION 243: AMENDMENT “14.158 DESIGN STANDARDS AND GUIDELINES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.158 DESIGN STANDARDS AND GUIDELINES

- A. Applicability and Review. The following design standards and guidelines apply to all new construction or major renovation, where “major renovation” is defined as construction valued at ~~25~~³³% or more of the assessed value of the existing structure. Applications in the Uniontown Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.145 to 14.163.

Some of the following design standards and guidelines apply to all uses. Other standards and guidelines are differentiated by non-industrial uses and industrial uses. For the purposes of these Sections, industrial uses include the following as further defined in Section 1.400 of the Development Code:

1. Light manufacturing with a retail component.

Non-industrial uses include all other uses that are permitted outright or conditionally in the ~~3~~^{base} zone in the Uniontown Overlay Zone.

- B. Building Style and Form.

1. Standards for All Uses.

- a. Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.
- b. Solid waste disposal, outdoor storage, and utility and mechanical equipment shall be enclosed and screened from view (Figure 14.158-1). A cover shall be required if screened items can be viewed from above. Rooftop equipment shall be screened from view by a parapet wall, a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away. Also see Section 3.215, Outdoor Storage Areas and Enclosures.

Figure 14.158-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



2. Guidelines for All New Construction.

- a. The design of new construction should respect significant original characteristics, scale and massing of adjacent structures that are visible from the public right-of-way within three blocks of the development site. Buildings should be designed so that they are not substantially different in character from adjacent structures, in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- b. New construction should respect significant characteristics of composition and material of adjacent structures that are visible from the public right-of-way within three blocks of the development site. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.158-2).

Figure 14.158-2: Geometric Building Form



3. Guidelines for All Existing Buildings.

- a. Distinctive stylistic features or examples of skilled craftsmanship of existing buildings and/or structures proposed for renovation, alteration, and/or additions should be treated with sensitivity. All buildings should be respected and recognized as products of their time.
- b. Renovations, alterations, and/or additions to existing buildings should respect significant original characteristics of adjacent structure scale and massing for the entire structure, and should be designed so that they are not substantially different in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Renovations, alterations, and/or additions should retain and/or respect significant original characteristics of the existing structure composition and material, for the entire structure. Also see Section 14.002.C, Resolving Conflicts within the Code.
- d. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.158-2).
- e. Mid-century “slip covers” which are not part of the original historic design should be removed when possible.
- f. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.

4. Standards for Non-Industrial Uses.

- a. **Facade Variation.** All non-industrial buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every 30 feet for all building facades visible from a public right-of-way or River Trail. (Figure 14.158-3)

The facade shall contain at least two (2) of the following features:

- (1) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of six (6) feet;
- (2) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
- (3) Offsets or breaks in roof elevation of two (2) feet or greater in height;
- (4) Outdoor seating area, plaza, or other interactive landscaped area adjacent to the building that is specifically identified and/or covered, and approved by the review authority; and/or
- (5) Other similar facade variations approved by the review authority.

Figure 14.158-3: Facade Variation



b. Base, Middle, and Top of Building. All non-industrial buildings shall have a clear and distinct base, middle and top to break up vertical mass (Figure 14.158-4). All facades visible from a right-of-way or River Trail shall utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements:

- (1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick) and shall project a minimum of one (1) inch from the building face.
- (2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of three (3) inches.

Figure 14.158-4: Base, Middle & Top of Building



c. Parking Location. Parking and vehicle maneuvering areas shall not be located between the front building facade and the front property line, or between a building facade facing the River Trail and the property line adjacent to the River Trail.

Parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

- (1) Where surface parking or maneuvering areas are located adjacent to a right-of-way or the River Trail, a minimum 5-foot-wide landscaped strip shall be provided between the parking and maneuvering area and the right-of-way or River Trail. The landscaped strip shall be planted with trees spaced not more than 30 feet on center and with a mix of shrubs and ground cover. Additional standards for landscaping in parking areas are found in Section 3.120, 7.170, and 14.120.B.
- (2) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage.

5. Guidelines for Non-Industrial Uses

a. Compatibility with Historic Buildings.

- (1) The massing, scale, and configuration of non-industrial buildings should be similar to historic structures that are visible from the public right-of-way within three blocks of the development site.
- (2) Non-Industrial buildings should be compatible with the vertical proportions of historic facades and the simple vertical massing of historic structures that are

visible from the public right-of-way within three blocks of the development site.

- (3) The location, size, and design of windows and doors in non-industrial buildings should be compatible with historic structures visible from the public right-of-way within three blocks of the development site.
- (4) Development should be designed so that structures are not substantially different in character from adjacent buildings, in terms of size, mass, or architectural form.

C. Roof Form and Materials.

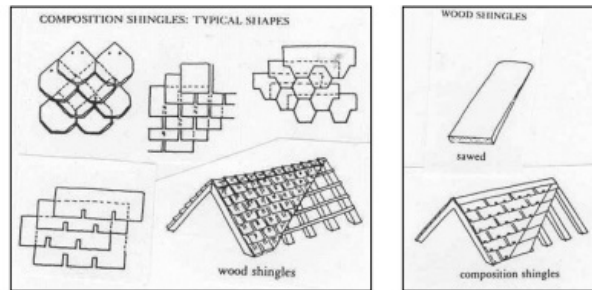
1. Roof Form Standards for All Uses. The following roof forms are prohibited:

- a. False mansard or other applied forms; and
- b. Dome skylights.

2. Roof Materials Standards for All Uses.

- a. Buildings shall be constructed or reconstructed with one of the following roofing materials:
 - (1) Cedar shingle (Figure 14.158-5);
 - (2) Composition roofing (Figure 14.158-5); or
 - (3) Materials cited in Section 14.158.C.4 or Section 14.158.C.6.

Figure 14.158-5: Roofing Materials



- b. The following roofing materials are prohibited for all types of buildings:
 - (1) High profile standing seam metal roof (Figure 14.158-6); and
 - (2) Brightly colored roofing material.

Figure 14.158-6: Low (3/8" x 1") and High (1/4" x 1-1/4") Roof Seams



- c. Roofing materials shall be gray, brown, black, deep red, or another subdued color.
3. Roof Form Standards for Non-Industrial Uses. Buildings for non-industrial uses shall include one of the following roof forms:
 - a. Single gable with low pitch; or
 - b. Repetitive gable with steep pitch; or
 - c. Flat or gable roof behind parapet wall (Figure 14.158-7).

Figure 14.158-7: Non-Industrial Building, Flat Roof Behind Parapet Wall



4. Roof Materials Standards for Non-Industrial Uses. Buildings for non-industrial uses shall be constructed or reconstructed with one of the following roofing materials:
 - a. Materials cited in Section 14.158.C.2; or
 - b. Built-up roofing materials.
5. Roof Form Standards for Industrial Uses. Buildings for industrial uses shall include the following roof forms:
 - a. Single gable with low pitch; or
 - b. Repetitive gable with steep pitch (Figure 14.158-8 and Figure 14.158-9); and
 - c. Shallow eaves (Figure 14.158-9).

Figure 14.158-8: Roof Pitches

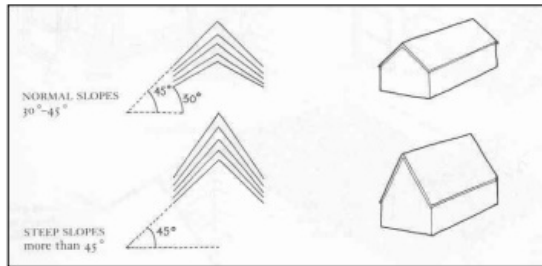
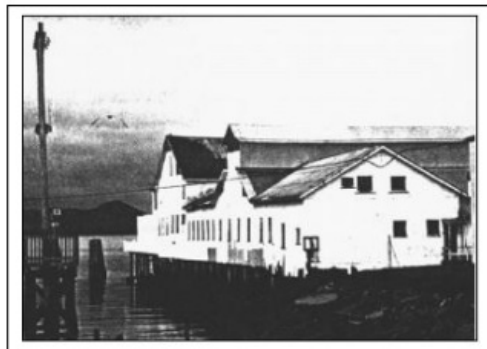


Figure 14.158-9: Industrial Building, Multiple Gables, Monitor Roof, and Shallow Eaves



6. Roof Materials Standards for Industrial Uses. Buildings shall be constructed or reconstructed with one of the following roofing materials:
 - a. Materials cited in Section 14.158.C.2; or
 - b. Galvanized corrugated metal; or
 - c. Low profile standing seam, metal roof (Figure 14.158-6); or

- d. Roll down.
 - 7. Roof Form Guidelines for Non-Industrial Uses. Buildings for non-industrial uses may also include the following roof forms or features:
 - a. Structural skylights
 - b. Shallow eaves behind parapet wall
 - 8. Roof Form Guidelines for Industrial Uses. Buildings for industrial uses may also include one or more of the following roof forms or features:
 - a. Small shed roof dormers
 - b. Monitor roof on ridge line (Figure 14.158-9)
 - c. Flat panel skylights or roof window
- D. Doors.
1. Standards for All Uses. The following types of doors and door treatments are prohibited:
 - a. Automatic sliding doors;
 - b. Primary entry doors raised more than three feet above sidewalk level;
 - c. Doors flush with building facade;
 - d. Clear anodized aluminum frames; and
 - e. Reflective, opaque, or tinted glazing.
 2. Guideline for All Uses. Building lighting should emphasize entrances.
 3. Standards for Non-Industrial Uses.
 - a. Solid metal or wood doors with small or no windows are prohibited.
 - b. Doors with a minimum of 50% of the door area that is glass are required.
 4. Guidelines for Non-Industrial Uses.
 - a. Doors should be recessed (Figures 14.158-10 and 14.158-11).
 - b. Large cafe or restaurant doors that open the street to the interior by pivoting, sliding, or rolling up overhead are encouraged (Figure 14.158-10).
 - c. Well-detailed or ornate door hardware is encouraged (Figure 14.158-11).
 - d. Contemporary hardware should be compatible with the design of the door.
 - e. Transom, side lites, or other door/window combinations are encouraged (Figure 14.158-11).
 - f. Doors combined with special architectural detailing are encouraged.
 - g. Double or multiple door entries are encouraged (Figure 14.158-11).

Figure 14.158-10: Roll-Up Doors and Recessed Doors



Figure 14.158-11: Recessed Doors, Contemporary Door Hardware, Single/Double Doors, Side Lites, and Transom Windows



E. Windows.

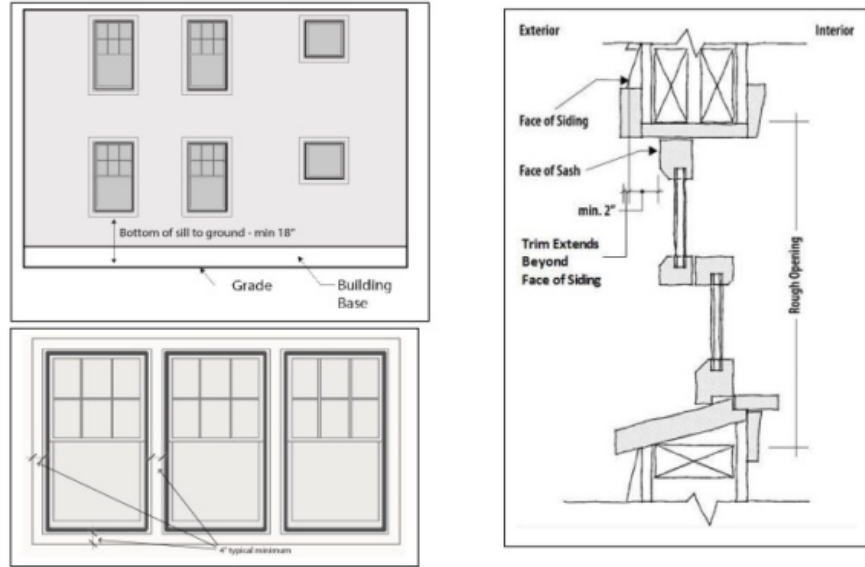
1. Coverage Standards for All Uses.

- a. All building facades visible from a public right-of-way or the River Trail shall have windows or other openings in the facade, except as noted in subsection E.1.b of this section. Blank walls on any facades visible from the right-of-way or River Trail for any type of use are prohibited.
- b. Exception ~~for elevator shafts~~. An exception to the window coverage percentage standard may be allowed for the portion of a building facade ~~that includes an elevator shaft~~ with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to a change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features to avoid blank walls.

2. Design Standards for All Uses.

- a. Window detailing. Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.
 - (1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding. Exceptions may be granted.
 - (2) Windows shall be recessed a minimum distance of two (2) inches from the facade siding surface to ensure a shadow line/effect.
 - (3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

Figure 14.158-12: Window Detailing – Trim and casement location and dimensions



- b. **Window types.** Windows shall be one of the following types:
- (1) Ground floor windows that provide a view into the use, whether fixed or operable;
 - (2) Upper story windows that open into the interior of the building;
 - (3) Transom windows, fixed or operable, located above doors or windows directly below them;
- c. The following types of windows or window treatments are prohibited:
- (1) Residential-styled window bays;
 - (2) Half-round windows;
 - (3) Tinted and/or reflective glass;
 - (4) Sliding windows;
 - (5) Vinyl windows; and
 - (6) Blocked-out windows; and
 - (7) Windows that extend beyond the plane of the building facade.
3. **Design Guidelines for All Uses.**
- a. Windows, including transoms on existing buildings, should retain their original size and location as part of renovation activities.
 - b. Windows that open by pivoting, casement, single hung, or other shuttering are encouraged.
 - c. Painted wood or stucco panels or tile clad panels below windows are encouraged (Figure 14.158-13).
 - d. Clear glass is encouraged.
 - e. True divided lites are encouraged (Figure 14.158-13). Simulated divided lites shall have exterior muntins to create exterior shadow lines.
 - f. Boldly articulated window and storefront trim are encouraged.

Figure 14.158-13: Transom Windows, Panels Below Windows, and True Divided Lites



4. **Coverage Standards for Non-Industrial Uses.**
- a. West Gateway Subarea. At least 40% of the ground-floor facades of non-industrial uses visible from a right-of-way and/or River Trail shall be covered by windows. At least 30% of the upper-floor facades visible from a right-of-way and/or River Trail

shall be covered by windows, except as noted in subsection E.4.c of this section.

- b. Core Subarea. At least 50% of the ground-floor facades of non-industrial uses visible from a right-of-way and/or River Trail shall be covered by windows. At least 30% of the upper-floor facades visible from a right-of-way and/or River Trail shall be covered by windows, except as noted in subsection E.4.c of this section.
- c. Exceptions ~~for elevator shafts~~. An exception to the window percentage may be allowed for the portion of a building facade ~~that includes an elevator shaft~~ with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features to avoid blank walls.

5. Coverage Standards for Industrial Uses.

- a. All facades of buildings for industrial uses in the Uniontown Overlay Zone that are visible from a public right-of-way and/or River Trail, and/or the Columbia River shall have windows. However, buildings for industrial uses are not subject to minimum window area requirements.
- b. Buildings for industrial uses are not required to have ground floor windows but shall have, at the least, clerestory or transom windows on the upper story facades or above a height of 14 feet.

F. Siding and Wall Treatment.

1. Standards for All Uses. The following types of siding and wall materials and treatments are prohibited:

- a. Cladding materials such as corrugated metal panels or spandrel glass;
- b. Panels that are poorly detailed or do not have detailing;
- c. Neon or other fluorescent colors;
- d. Bright or primary wall colors for the entire wall surface;
- e. Flagstone, simulated river rock, or other similar veneer cladding;
- f. Painted brick; and
- g. Non-durable materials such as synthetic stucco or shingles at the ground floor.
- h. Textured fiber cement siding. Smooth fiber cement siding is allowed.

2. Guidelines for All Uses.

- a. Variations in wall cladding materials and patterns consistent with historic patterns are encouraged (Figure 14.158-14).
- b. Natural or subdued building colors are encouraged (Figure 14.158-14).
- c. Bright colors may be used for accent trim, not to exceed 15% of the area of any facade.
- d. Durable materials such as brick, stucco, granite, pre-cast concrete, board and batten, or horizontal wood siding should be used (Figure 14.158-14). These materials include galvanized corrugated metal on buildings for industrial uses.
- e. Architectural wall features such as belt courses, pilasters, and medallions are encouraged.

Figure 14.158-14: Siding Variety and Compatible Materials and Colors



G. Awnings.

1. Standards for Types of Awnings and Treatments.

- a. Awnings over building entries shall be a minimum of 5 feet deep. Awnings over windows shall be a minimum of 3 feet deep. The bottom of all awnings shall be 8 to 12 feet above grade.
- b. The following types of awnings and awning treatments are prohibited:
 - (1) Fixed “bubble shaped” awnings (Figure 14.158-15); and

- (2) Awnings lit internally.
- 2. Guidelines for Types of Awnings and Treatments.
 - a. Vinyl or other non-compatible material awnings are discouraged (Figure 14.158-15).

Figure 14.158-15: Prohibited and Discouraged Awning Types and Treatments



- 3. Standards for Awning Locations Along River Trail and North/South Rights-of-Way. Awnings are generally discouraged and shall not project into the setback and/or stepback areas.

H. Lighting.

- 1. Standards for Lighting Types and Treatments for All Uses. The following lighting types or treatments are prohibited:
 - a. Neon silhouette accent lighting;
 - b. Fluorescent tube lighting;
 - c. Security spotlight;
 - d. Signs lit by lights containing exposed electrical conduit, junction boxes, or other electrical infrastructure; and
 - e. Up-lighting that shines into the sky or light that shines into other properties or rights-of-way.
- 2. Standards Regarding Lighting Glare for All Uses. All uses shall comply with applicable lighting standards in Section 3.128.
- 3. Guidelines Regarding Wall-Washing Light. Wall-washing lighting fixtures should be concealed and integrated into the design of buildings or landscape walls and stairways (Figure 14.158-16). Wall-washing lighting should be designed to minimize light directed upwards into the night sky.
- 4. Guidelines for Lighting Types and Treatments for Non-Industrial Uses. The following lighting types or treatments are encouraged.
 - a. Decorative lighting integrated with architecture.
 - b. Historic street lamps along walks and parking lots.
- 5. Guidelines for Lighting Types and Treatments for Industrial Uses. The following lighting types or treatments are encouraged.
 - a. Industrial pan light with goose neck.
 - b. Low bollard lighting.

Figure 14.158-16: Downward and Diffused Lighting, Wall-Washing Lighting



- I. Signs. Signs in the Uniontown Overlay Zone are subject to the requirements in Article 8 (Sign Regulations) of the Astoria Development Code. The following additional standards and guidelines apply to signs in the Uniontown Overlay Zone.

- 1. Sign Standards for All Uses.
 - a. Monument signs (Figure 14.158-17) are allowed up to a maximum of 32 square feet.
 - b. Monument signs shall be a maximum of five (5) feet tall.

- c. Monument signs shall be constructed from materials that are consistent with the historic character of the area, including wood, brick, stone, and metal.
 - d. Freestanding signs are prohibited (Figure 14.158-17).
2. Sign Guidelines for All Uses. The following sign types are encouraged.
- a. Hanging blade signs.
 - b. Signs painted on building facade.
 - c. Signs applied to building facade.
 - d. Front lit.
 - e. Graphics historic in character.

Figure 14.158-17: Monument Signs and Freestanding Signs



(Section 14.158 added by Ord 19-11, 10-7-2019)

SECTION 244: AMENDMENT “14.115 DESIGN STANDARDS AND GUIDELINES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.115 DESIGN STANDARDS AND GUIDELINES

- A. Applicability and Review. The following design standards and guidelines apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure. Applications in the Bridge Vista Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.095 to 14.125.

Some of the following design standards and guidelines apply to all uses. Other standards and guidelines are differentiated by non-industrial uses and industrial uses. For the purposes of these Sections, industrial uses include the following as further defined in Section 1.400 of the Development Code:

1. Water-dependent or water-related commercial or industrial use.
2. Communication facility.
3. Communication service establishment.
4. Utility.
5. Cold storage and/or ice-processing facility independent of seafood processing facility.
6. Water-dependent facilities including terminals and transfer facilities.
7. Seafood receiving and processing.
8. Ship and boat building and repair.

9. Aquaculture and water-dependent portions of aquaculture facility.
10. Wholesale trade, warehouse, and/or distribution establishment (including trucking terminal).
11. Research and development laboratory.
12. Wood processing.
13. Manufacturing.
14. Light manufacturing.
15. Petroleum receiving, dispensing and storage for marine use.
16. Transportation services

Non-industrial uses include all other uses that are allowed outright or conditionally in the S-2, A-1, A-2, A-2A, and C-3 zones in the Bridge Vista Overlay Zone.

B. Building Style and Form. (Section 14.115.B amended by Ord 19-06, 7-1-2019)

1. Standards for All Uses.

- a. Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where they are not visible from a public right-of-way or River Trail.
- b. Solid waste disposal, outdoor storage, and utility and mechanical equipment shall be enclosed and screened from view (14.115-1). A cover shall be required if screened items can be viewed from above. Rooftop equipment shall be screened from view by a parapet wall, a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away. Also see Section 3.215, Outdoor Storage Areas and Enclosures.

Figure 14.115-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



2. Guidelines for All New Construction.

- a. The design should respect significant original characteristics, scale, and massing of adjacent structures that are visible from the public right-of-way within three blocks of the development site. Buildings should be designed so that they are not substantially different in character from adjacent structures in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- b. New Construction should respect significant characteristics of composition and material of adjacent structures that are visible from the public right-of-way within three blocks of the development site. Also see Section 14.002.C, Resolving Conflict within the Code.
- c. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).

Figure 14.115-2: Geometric Building Form



3. Guidelines for All Existing Buildings.

- a. Distinctive stylistic features or examples of skilled craftsmanship of existing buildings and/or structures proposed for renovation, alteration, and/or additions should be treated with sensitivity. All buildings should be respected and recognized as products of their time.
- b. Renovations, alterations, and/or additions to existing buildings should respect significant original characteristics of adjacent structure scale and massing for the entire structure, and should be designed so that they are not substantially different in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Renovations, alterations, and/or additions should retain and/or respect significant original characteristics of the existing structure composition and material, for the entire structure. Also see Section 14.002.C, Resolving Conflicts within the Code.
- d. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (14.115-2).
- e. Mid-century slip covers which are not part of the original historic design should be removed when possible.
- f. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.

4. Standards for Non-Industrial Uses.

- a. **Facade Variation.** All non-industrial buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every thirty (30) feet for all building facades visible from a public right-of-way or River Trail.

The facade shall contain at least two (2) of the following features:

- (1) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of six (6) feet;
- (2) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
- (3) Offsets or breaks in roof elevation of two (2) feet or greater in height;
- (4) Outdoor seating area, plaza, or other interactive landscaped area adjacent to the building that is specifically identified and/or covered, and approved by the review authority; and/or
- (5) Other similar facade variations approved by the review authority.

Figure 14.115-2.a: Facade Variation



- b. **Base, Middle, and Top of Building.** All non-industrial buildings shall have a clear and distinct base, middle and top to break up vertical mass (Figure 14.115-2.b). All facades visible from a right-of-way or River Trail shall utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements:

- (1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick) and shall project a minimum of one inch from the building face.
- (2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections,

measuring a minimum of 3 inches.

Figure 14.115-2.b: Base, Middle, Top of Building



5. Guidelines for Non-Industrial Uses.

- a. The massing, scale, and configuration of non-industrial buildings should be similar to historic structures that are visible from the public right-of-way within three blocks of the development site.
- b. Non-Industrial buildings should be compatible with the vertical proportions of historic facades and the simple vertical massing of historic structures that are visible from the public right-of-way within three blocks the development site.
- c. The location, size, and design of windows and doors in non-industrial buildings should be compatible with historic structures that are visible from the public right-of-way within three blocks of the development site.
- d. Development should be designed so that structures are not substantially different in character from adjacent buildings in terms of size, mass, or architectural form. (Section 14.115.B amended by Ord 19-06, 7-1-2019)

C. Roof Form and Materials.

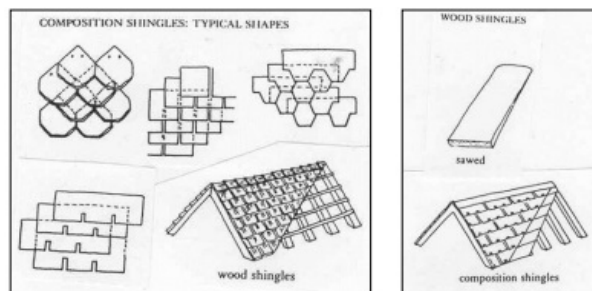
1. Roof Form Standards for All Uses. The following roof forms are prohibited:

- a. False mansard or other applied forms; and
- b. Dome skylights.

2. Roof Materials Standards for All Uses.

- a. Buildings shall be constructed or reconstructed with one of the following roofing materials.
 - (1) Cedar shingle (Figure 14.115-3);
 - (2) Composition roofing (Figure 14.115-3); or
 - (3) Materials cited in Section 14.115.C.4 or Section 14.115.C.6.

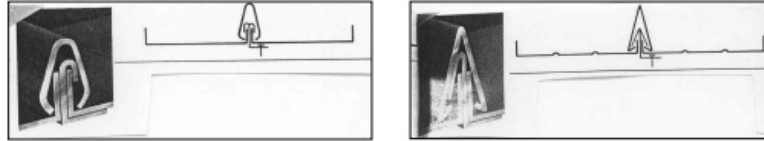
Figure 14.115-3: Roofing Materials



b. The following roofing materials are prohibited for all types of buildings:

- (1) High profile standing seam metal roof (Figure 14.115-4); and
- (2) Brightly colored roofing material.

Figure 14.115-4: Low (3/8" x 1") and High (1/4" x 1-1/4") Roof Seams



- c. Roofing materials shall be gray, brown, black, deep red, or another subdued color.
3. Roof Form Standards for Non-Industrial Uses. Buildings for non-industrial uses shall include one of the following roof forms:
- Single gable with low pitch; or
 - Repetitive gable with steep pitch; or
 - Flat or gable roof behind parapet wall (Figure 14.115-5).

Figure 14.115-5: Non-Industrial Building, Flat Roof Behind Parapet Wall



4. Roof Materials Standards for Non-Industrial Uses. Buildings for non-industrial uses shall be constructed or reconstructed with one of the following roofing materials:
- Materials cited in Section 14.115.C.2; or
 - Built-up roofing materials.
5. Roof Form Standards for Industrial Uses. Buildings for industrial uses shall include the following roof forms:
- Single gable with low pitch; or
 - Repetitive gable with steep pitch (Figure 14.115-6 and Figure 14.115-7); and
 - Shallow eaves (Figure 14.115-7).

Figure 14.115-6: Roof Pitches

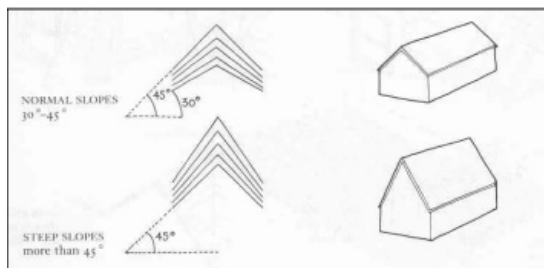


Figure 14.115-7: Industrial Building, Multiple Gables, Monitor Roof, and Shallow Eaves



6. Roof Materials Standards for Industrial Uses. Buildings shall be constructed or reconstructed with one of the following roofing materials:
 - a. Materials cited in Section 14.115.C.2; or
 - b. Galvanized corrugated metal; or
 - c. Low profile standing seam, metal roof (Figure 14.115-4); or
 - d. Roll down.
 7. Roof Form Guidelines for Non-Industrial Uses. Buildings for non-industrial uses may also include the following roof forms or features:
 - a. Structural skylights
 - b. Shallow eaves behind parapet wall
 8. Roof Form Guidelines for Industrial Uses. Buildings for industrial uses may also include one or more of the following roof forms or features:
 - a. Small shed roof dormers
 - b. Monitor roof on ridge line (Figure 14.115-7)
 - c. Flat panel skylights or roof window
- D. Doors.
1. Standards for All Uses. The following types of doors and door treatments are prohibited:
 - a. Automatic sliding doors;
 - b. Primary entry doors raised more than three feet above sidewalk level;
 - c. Doors flush with building facade;
 - d. Clear anodized aluminum frames; and
 - e. Reflective, opaque, or tinted glazing.
 2. Guideline for All Uses. Building lighting should emphasize entrances.
 3. Standards for Non-Industrial Uses.
 - a. Solid metal or wood doors with small or no windows are prohibited.
 - b. Doors with a minimum of 50% of the door area that is glass are required.
 4. Guidelines for Non-Industrial Uses.
 - a. Doors should be recessed when feasible (Figures 14.115-8 and 14.115-9).
 - b. Large cafe or restaurant doors that open the street to the interior by pivoting, sliding, or rolling up overhead are encouraged (Figure 14.115-8).
 - c. Well-detailed or ornate door hardware is encouraged (Figure 14.115-9). Contemporary hardware should be compatible with the design of the door.
 - d. Transom, side lites, or other door/window combinations are encouraged (Figure 14.115-9).
 - e. Doors combined with special architectural detailing are encouraged.
 - f. Double or multiple door entries are encouraged (Figure 14.115-9).

Figure 14.115-8: Roll-Up Doors and Recessed Doors



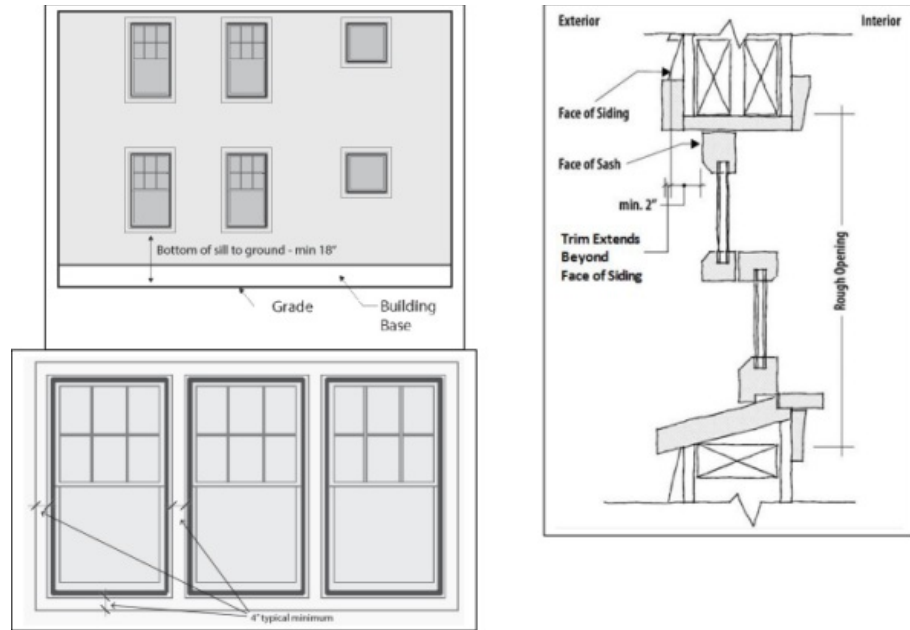
Figure 14.115-9: Recessed Doors, Contemporary Door Hardware, Single/Double Doors, Side Lites, and Transom Windows



E. Windows.

1. Coverage Standards for All Uses. All building facades visible from a public right-of-way and/or the River Trail shall have windows or other openings in the facade. Blank walls on any facades visible from the right-of-way and/or River Trail for any type of use are prohibited.
2. Design Standards for All Uses.
 - a. Window detailing. Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.
 - (1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding.
 - (2) Windows shall be recessed a minimum distance of two (2) inches from the trim surface to ensure a shadow line/effect.
 - (3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

Figure 14.115-10: Window Detailing – Trim and casement location and dimensions



b. The following types of windows or window treatments are prohibited:

- (1) Residential-styled window bays;
- (2) Half-round windows;
- (3) Tinted and/or reflective glass;
- (4) Sliding windows;
- (5) Vinyl windows; and
- (6) Blocked-out windows; and
- (7) Windows that extend beyond the plane of the building facade.

3. Design Guidelines for All Uses.

- a. Windows, including transoms on existing buildings, should retain their original size and location as part of renovation activities.
- b. Windows that open by pivoting, casement, single hung, or other shuttering are encouraged.
- c. Painted wood or stucco panels or tile clad panels below windows are encouraged (Figure 14.115-11).
- d. Clear glass is encouraged.
- e. True divided lites are encouraged (Figure 14.115-11). Simulated divided lites shall have exterior muntins to create exterior shadow lines.
- f. Boldly articulated window and storefront trim are encouraged.

Figure 14.115-11: Transom Windows, Panels Below Windows, and True Divided Lites



4. Coverage Standards for Non-Industrial Uses.

- a. In the Pedestrian-Oriented District. In the Pedestrian-Oriented District (Figure 14-090.2) and adjacent to the River Trail, at least 50% of the ground-floor street-facing facades of non-industrial uses shall be covered by windows and at least 30% of the upper-floor street-facing facades should be covered by windows.
- b. Outside Pedestrian-Oriented District. Outside the Pedestrian-Oriented District, at least 40% of the ground-floor facing facades of non-industrial uses visible from a right-of-

way or River Trail shall be covered by windows and at least 30% of the upper-floor facades visible from a right-of-way should be covered by windows, except as follows:

- (1) At least 20% of the ground-floor facades and 10% of the upper-floor facades of non-industrial uses north of River Trail visible from the Columbia River shall be covered by windows.
- (2) An exception to the window coverage standard may be allowed for ~~the~~ portion of a building facade ~~that includes an elevator shaft~~ with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to a change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features. (Section 14.115.E.4.b amended by Ord 19-06, 7-1-2019)

5. Coverage Standards for Industrial Uses.

- a. All building facades of buildings for industrial uses in the Bridge Vista Overlay Zone that are visible from a public right-of-way and/or River Trail shall have windows. However, buildings for industrial uses are not subject to minimum window area requirements.
- b. Buildings for industrial uses are not required to have ground floor windows but shall have, at the least, clear story or transom windows on the upper story facades or above a height of 14 feet.

F. Siding and Wall Treatment.

1. Standards for All Uses. The following types of siding and wall materials and treatments are prohibited:

- a. Cladding materials such as corrugated metal panels or spandrel glass;
- b. Panels that are poorly detailed or do not have detailing;
- c. Neon or other fluorescent colors;
- d. Bright or primary wall colors for the entire wall surface;
- e. Flagstone, simulated river rock, or other similar veneer cladding;
- f. Painted brick; and
- g. Non-durable materials such as synthetic stucco or shingles at the ground floor.

2. Guidelines for All Uses.

- a. Variations in wall cladding materials and patterns consistent with historic patterns are encouraged (Figure 14.115-12).
- b. Natural or subdued building colors are encouraged (Figure 14.115-12).
- c. Bright colors may be used for accent trim in limited amounts.
- d. Durable materials such as brick, stucco, granite, pre-cast concrete, board and batten, or horizontal wood siding should be used (Figure 14.115-12). These materials include galvanized corrugated metal on buildings for industrial uses.
- e. Architectural wall features such as belt courses, pilasters, and medallions are encouraged.

Figure 14.115-12: Siding Variety and Compatible Materials and Colors



G. Awnings.

1. Standards for Types of Awnings and Treatments. The following types of awnings and awning treatments are prohibited:

- a. Fixed “bubble shaped” awnings (Figure 14.115-13); and
- b. Awnings lit internally.
- c. Awnings improperly sized for the building/entry/window (Figure 14.115-13).

2. Guidelines for Types of Awnings and Treatments. The following types of awnings and awning

treatments are discouraged:

- a. Vinyl or other non-compatible material awnings (Figure 14.115-13).

Figure 14.115-13: Prohibited and Discouraged Awning Types and Treatments

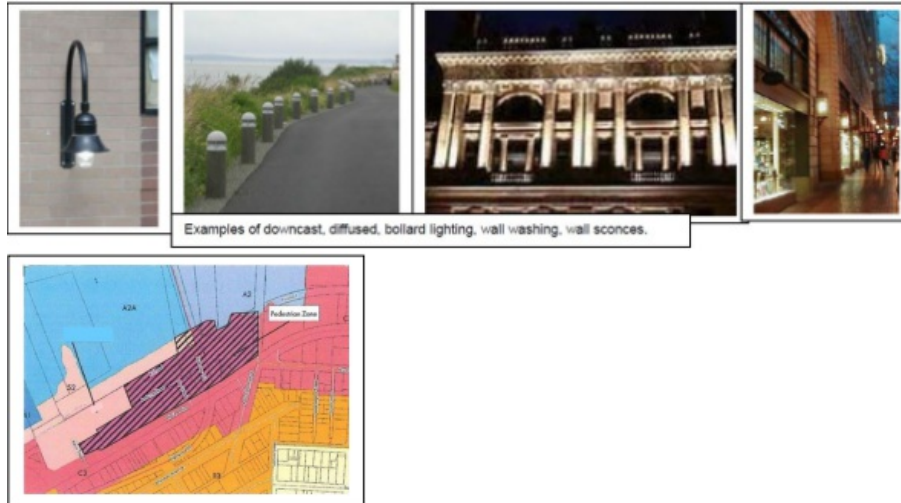


- 3. Standards for Awning Locations Along River Trail and North/South Rights-of-Way. Awnings are generally discouraged and shall not project into the setback and/or stepback areas. (Section 14.115.G.3 amended by Ord 19-06, 7-1-2019)

H. Lighting.

- 1. Standards for Lighting Types and Treatments for All Uses. The following lighting types or treatments are prohibited:
 - a. Neon silhouette accent lighting;
 - b. Fluorescent tube lighting;
 - c. Security spotlight;
 - d. Signs lit by lights containing exposed electrical conduit, junction boxes, or other electrical infrastructure; and
 - e. Up-lighting that shines into the sky or light that shines into other properties or traffic.
- 2. Standards Regarding Glare for All Uses. All uses shall comply with applicable lighting standards in Section 3.128. (Section 14.115.H.2 amended by Ord 19-05, 6-17-2019)
- 3. Guidelines Regarding Wall-Washing Light. Wall-washing lighting fixtures should be concealed and integrated into the design of buildings or landscape walls and stairways (Figure 14.115-14).

Figure 14.115-14: Downward and Diffused Lighting, Wall-Washing Lighting



- I. Signs. Signs in the Bridge Vista Overlay Zone are subject to the requirements in Article 8 (Sign Regulations) of the Astoria Development Code. The following additional standards apply to signs in the Pedestrian-Oriented District. (Section 14.115.I amended by Ord 19-06, 7-1-2019)

- 1. Monument signs (Figure 14.115-15) are allowed up to a maximum of 32 square feet.
- 2. Monument signs shall be a maximum of five (5) feet tall.

3. Monument signs shall be constructed from materials that are consistent with the historic character of the area, including wood, brick, stone, and metal.
4. Freestanding pole-mounted signs are prohibited (Figure 14.115-15).

Figure 14.115-15: Monument Signs and Freestanding Pole-Mounted Signs



(Section 14.115 added by Ord 15-03, 6-15-15)

SECTION 245: AMENDMENT “14.195 DESIGN STANDARDS AND GUIDELINES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.195 DESIGN STANDARDS AND GUIDELINES

- A. Applicability and Review. The following design standards and guidelines apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure. Applications in the Urban Core Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.175 to 14.200.

Some of the following design standards and guidelines apply to all uses. Other standards and guidelines are differentiated by non-industrial uses and industrial uses. For the purposes of these Sections, industrial uses include the following as further defined in Section 1.400 of the Development Code:

1. Water-dependent or water-related commercial or industrial use.
2. Communication facility.
3. Communication service establishment.
4. Utility.
5. Cold storage and/or ice-processing facility independent of seafood processing facility.
6. Water-dependent facilities including terminals and transfer facilities.
7. Seafood receiving and processing.
8. Ship and boat building and repair.
9. Aquaculture and water-dependent portions of aquaculture facility.
10. Wholesale trade, warehouse, and/or distribution establishment (including trucking terminal).
11. Research and development laboratory.
12. Wood processing.
13. Manufacturing.
14. Light manufacturing.
15. Petroleum receiving, dispensing and storage for marine use.
16. Transportation services.

Non-industrial uses include all other uses that are allowed outright or conditionally in the A-2, A-2A, C-3, and C-4 zones in the Urban Core Overlay Zone.

- B. Building Style and Form.

1. Standards for All Uses.

- a. Projecting wall-mounted mechanical units are prohibited where they are visible from a public right-of-way or the River Trail. Projecting wall-mounted mechanical units are allowed where

they are not visible from a public right-of-way or River Trail.

- b. Solid waste disposal, outdoor storage, and utility and mechanical equipment shall be enclosed and screened from view (Figure 14.195-1). A cover shall be required if screened items can be viewed from above. Rooftop equipment shall be screened from view by a parapet wall, a screen made of a primary exterior finish building material used elsewhere on the building, or by a setback such that it is not visible from adjacent properties and rights-of-way up to approximately 100 feet away. Also see Section 3.215, Outdoor Storage Areas and Enclosures.

Figure 14.195-1: Screening Waste Disposal, Outdoor Storage, and Utility/Mechanical Equipment



2. Guidelines for All New Construction.

- a. The design of new construction should respect significant original characteristics, scale, and massing of adjacent structures that are visible from the public right-of-way or River Trail within three blocks of the development site. Buildings should be designed so that they are not substantially different in character from adjacent structures, in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- b. New construction should respect significant characteristics of composition and material of adjacent structures that are visible from the public right-of-way or River Trail within three blocks of the development site. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.195-2).

Figure 14.195-2: Geometric Building Form



3. Guidelines for All Existing Buildings.

- a. Distinctive stylistic features or examples of skilled craftsmanship of existing buildings and/or structures proposed for renovation, alteration, and/or additions should be treated with sensitivity. All buildings should be respected and recognized as products of their time.
- b. Renovations, alterations, and/or additions to existing buildings should respect significant existing original characteristics of adjacent structure scale and massing for the entire structure, and should be designed so that they are not substantially different in terms of size, mass, or architectural form. Also see Section 14.002.C, Resolving Conflicts within the Code.
- c. Renovations, alterations, and/or additions should retain and/or respect significant existing original characteristics of the existing structure composition and material, for the entire structure. Also see Section 14.002.C, Resolving Conflicts within the Code.
- d. Building forms should be simple single geometric shapes, e.g. square, rectangular, triangular (Figure 14.195-2).
- e. Mid-century “slip covers” which are not part of the original construction design should

be removed when possible.

- f. Incompatible additions or building alterations using contemporary materials, forms, or colors on building facades are discouraged.

4. Standards for Non-Industrial Uses.

- a. **Facade Variation.** All non-industrial buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every 30 feet for all building facades visible from a public right-of-way or River Trail. (Figure 14.195-3)

The facade shall contain at least two (2) of the following features:

- (1) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet;
- (2) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
- (3) Offsets or breaks in roof elevation of two (2) feet or greater in height;
- (4) Outdoor seating area, plaza, or other interactive landscaped area adjacent to the building that is specifically identified and/or covered, and approved by the review authority; and/or
- (5) Other similar facade variations approved by the review authority.

Figure 14.195-3: Facade Variation



- b. **Building Orientation and Entries.** All non-industrial buildings shall have a prominent main entry oriented to and directly connected to the public sidewalk. Main entries shall be designed with prominent features that distinguish them from other building entries and must include at least two of the following features: (Figure 14.195-4)

- (1) Recessed entry of at least 3 feet behind the front building plane
- (2) Canopy or awning
- (3) Transom/clerestory windows or flanking windows on either side of the door
- (4) At least 2 ornamental light fixtures flanking the entry
- (5) Pilasters or columns that frame the doorway

Figure 14.195-4: Prominent Main Entry



- c. **Base, Middle, and Top of Building.** All non-industrial buildings shall have a clear and distinct

base, middle and top to break up vertical mass (Figure 14.195-5). All facades visible from a right-of-way or River Trail shall utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements:

- (1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick) and shall project a minimum of one (1) inch from the building face.
- (2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches.
- (3) Changes in color alone may not be used to differentiate a building's base, middle, and top, but may be used in conjunction with the other features.

Figure 14.195-5: Base, Middle, & Top of Building



- d. Parking location. Parking and vehicle maneuvering areas shall not be located between the front building facade and the front property line, or between a building facade facing the River Trail and the property line adjacent to the River Trail.

Parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

- (1) Where surface parking or maneuvering areas are located adjacent to a right-of-way or the River Trail, a minimum 5-foot wide landscaped strip shall be provided between the parking and maneuvering area and the right-of-way or River Trail. The landscaped strip shall be planted with trees spaced not more than 30 feet on center and with a mix of shrubs and ground cover. Additional standards for landscaping in parking areas are found in Section 3.120.A.15.
- (2) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage.

5. Guidelines for Non-Industrial Uses

a. Compatibility with Historic Buildings.

- (1) The massing, scale, and configuration of non-industrial buildings should be similar to historic structures that are visible from the public right-of-way or River Trail within three blocks of the development site.
- (2) Non-Industrial buildings should be compatible with the vertical proportions of existing historic facades and the simple vertical massing of historic structures that are visible from the public right-of-way or River Trail within three blocks of the development site.
- (3) The location, size, and design of windows and doors in non-industrial buildings should be compatible with existing historic structures that are visible from the public right-of-way or River Trail within three blocks of the development site.
- (4) Development should be designed so that structures are not substantially different in character from adjacent buildings, in terms of size, mass, or architectural form.

- b. Corner Entrances and Features. Non-industrial buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building design should provide an architectural element or detailing (e.g., tower, beveled/chamfered corner, art, special trim, etc.) that accentuates the corner location (Figure 14.195-6).

Figure 14.195-6: Corner Entrance and Features



- c. Architectural Bays. Non-industrial buildings are encouraged to be divided into distinct street-facing architectural bays that reflect traditional storefront design (Figure 14.195-7). Architectural bays should feature at least two of the following elements:
- (1) Engaged columns, pilasters, or piers
 - (2) Transom windows over doorways
 - (3) Storefront cornice or belt course
 - (4) Storefront frieze or sign band
 - (5) Bulkheads

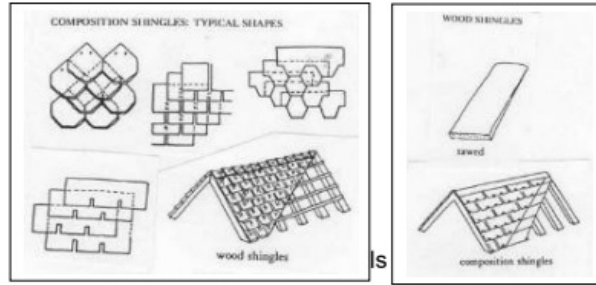
Figure 14.195-7: Architectural Bays / Storefront Design



C. Roof Form and Materials.

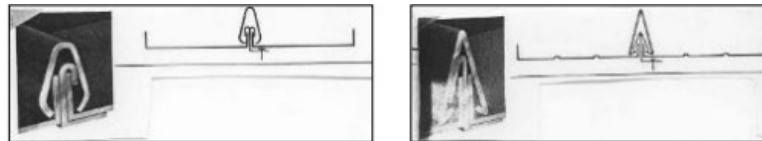
1. Roof Form Standards for All Uses. The following roof forms are prohibited:
 - a. False mansard or other applied forms; and
 - b. Dome skylights.
2. Roof Materials Standards for All Uses.
 - a. Buildings shall be constructed or reconstructed with one of the following roofing materials.
 - (1) Cedar shingle (Figure 14.195-8);
 - (2) Composition roofing (Figure 14.195-8); or
 - (3) Materials cited in Section 14.195.C.4 or Section 14.195.C.6.

Figure 14.195-8: Roofing Materials



- b. The following roofing materials are prohibited for all types of buildings:
- (1) High profile standing seam metal roof (Figure 14.195-9); and
 - (2) Brightly colored roofing material.

Figure 14.195-9: Low (3/8" x 1") and High (1/4" x 1-1/4") Roof Seams



- c. Roofing materials shall be gray, brown, black, deep red, or another subdued color.
3. Roof Form Standards for Non-Industrial Uses. Buildings for non-industrial uses shall include one of the following roof forms:
- a. Single gable with low pitch; or
 - b. Repetitive gable with steep pitch; or
 - c. Flat or gable roof behind parapet wall (Figure 14.195-10).

Figure 14.195-10: Non-Industrial Building, Flat Roof Behind Parapet Wall



4. Roof Materials Standards for Non-Industrial Uses. Buildings for non-industrial uses shall be constructed or reconstructed with one of the following roofing materials:
- a. Materials cited in Section 14.195.C.2; or
 - b. Built-up roofing materials.
5. Roof Form Standards for Industrial Uses. Buildings for industrial uses shall include the following roof forms:
- a. Single gable with low pitch; or
 - b. Repetitive gable with steep pitch (Figure 14.195-11 and Figure 14.195-12); and
 - c. Shallow eaves (Figure 14.195-12).

Figure 14.195-11: Roof Pitches

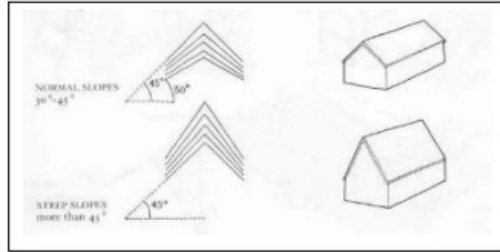


Figure 14.195-12: Industrial Building, Multiple Gables, Monitor Roof, and Shallow Eaves



6. Roof Materials Standards for Industrial Uses. Buildings shall be constructed or reconstructed with one of the following roofing materials:
 - a. Materials cited in Section 14.195.C.2; or
 - b. Galvanized corrugated metal; or
 - c. Low profile standing seam, metal roof (Figure 14.195-9); or
 - d. Roll down.
7. Roof Form Guidelines for Non-Industrial Uses. Buildings for non-industrial uses may also include the following roof forms or features:
 - a. Structural skylights
 - b. Shallow eaves behind parapet wall
8. Roof Form Guidelines for Industrial Uses. Buildings for industrial uses may also include one or more of the following roof forms or features:
 - a. Small shed roof dormers
 - b. Monitor roof on ridge line (Figure 14.195-12)
 - c. Flat panel skylights or roof window

D. Doors.

1. Standards for All Uses. The following types of doors and door treatments are prohibited:
 - a. Automatic sliding doors;
 - b. Primary entry doors raised more than three feet above sidewalk level;
 - c. Doors flush with building facade;
 - d. Clear anodized aluminum frames; and
 - e. Reflective, opaque, or tinted glazing.
2. Guideline for All Uses. Building lighting should emphasize entrances.
3. Standards for Non-Industrial Uses.
 - a. Solid metal or wood doors with small or no windows are prohibited.
 - b. Doors with a minimum of 50% of the door area that is glass are required.
4. Guidelines for Non-Industrial Uses.
 - a. Doors should be recessed (Figures 14.195-13 and 14.195-14).
 - b. Large cafe or restaurant doors that open the street to the interior by pivoting, sliding, or rolling up overhead are encouraged (Figure 14.195-13).
 - c. Well-detailed or ornate door hardware is encouraged (Figure 14.195-14). Contemporary hardware should be compatible with the design of the door.

- d. Transom, side lites, or other door/window combinations are encouraged (Figure 14.195-14).
- e. Doors combined with special architectural detailing are encouraged.
- f. Double or multiple door entries are encouraged (Figure 14.195-14).

Figure 14.195-13: Roll-Up Doors and Recessed Doors



Figure 14.195-14: Recessed Doors, Contemporary Door Hardware, Single/Double Doors, Side Lites, and Transom Windows



E. Windows.

1. Coverage Standards for All Uses.

- a. All building facades visible from a public right-of-way, the River Trail, and/or the Columbia River shall have windows or other openings in the facade, except as noted in subsection E.1.b of this section. Blank walls on any facades visible from the right-of-way, River Trail, and/or Columbia River for any type of use are prohibited.
- b. Exception ~~for elevator shafts~~. An exception to the window coverage standard may be allowed for ~~the~~ portion of a building facade ~~that includes an elevator shaft~~, with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to a change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features. Non-industrial buildings may be allowed to reduce the minimum window percentage, per subsection 14.195.E.4.c.

2. Design Standards for All Uses.

- a. **Window detailing.** Windows shall have casings/trim, sills, and crown moldings. Window detailing shall meet the following requirements.
 - (1) Casings/trim shall have minimum dimensions of 5/4 inch x 4 inch and shall extend beyond the facade siding. Exceptions may be granted for waterfront industrial style windows (Figure 14.195-16).
 - (2) Windows shall be recessed a minimum distance of two (2) inches from the face of the trim surface to the face of the sash to ensure a shadow line/effect.
 - (3) The bottom of the sill shall be a minimum of 18 inches above the ground or floor elevation.

Figure 14. 195-15: Window Detailing – Trim and casement location and dimensions

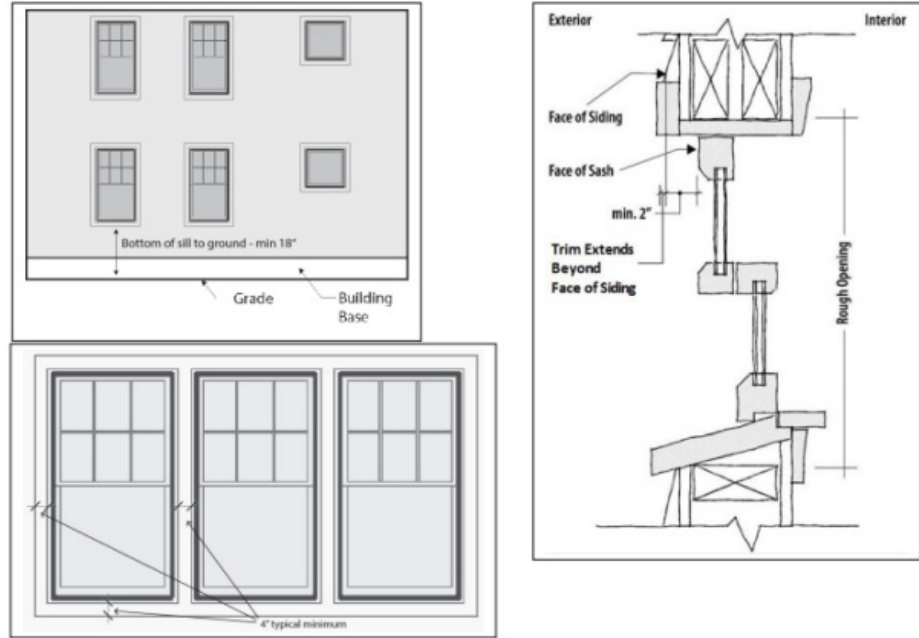


Figure 14.195-16: Window Detailing – Industrial Style - no trim or casement



- b. The following types of windows or window treatments are prohibited:
- (1) Residential-styled window bays;
 - (2) Half-round windows;
 - (3) Smoked, tinted, frosted, mirrored, and/or reflective glass, except for bathroom windows not on the facade facing a right-of-way or River Trail;
 - (4) Horizontal sliding windows;
 - (5) Vinyl windows; and
 - (6) Blocked-out windows; and

- (7) Windows that extend beyond the plane of the building facade; and
- (8) Applied muntins that have no profile.

3. Design Guidelines for All Uses.

- a. Windows, including transoms on existing buildings, should retain their original size and location as part of renovation activities.
- b. Windows that open by pivoting, casement, single hung, or other shuttering are encouraged.
- c. Painted wood or stucco panels or tile clad panels below windows are encouraged (Figure 14.195-17).
- d. Clear glass is encouraged.
- e. True divided lites are encouraged (Figure 14.195-17). Simulated divided lites shall have exterior muntins to create exterior shadow lines.
- f. Boldly articulated window and storefront trim are encouraged.

Figure 14.195-17: Transom Windows, Panels Below Windows, and True Divided Lites



4. Coverage Standards for Non-Industrial Uses.

- a. At least 50% of the ground-floor facades of non-industrial uses visible from a right-of-way and/or River Trail shall be covered by windows. At least 30% of the upper-floor facades visible from a right-of-way and/or River Trail shall be covered by windows, except as noted in subsection 4.c of this section.
- b. At least 20% of the ground-floor facades and 10% of the upper-floor facades of non-industrial uses visible only from the Columbia River shall be covered by windows, except as noted in subsection (c) of this section.
- c. Exception for elevator shafts. A reduction in the window percentage may be allowed for facades that include an elevator shaft, with the inclusion of architectural detail / design features in amounts equal to the minimum window coverage requirement. Such architectural details shall include but not be limited to a change in material, horizontal projections, engaged columns or pilasters, belt course, moldings, clock, or other similar features.

5. Coverage Standards for Industrial Uses.

- a. All facades of buildings for industrial uses in the Urban Core Overlay Zone that are visible from a public right-of-way, the River Trail, and/or the Columbia River shall have windows. However, buildings for industrial uses are not subject to minimum window area requirements.
- b. Buildings for industrial uses are not required to have ground floor windows but shall have, at the least, clerestory or transom windows on the upper story facades or above a height of 14 feet.

F. Siding and Wall Treatment.

- 1. Standards for All Uses. The following types of siding and wall materials and treatments are prohibited:
 - a. Cladding materials such as corrugated metal panels or spandrel glass;
 - b. Panels that are poorly detailed or do not have detailing;
 - c. Neon or other fluorescent colors;
 - d. Bright or primary wall colors for the entire wall surface;

- e. Flagstone, simulated river rock, or other similar veneer cladding;
 - f. Painted brick; and
 - g. Non-durable materials such as synthetic stucco or shingles at the ground floor.
 - h. Textured fiber cement siding. Smooth fiber cement siding is allowed.
2. Guidelines for All Uses.
- a. Variations in wall cladding materials and patterns consistent with historic patterns are encouraged (Figure 14.195-18).
 - b. Natural or subdued building colors are encouraged (Figure 14.195-18).
 - c. Bright neon or fluorescent style colors may be used for accent trim in limited amounts, not to exceed 15% of the area of any facade.
 - d. Durable materials such as brick, stucco, granite, pre-cast concrete, board and batten, or horizontal wood siding should be used (Figure 14.195-18). These materials include galvanized corrugated metal on buildings for industrial uses.
 - e. Architectural wall features such as belt courses, pilasters, and medallions are encouraged.

Figure 14.195-18: Siding Variety and Compatible Materials and Colors



G. Awnings.

1. Standards for Types of Awnings and Treatments.
- a. Awnings over building entries shall be a minimum of 5 feet deep. Awnings over windows shall be a minimum of 3 feet deep. The bottom of all awnings shall be 8 to 12 feet above grade.
 - b. Awnings shall extend the full width of the window and/or door area below the awning.
 - c. The following types of awnings and awning treatments are prohibited:
 - (1) Fixed “bubble shaped” awnings (Figure 14.195-19); and
 - (2) Awnings lit internally.
 - d. Signage and/or graphics are limited to the valance area only of awnings.
2. Guidelines for Types of Awnings and Treatments. Vinyl or other non-compatible material awnings are discouraged (Figure 14.195-19).

Figure 14.195-19: Prohibited and Discouraged Awning Types and Treatments



3. Standards for Awning Locations Along River Trail and North/South Rights-of-Way. Awnings are generally discouraged and shall not project into the setback area.

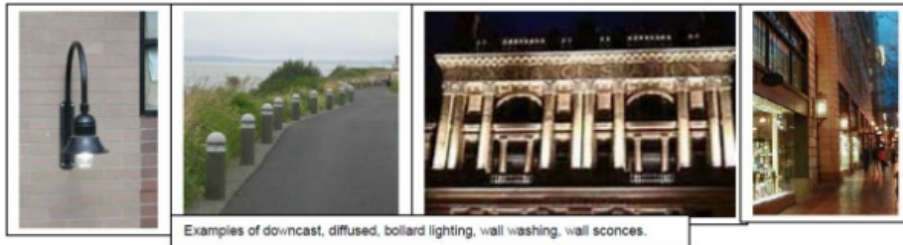
H. Lighting.

1. Standards for Lighting Types and Treatments for All Uses. The following lighting types or

treatments are prohibited:

- a. Neon silhouette accent lighting;
 - b. Fluorescent tube lighting;
 - c. Security spotlight;
 - d. Signs lit by lights containing exposed electrical conduit, junction boxes, or other electrical infrastructure; and
 - e. Up-lighting that shines into the sky or light that shines into other properties or traffic.
2. Standards Regarding Lighting Glare for All Uses. All uses shall comply with applicable lighting standards in Section 3.128.
 3. Guidelines Regarding Wall-Washing Light. Wall-washing lighting fixtures should be concealed and integrated into the design of buildings or landscape walls and stairways (Figure 14.195-20). Wall-washing lighting shall be designed to minimize light directed upwards into the night sky.
 4. Guidelines for Lighting Types and Treatments for Non-Industrial Uses. The following lighting types or treatments are encouraged.
 - a. Decorative lighting integrated with architecture.
 - b. Historic street lamps along walks and parking lots.
 5. Guidelines for Lighting Types and Treatments for Industrial Uses. The following lighting types or treatments are encouraged.
 - a. Industrial pan light with goose neck.
 - b. Low bollard lighting.

Figure 14.195-20: Downward and Diffused Lighting, Wall-Washing Lighting



I. Signs. Signs in the Urban Core Overlay Zone are subject to the requirements in Article 8 (Sign Regulations) of the Astoria Development Code and to the standards and guidelines in this Section.

1. Sign Standards for All Uses.
 - a. Monument signs (Figure 14.195-21) are allowed up to a maximum of 32 square feet.
 - b. Monument signs shall be a maximum of five (5) feet tall.
 - c. Monument signs shall be constructed from materials that are consistent with the historic character of the area, including wood, brick, stone, and metal.
 - d. Freestanding or ground signs are prohibited (Figure 14.195-21).
2. Sign Guidelines for All Uses. The following sign types are encouraged.
 - a. Hanging blade signs.
 - b. Signs painted on building facade.
 - c. Signs applied to building facade.
 - d. Front lit.
 - e. Graphics historic in character.

Figure 14.195-21: Monument Signs and Freestanding Signs



(Section 14.195 added by Ord 20-02, 1-21-2020)

SECTION 246: AMENDMENT “14.035 PURPOSE” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.035 PURPOSE

The purpose of the Civic Greenway Overlay Zone is to implement the land use principles of the Astoria Riverfront Vision Plan, dated December 2009, as they pertain to the Civic Greenway Plan Area. The Civic Greenway Overlay (CGO) Zone is intended to protect views of and access to the Columbia River, provide for an enhance open space and landscaping, support water-dependent uses consistent with Astoria’s working waterfront, and encourage modest scale housing in areas recommended for residential use. The CGO Zone extends from approximately 16th Street to 41st Street and between Marine Drive and the Columbia River as depicted on the City’s Zoning Map.

~~(Section 14.035 added by Ord 13-09, 10-6-14)~~

SECTION 247: AMENDMENT “14.040 APPLICABILITY AND REVIEW PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.040 APPLICABILITY AND REVIEW PROCEDURES

The provisions of the Civic Greenway Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at ~~25~~³³% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section.

Review of applications in the Civic Greenway Overlay Zone is subject to the administrative procedures and approval of the Community Development Director established in Article 9.

- A. Residential Development. Applications may be reviewed administratively subject to the Design Review Standards in Section 14.065 or through the public design review process subject to the Design Review Guidelines in Section 14.025. Any deviation from the standards in Section 14.065 would require the complete application to be reviewed through the public design review process. ~~(Section 14.040.A amended by Ord 19-06, 7-1-2019)~~
- B. Non-Residential and Mixed-Use Development. Applications shall be reviewed through the public design review process subject to the Design Review Guidelines in Section 14.025.
- C. Historic Design Review. When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, or is an identified Historic Landmark, the Historic Landmarks Commission shall include review of the Civic Greenway Overlay sections, ~~relative to historic compatibility. If the proposed development is not adjacent to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Civic Greenway Overlay Zone shall be completed by the Design Review Commission.~~(Section 14.040.C added by Ord 19-06, 7-1-2019)(Section 14.040 added by Ord 13-09, 10-6-14)

SECTION 248: AMENDMENT “14.090 APPLICABILITY AND REVIEW PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.090 APPLICABILITY AND REVIEW PROCEDURES

The provisions in Sections 14.085 to 14.125 apply all uses in all areas of the Bridge Vista Overlay Zone unless indicated otherwise in Table 14.090-1 and in the individual sections.

Table 14.090-1: Applicability of Bridge Vista Overlay Zone Code Sections

Code Section	Applicability
Section 14.095 Uses Prohibited for Overwater Development	• Aquatic Zones • Shoreland Zones
Section 14.100 Standards for Overwater Development	Limitation Areas (Figure 14.100-1) – overwater and land north of the River Trail / 50’ wide railroad line property
Section 14.105 Uses Permitted for On-Land Development	• Pedestrian-Oriented District (Figure 14.105-2) • C-3 Zone
Section 14.110 Uses Prohibited for On-Land Development	• Pedestrian-Oriented District (Figure 14.105-2) • C-3 Zone
Section 14.113 Standards for On-Land Development	Minimum Setbacks • North/south Rights-of-way between West Marine Drive / Marine Drive and Columbia River • Adjacent to River Trail • Adjacent to West Marine Drive / Marine Drive and Other Rights-of-Way Parallel to West Marine Drive / Marine Drive (except River Trail) Maximum Setbacks • Adjacent to West Marine Drive / Marine Drive and Parallel Rights-of-Way Stepbacks • All Overlay Zone Adjacent to Rights-of-Way Size
Section 14.115 Design	Building Style and Form • Standards for Projecting Wall-Mounted Mechanical Units Visible from Public Right-of-Way or River Trail • Guidelines for All Uses, All Overlay Zone Adjacent to Rights-of-Way (except West Marine Drive / Marine Drive) Roof Form and Materials • Form Standards for All Uses • Materials Standards for All Uses • Form Standards for Non-Industrial Uses • Form Standards and Guidelines for Industrial Uses Doors • Standards for All Uses • Guidelines for All Uses • Standards for Non-Industrial Uses • Guidelines for Non-Industrial Uses Windows • Coverage Standards for All Uses • Design Standards for All Uses • Design Guidelines for All Uses • Coverage Standards for Non-Industrial Uses

Guidelines and Standards	<p>in Pedestrian-Oriented District • Coverage Standards for Non-Industrial Uses Outside Pedestrian-Oriented District • Coverage Standards for Industrial Uses Siding and Wall Treatment • Standards for All Uses • Guidelines for All Uses Awnings • Standards for Types of Awnings/Treatments for All Uses • Guidelines for Types of Awnings/Treatments for All Uses • Standards Along River Trail and North/South Rights-of-Way</p> <p>Lighting • Standards for All Uses • Guidelines for All Uses</p> <p>Signs • Standards for All Uses in Pedestrian-Oriented District</p>
Section 14.120 Landscaping	River Side/Riparian Land Side/Upland Street Trees • All Street Trees • North-South Rights-of-Way Between West Marine Drive / Marine Drive and Columbia River
Section 14.125 Off-Street Parking	In Pedestrian-Oriented District • Small Floor Area • Buildings Covering Site • Small Building Expansions

Figure 14.090-1: Limitation Area

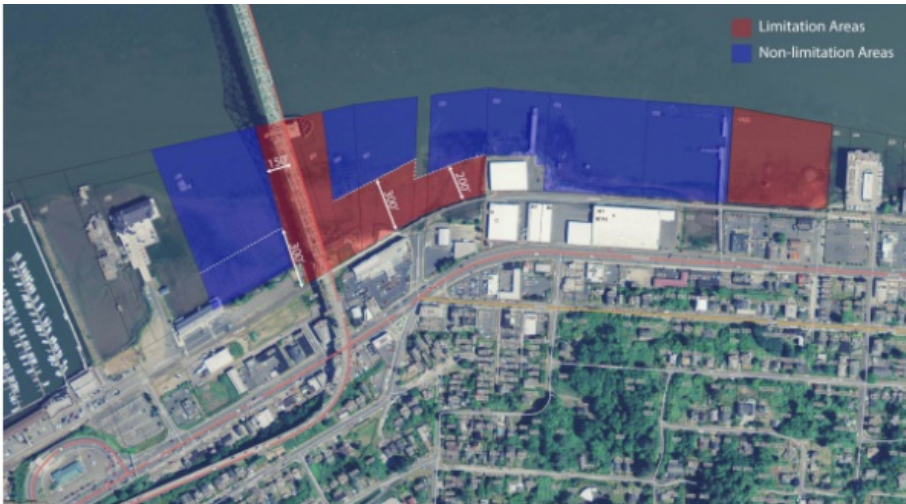
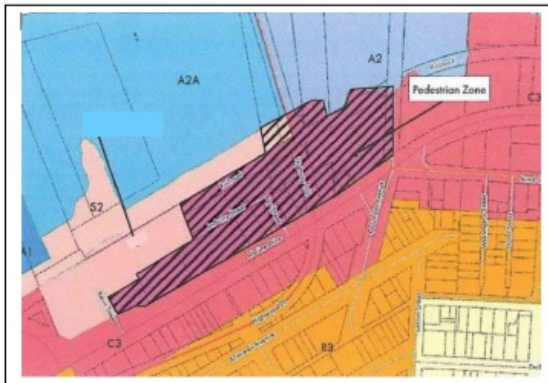


Figure 14.090-2, Pedestrian-Oriented District



(Figure 14.090-2 amended by Ord 19-06, 7-1-2019)

The provisions of the Bridge Vista Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at ~~25%~~33% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. Applications in the Bridge Vista Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.095 to 14.125.

- A. Historic Design Review. ~~When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Bridge Vista Overlay sections relative to historic compatibility. If the proposed development is not adjacent to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Bridge Vista Overlay Zone shall be completed by the Design Review Commission. (Section 14.090.A added by Ord 19-06, 7-1-2019)~~ Historic Design Review. When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, or is an identified Historic Landmark, the Historic Landmarks Commission shall include review of the Bridge Vista Overlay sections.

(Section 14.090 added by Ord 15-03, 6-15-15)

SECTION 249: AMENDMENT “14.131 APPLICABILITY AND REVIEW PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.131 APPLICABILITY AND REVIEW PROCEDURES

The provisions of the Neighborhood Greenway Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at ~~25%~~33% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Ordinance.

Review of applications in the Neighborhood Greenway Overlay Zone is subject to the administrative procedures and approval of the Community Development Director established in Article 9.

- A. Residential Development Exception. These standards shall not apply to single-family, two-family dwellings, and Accessory Dwelling Units. (Section 14.131.A amended by Ordinance 21-02, 2-16-21)
- B. Residential Development. Applications for multi-family dwellings may be reviewed administratively subject to the Design Review Standards in Section 14.134 or through the public design review process subject to the Design Review Guidelines in Section 14.135. Any deviation from the standards in Section 14.065 require the complete application to be reviewed through the public design review process. (Section 14.131.B amended by Ord 19-06, 7-1-2019)
- C. Non-Residential and Mixed-Use Development. Applications shall be reviewed through the public design review process subject to the Design Review Guidelines in Section 14.135.
- D. Historic Design Review. ~~When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Neighborhood Greenway Overlay sections relative to historic compatibility. If the proposed development is not adjacent to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Neighborhood Greenway Overlay Zone shall be completed by the Design Review Commission.~~ When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, or is an identified Historic Landmark, the Historic Landmarks Commission shall include review of the Civic Greenway Overlay sections.
(Section 14.131.D added by Ord 19-06, 7-1-2019)(Section 14.131 added by Ordinance 15-09, 12-7-2015)

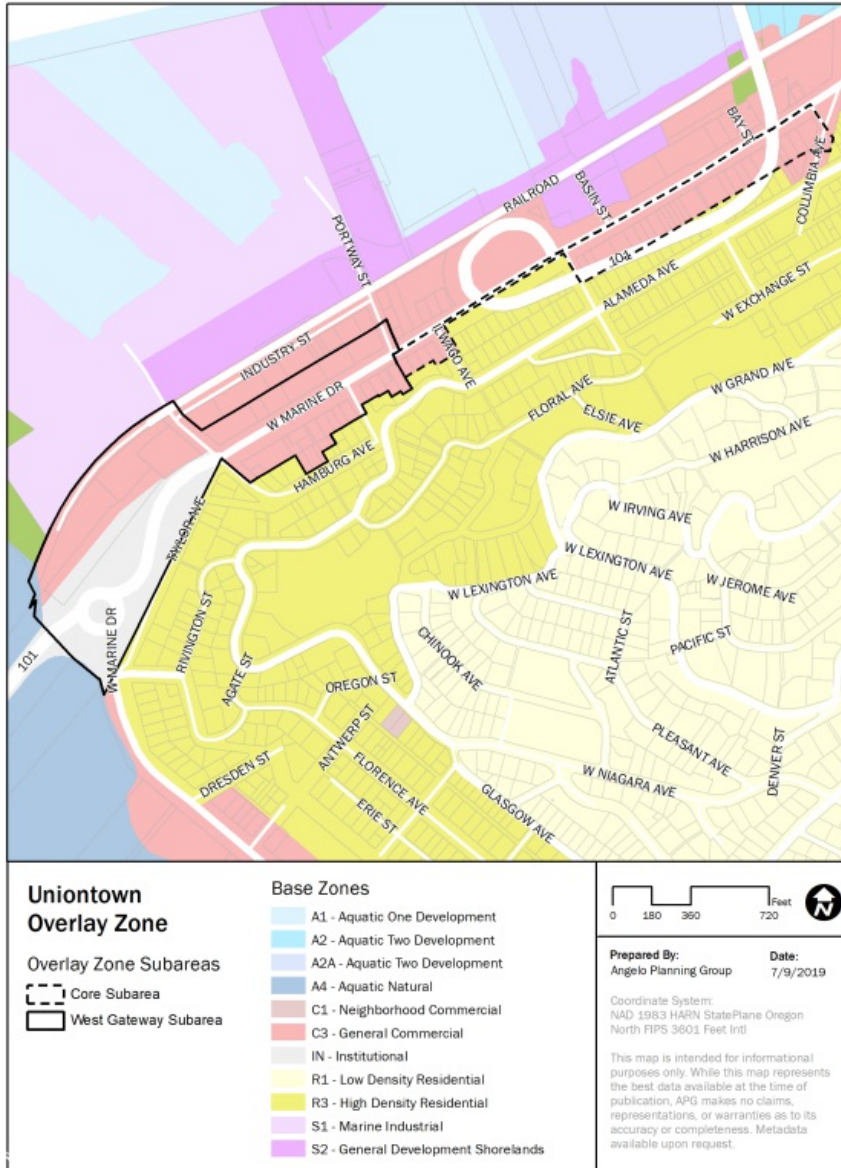
SECTION 250: AMENDMENT “14.147 APPLICABILITY AND REVIEW PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.147 APPLICABILITY AND REVIEW PROCEDURES

- A. Applicability. The provisions in Sections 14.145 to 14.163 apply to all uses in all areas of the Uniontown Overlay Zone unless indicated otherwise in the code.

Figure 14.147-1: Overlay Zone Boundaries and Subareas



The provisions of the Uniontown Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25%~~33%~~ or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section. Applications in the Uniontown Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.145 to 14.163.

- B. Historic Design Review. ~~When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, the Historic Landmarks Commission shall include review of the Uniontown Overlay sections relative to historic compatibility. If the proposed development is not "adjacent" to a historic property (as defined in Section 1.400) and not subject to review by the Historic Landmarks Commission, then the historic review of the Uniontown Overlay Zone shall be completed by the Design Review Commission.~~ When a development proposal is required to be reviewed by the Historic Landmarks Commission due to its proximity adjacent to a designated historic building, structure, site, or object, or is an identified Historic Landmark, the Historic Landmarks Commission shall include review of the Uniontown Overlay sections.

(Section 14.147 added by Ord 19-11, 10-7-2019)

SECTION 251: AMENDMENT “14.075 LANDSCAPING” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.075 LANDSCAPING

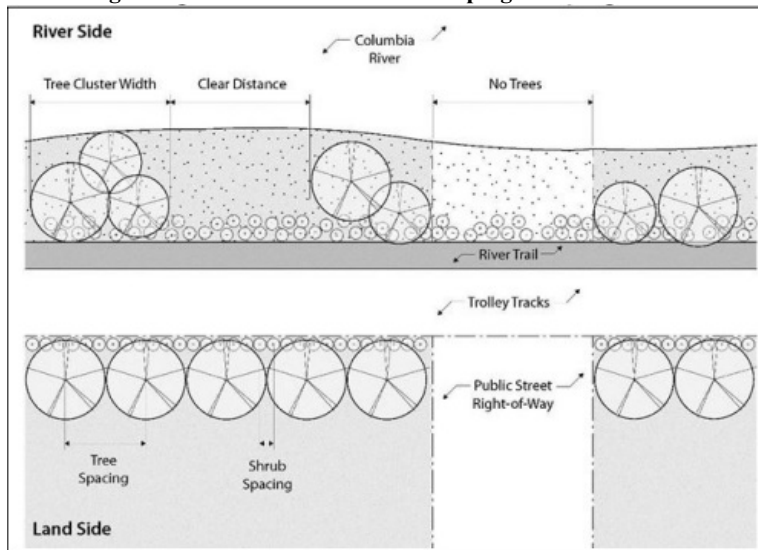
A. Landscaping is required in the Civic Greenway Overlay Zone in accordance with the provisions in this Section and those in Sections 3.120 to 3.125. The provisions in this Section apply to new construction or exterior renovations with a value of at least ~~33~~²⁰% of the assessed value of the structure, ~~or in the event of installation of new parking areas.~~ (Section 14.075.A amended by Ord.15-03, 6-15-15).

1. River side and/or riparian standards. The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail, which is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water. (Section 14.075.A.1 amended by Ord 19-06, 7-1-2019; 14.075.A.1 amended by Ord.15-03, 6-15-15)

a. Height and spacing.

- (1) Maximum shrub height is 30 inches.
- (2) Maximum width of clusters of trees is 50 feet.
- (3) Clusters of trees shall have a minimum of 50 feet clear between branches at maturity.
- (4) Trees are not permitted to be planted on the river side of the River Trail within the extended public right-of-way or view corridor extending from it for a distance of 70' centered on the right-of-way centerline.
- (5) Trees shall not exceed 35 feet in height at maturity
- (6) Maximum height of fences is three (3) feet.

Figure 14.075-1: River Side Landscaping



b. Native plants. See Section 3.125 concerning use of native plants and list of recommended native plants. (Section 14.075.A.1.b amended by Ord. 15-03, 6-15-15)

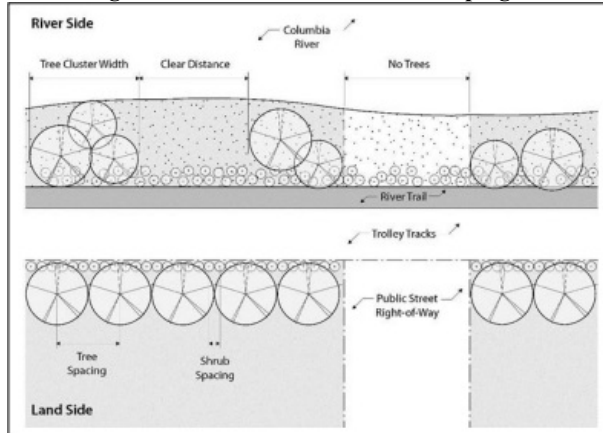
2. Land side or upland standards. The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.075.A.1. (Section 14.075.A.2 amended by Ord 19-06, 7-1-2019;

14.075.A.2 amended by Ord.15-03, 6-15-15)

a. Height and spacing.

- (1) Maximum spacing of trees is 20 feet on center.
- (2) Maximum spacing of shrubs is five (5) feet on center.
- (3) Ground cover landscaping is required in between shrubs and trees.
- (4) Trees shall not exceed 35 feet in height at maturity

Figure 14.075-2: Land Side Landscaping



b. Parking area landscaping. Landscaping required between parking areas, streets, and sidewalks in accordance with Section 3.120(A.7) shall also be required between parking areas and the River Trail.

c. Landscaping credits for non-vegetation features.

- (1) The Community Development Director may approve non-vegetative features to account for up to 10% of required landscaping.
- (2) The Community Development Director may approve installation of non-vegetative features within the public right-of-way and/or River Trail to account for up to 25% of required landscaping when the non-vegetative features include at least one of the following amenities meeting the City approved design:
 - (A) bike rack
 - (B) bench
 - (C) table
 - (D) drinking fountain
 - (E) directional or interpretive/information signage
 - (F) trash or recycling container
 - (G) lighting
 - (H) restroom
- (3) An application proposing more than 25% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
- (4) Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

3. Street Trees. Street trees are required to be planted within the right-of-way along both sides of the street in the Civic Greenway Overlay Zone in accordance with the provisions in this Section and those in Section 14.030(D).

- a. Maximum height for street trees along north-south streets between Marine Drive and the Columbia River is 35 feet. (Section 14.075.A.3.a amended by Ord 19-06, 7-1-2019)
- b. Street trees along north-south streets between Marine Drive and the Columbia River shall have narrow profiles and/or be pruned to a maximum width of 15

feet.

- c. Street trees along north-south streets between Marine Drive and the Columbia River shall be one of the columnar species listed in Section 3.125, unless otherwise approved by the Community Development Director. (Section 14.075.A.3.c amended by Ord.15-03, 6-15-15)
- d. Required street trees shall be maintained by the adjacent property owner and/or other identified entity. There shall be a maintenance agreement or other City approved agreement.

B. (Section 14.075.B deleted and moved to Section 3.125 by Ord.15-03, 6-15-15)

(Section 14.075 added by Ord 13-09, 10-6-14)

SECTION 252: **AMENDMENT** “14.120 LANDSCAPING” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.120 LANDSCAPING

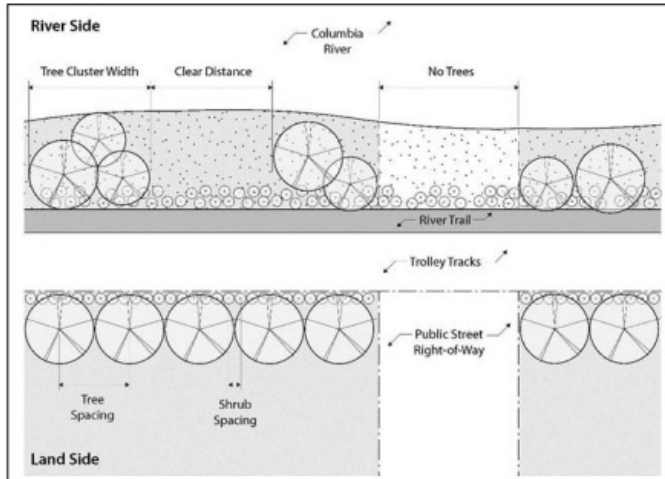
Landscaping is required in the Bridge Vista Overlay Zone in accordance with the provisions in this Section and those in Section 3.120 to 3.125. The provisions in this Section apply to new construction or exterior renovations with a value of at least ~~33~~²⁰% of the assessed value of the structure, ~~-or in the event of installation of new parking areas.~~

A. River Side and/or Riparian Standards. The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water. (Section 14.120.A amended by Ord 19-06, 7-1-2019)

1. Height and Spacing.

- a. Maximum shrub height is 30 inches.
- b. Maximum width of clusters of trees is 30 feet.
- c. Clusters of trees shall have a minimum of 50 feet clear between branches at maturity.
- d. Trees are not permitted to be planted on the river side of the River Trail within the extended public right-of-way or view corridor extending from it for a distance of 70 feet centered on the right-of-way centerline.
- e. Trees shall not exceed 25 feet in height at maturity
- f. Maximum height of fences is three (3) feet.

Figure 14.120-1: River Side/Riparian Landscaping

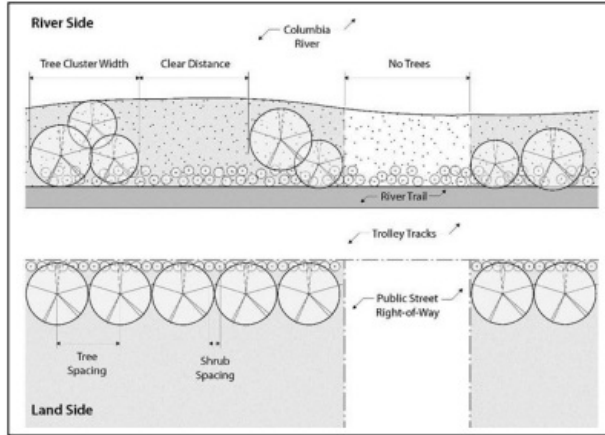


2. Native Plants. See Section 3.125 concerning use of native plants and list of recommended native plants.
3. Landscaping Credits for Non-Vegetation Features.
 - a. The Community Development Director may approve non-vegetative features to account for up to 40% of required landscaping when the features consist of hardscaped pedestrian-oriented areas (e.g., courtyards, plazas). Permeable paving and other stormwater management techniques are encouraged in the design of these areas.
 - b. An application proposing more than 40% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
 - c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

B. Land Side or Upland Standards. The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.120.A. (Section 14.120.B amended by Ord 19-06, 7-1-2019)

1. Height and Spacing.
 - a. Maximum spacing of trees.
 - (1) 20 feet on center for non-industrial uses
 - (2) 15 feet on center for industrial uses
 - b. Maximum spacing of shrubs
 - (1) Five (5) feet on center for non-industrial uses
 - (2) Three (3) feet on center for industrial uses
 - c. Ground cover landscaping is required in between shrubs and trees.
 - d. Trees shall not exceed 35 feet in height at maturity

Figure 14.120-2: Land Side Landscaping



2. Parking Area Landscaping.

- a. Landscaping required between parking areas, streets, and sidewalks in accordance with Section 3.120.A.7 shall also be required between parking areas and the River Trail.
- b. Landscaping shall minimize pedestrian exposure to parking lots with a hedge or a decorative fence that is 36" to 42" high.
- c. Maximum tree height and width in parking areas shall be 15 feet at maturity.

3. Landscaping Credits for Non-Vegetation Features.

- a. The Community Development Director may approve non-vegetative features to account for up to 25% of required landscaping when the features consist of the following:
 - (1) Hardscaped pedestrian-oriented areas (e.g., courtyards, plazas); and/or
 - (2) At least one of the following amenities meeting the City approved design within the public right-of-way and/or River Trail right-of-way:
 - (A) bike rack
 - (B) bench
 - (C) table
 - (D) drinking fountain
 - (E) directional or interpretive/information signage
 - (F) trash or recycling container
 - (G) lighting
 - (H) restroom

Permeable paving and other stormwater management techniques are encouraged in the design of these areas.

- b. An application proposing more than 25% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
- c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

C. Street Trees. Street trees shall be planted within the right-of-way along both sides of the street in the Bridge Vista Overlay Zone in accordance with the provisions in this Section.

1. Spacing should be 30 feet on center, depending on species and branching habit.
2. Minimum size of deciduous trees should be 2" caliper, with an upright form.
3. Mature branching height should be a minimum of 15 feet.

4. Maximum height for street trees along north-south streets between West Marine Drive / Marine Drive and the Columbia River is 35 feet. (Section 14.120.C.4 amended by Ord 19-06, 7-1-2019)
5. Street trees along north-south streets between West Marine Drive / Marine Drive and the Columbia River shall have narrow profiles and/or be pruned to a maximum width of 15 feet.
6. Street trees along north-south streets between West Marine Drive / Marine Drive and the Columbia River shall be one of the columnar species listed in Section 3.125.B.1, unless otherwise approved by the Community Development Director.
7. Durable tree grates and trunk protectors should be installed.
8. Areas between trees should be landscaped with a variety of shrubs and perennials, with an emphasis on flowering species.
9. Required street trees shall be maintained by the adjacent property owner and/or other identified entity. There shall be a maintenance agreement or other City approved agreement.

(Section 14.120 added by Ord 15-03, 6-15-15)

SECTION 253: AMENDMENT “14.138 LANDSCAPING” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.138 LANDSCAPING

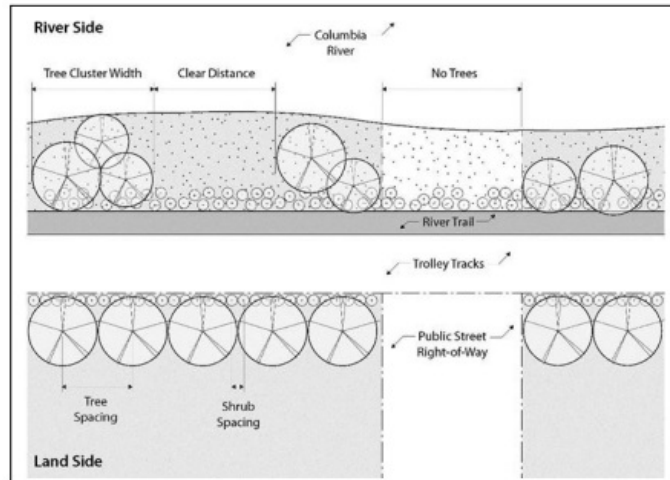
Landscaping is required in the Neighborhood Greenway Overlay Zone in accordance with the provisions in this Section and those in Section 3.120 to 3.125. The provisions in this Section apply to new construction or exterior renovations with a value of at least ~~33~~20% of the assessed value of the structure, ~~or in the event of installation of new parking areas for multi-family dwellings and/or development other than single-family or two-family dwellings. Single-family, two-family dwellings, and Accessory Dwelling Units are not subject to the landscaping standards except as noted.~~ (Section 14.138 amended by Ordinance 21-02, 2-16-21)

A. River Side and/or Riparian Standards. The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail. Riparian area is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water. (Section 14.138.A amended by Ord 19-06, 7-1-2019)

1. Height and Spacing.

- a. Maximum shrub height is 30 inches.
- b. Maximum width of clusters of trees is 30 feet.
- c. Clusters of trees shall have a minimum of 50 feet clear between branches at maturity.
- d. Trees are not permitted to be planted on the river side of the River Trail within the extended public right-of-way or view corridor extending from it for a distance of 70 feet centered on the right-of-way centerline.
- e. Trees shall not exceed 25 feet in height at maturity
- f. Maximum height of fences is three (3) feet.

Figure 14.138-1: River Side/Riparian Landscaping

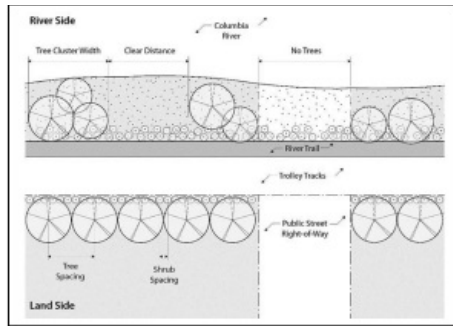


2. Native Plants. See Section 3.125 concerning use of native plants and list of recommended native plants.
3. Landscaping Credits for Non-Vegetation Features.
 - a. The Community Development Director may approve non-vegetative features to account for up to 40% of required landscaping when the features consist of hardscaped pedestrian-oriented areas (e.g., courtyards, plazas). Permeable paving and other stormwater management techniques are encouraged in the design of these areas.
 - b. An application proposing more than 40% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
 - c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

B. Land Side or Upland Standards. The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.138.A.

1. Height and Spacing.
 - a. Maximum spacing of trees.
 - (1) Twenty (20) feet on center for non-industrial uses
 - (2) Fifteen (15) feet on center for industrial uses
 - b. Maximum spacing of shrubs
 - (1) Five (5) feet on center for non-industrial uses
 - (2) Three (3) feet on center for industrial uses
 - c. Ground cover landscaping is required in between shrubs and trees.
 - d. Trees shall not exceed 35 feet in height at maturity

Figure 14.138-2: Land Side Landscaping



(Section 14.138.B.1 added by Ord 19-06, 7-1-2019)

2. Parking Area Landscaping.

- a. Landscaping required between parking areas, streets, and sidewalks in accordance with Section 3.120.A.7 shall also be required between parking areas and the River Trail.
- b. Landscaping shall minimize pedestrian exposure to parking lots with a hedge or a decorative fence that is 36” to 42” high.
- c. Maximum tree height and width in parking areas shall be 15 feet at maturity.

3. Landscaping Credits for Non-Vegetation Features.

- a. The Community Development Director may approve non-vegetative features to account for up to 25% of required landscaping when the features consist of the following:
 - (1) Hardscaped pedestrian-oriented areas (e.g., courtyards, plazas); and/or
 - (2) At least one of the following amenities meeting the City approved design within the public right-of-way and/or River Trail right-of-way:
 - (A) bike rack
 - (B) bench
 - (C) table
 - (D) drinking fountain
 - (E) directional or interpretive/information signage
 - (F) trash or recycling container
 - (G) lighting
 - (H) restroom

Permeable paving and other stormwater management techniques are encouraged in the design of these areas.

- b. An application proposing more than 25% of required landscaping be credited by non-vegetative features is subject to approval in accordance with procedures in Article 9 and Article 12.
 - c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.
4. Street Trees. Street trees planted within the right-of-way along either side of the street in the Neighborhood Greenway Overlay Zone shall be planted in accordance with the provisions in this Section.

This Section shall apply to all street trees planted including those for single-family, two-family dwellings, and Accessory Dwelling Units. (Section 14.138.C amended by Ordinance 21-02, 2-16-21)

- a. Spacing should be 30 feet on center, depending on species and branching habit.
- b. Minimum size of deciduous trees should be 2” caliper, with an upright

- form.
- c. Mature branching height should be a minimum of 15 feet.
- d. Required street trees shall be maintained by the adjacent property owner and/or other identified entity. There shall be a maintenance agreement or other City approved agreement.

(Section 14.138 added by Ordinance 15-09, 12-7-2015)

SECTION 254: AMENDMENT “14.200 LANDSCAPING” of the Astoria Development Code is hereby *amended* as follows:

A M E N D M E N T

14.200 LANDSCAPING

Landscaping is required in the Urban Core Overlay Zone in accordance with the provisions in this Section and those in Section 3.120 to 3.125. The provisions in this Section apply to new construction or exterior renovations with a value of at least ~~33~~²⁰% of the assessed value of the structure, ~~or in the event of installation of new parking areas.~~ Buildings existing prior to January 1, 2020 that cover more than 90% of a lot are exempt from meeting landscape requirements when making renovations.

- A. River Side and/or Riparian Standards. The following standards apply to landscaping on the river side of the River Trail and to riparian areas to the south of the River Trail, which is defined as the landward limit of Columbia River aquatic vegetation or, where aquatic vegetation is absent, the Mean Higher High Water.
 - 1. Height and Spacing.
 - a. Maximum shrub height is 30 inches.
 - b. Maximum width of clusters of trees is 30 feet.
 - c. Clusters of trees shall have a minimum of 50 feet clear between branches at maturity.
 - d. Trees are not permitted to be planted on the river side of the River Trail or riparian areas south of the River Trail within the extended public right-of-way or view corridor extending from it for a distance of 70 feet centered on the right-of-way centerline.
 - e. Trees shall not exceed 25 feet in height at maturity.
 - f. Maximum height of fences is three (3) feet.

Figure 14.200-1: River Side Landscaping

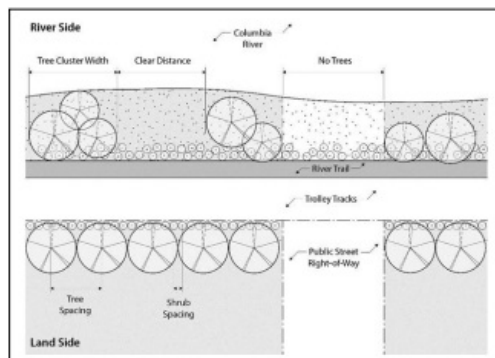
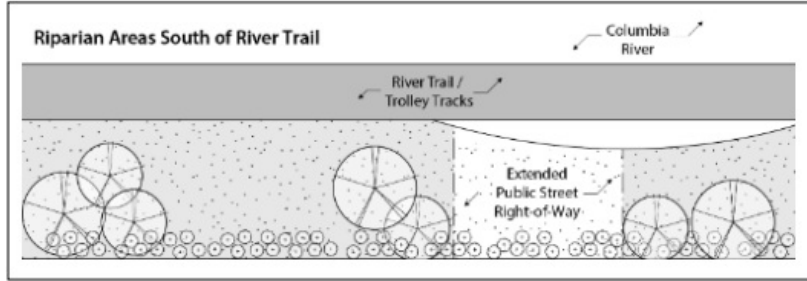


Figure 14.200-2: Riparian Landscaping

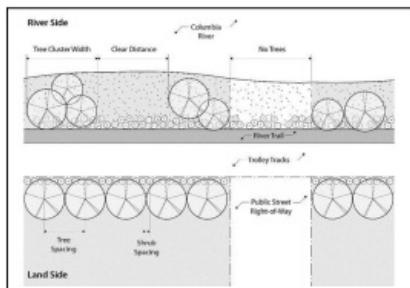


2. Native Plants. See Section 3.125 concerning use of native plants and list of recommended native plants.
3. Landscaping Credits for Non-Vegetation Features.
 - a. The Community Development Director may approve non-vegetative features to account for up to 40% of required landscaping when the features consist of hardscaped pedestrian-oriented areas (e.g., courtyards, plazas). Permeable paving and other stormwater management techniques are encouraged in the design of these areas.
 - b. An application proposing more than 40% of required landscaping be credited by non-vegetative features is subject to approval in accordance with variance procedures in Article 9 and Article 12.
 - c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

B. Land Side or Upland Standards. The following standards apply to landscaping along the frontage of parcels abutting the River Trail to the south, except where riparian areas are located to the south of the River Trail. Riparian areas are subject to the standards of Section 14.200.A.

1. Height and Spacing.
 - a. Maximum spacing of trees.
 - (1) 20 feet on center for non-industrial uses
 - (2) 15 feet on center for industrial uses
 - b. Maximum spacing of shrubs.
 - (1) Five (5) feet on center for non-industrial uses
 - (2) Three (3) feet on center for industrial uses
 - c. Ground cover landscaping is required in between shrubs and trees.
 - d. Trees shall not exceed 35 feet in height at maturity.

Figure 14.200-3: Land Side Landscaping



2. Parking Area Landscaping.
 - a. Landscaping required between parking areas, streets, and sidewalks in accordance with Section 3.120.A.7 shall also be required between parking areas and the River Trail.
 - b. Landscaping shall minimize pedestrian exposure to parking lots with a hedge or a decorative fence that is 36" to 42" high.
 - c. Maximum tree height and width in parking areas shall be 15 feet at maturity.
3. Landscaping Credits for Non-Vegetation Features.

- a. The Community Development Director may approve non-vegetative features to account for up to 25% of required landscaping when the features consist of the following:
 - (1) Hardscaped pedestrian-oriented areas (e.g., courtyards, plazas); and/or
 - (2) At least one of the following amenities meeting the City approved design within the public right-of-way and/or River Trail right-of-way:
 - (A) bike rack
 - (B) bench
 - (C) table
 - (D) drinking fountain
 - (E) directional or interpretive/information signage
 - (F) trash or recycling container
 - (G) lighting
 - (H) restroom

Permeable paving and other stormwater management techniques are encouraged in the design of these areas.

- b. An application proposing more than 25% of required landscaping be credited by non-vegetative features is subject to approval in accordance with variance procedures in Article 9 and Article 12.
- c. Non-vegetative features allowed in the public right-of-way and/or on the River Trail in lieu of required landscaping shall be maintained by the applicant. There shall be a maintenance agreement or other City approved agreement. Failure to maintain or loss of the non-vegetative feature will result in the requirement for installation of the landscaping in accordance with the Code at the time of the loss.

C. Street Trees. Street trees shall be planted within the right-of-way along both sides of the street in the Urban Core Overlay Zone in accordance with the provisions in this Section.

1. Standards for Street Trees on All Streets.

- a. Spacing should be 30 feet on center, depending on species and branching habit.
- b. Minimum size of deciduous trees should be 2" caliper, with an upright form.
- c. Mature branching height should be a minimum of 15 feet.
- d. Durable tree grates and trunk protectors should be installed.
- e. Areas between trees should be landscaped with a variety of shrubs and perennials, with an emphasis on flowering species.
- f. Required street trees shall be maintained by the adjacent property owner and/or other identified entity. There shall be a maintenance agreement or other City approved agreement.
- g. Location of street trees shall be reviewed and approved by the City Engineer. Due to the nature of the downtown hollow sidewalks, in-ground street trees may not be feasible. Alternative street landscaping with shrubs, groundcover, and/or raised planters may be approved.

2. Standards for Street Trees on North-South Streets North of Marine Drive.

- a. Maximum height is 35 feet.
- b. Street trees shall have narrow profiles and/or be pruned to a maximum width of 15 feet.
- c. Street trees shall be one of the columnar species listed in Section 3.125.B.1, unless otherwise approved by the Community Development Director.

(Section 14.200 added by Ord 20-02, 1-21-2020)

SECTION 255: AMENDMENT “14.020 APPLICABILITY OF DESIGN REVIEW GUIDELINES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.020 APPLICABILITY OF DESIGN REVIEW GUIDELINES

The Design Review Guidelines shall apply to all new construction or major renovation. For the purposes of this Code Section, “major renovation” is defined as construction valued at ~~25%~~33% or more of the assessed value of the existing structure. The guidelines are intended to provide fundamental principles that will assist in the review of the proposed development. The principles identify both “encouraged” and “discouraged” architectural elements. They are broad design objectives and are not to be construed as prescriptive standards.

SECTION 256: AMENDMENT “14.178 APPLICABILITY AND REVIEW PROCEDURES” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

14.178 APPLICABILITY AND REVIEW PROCEDURES

- A. The provisions in Sections 14.175 to 14.200 apply to all uses in all areas of the Urban Core Overlay Zone unless indicated otherwise in Table 14.178-1T and in the individual sections.
- B. The provisions of the Urban Core Overlay Zone shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at ~~25%~~33% or more of the assessed value of the existing structure, unless otherwise specified by the provisions in this Section.
- C. Applications in the Urban Core Overlay Zone shall be reviewed in a public design review process subject to the standards and guidelines in Sections 14.175 to 14.200.

Table 14.178-1T: Applicability of Urban Core Overlay Zone Code Sections

Code Section	Applicability
Section 14.180 Uses Prohibited for Overwater Development	<ul style="list-style-type: none"> • Aquatic Zones
Section 14.183 Standards for Overwater Development	Limitation Areas (Figure 14.178-1) – overwater and land north of the River Trail Minimum Setbacks • North/south Rights-of-way between Marine Drive and Columbia River • Adjacent to River Trail
Section 14.185 Uses Permitted for On-Land Development	<ul style="list-style-type: none"> • C-3 and C-4 Zones
Section 14.188 Uses Prohibited for On-Land Development	<ul style="list-style-type: none"> • C-3 and C-4 Zones
Section 14.190 Standards for On- Land Development	Minimum Setbacks • North/south Rights-of-way between Marine Drive / Commercial Street and Columbia River • Adjacent to River Trail • Adjacent to Marine Drive and Other Rights-of-Way Parallel to Marine Drive (except River Trail) Maximum Setbacks • Adjacent to Marine Drive and Parallel Rights-of-Way Stepbacks • All Overlay Zone Adjacent to Rights-of-Way and River Trail Size • All Overlay Zone
Section 14.195 Design Guidelines and Standards	Building Style and Form • Standards for Projecting Wall-Mounted Mechanical Units Visible from Public Right-of-Way or River Trail • Guidelines for All Uses, All Overlay Zone Roof Form and Materials • Form Standards for All Uses • Materials Standards for All Uses • Form Standards for Non-Industrial Uses • Form Standards and Guidelines for Industrial Uses Doors • Standards for All Uses • Guidelines for All Uses • Standards for Non-Industrial Uses • Guidelines for Non-Industrial Uses Windows • Coverage Standards for All Uses • Design Standards for All Uses • Design Guidelines for All Uses • Coverage Standards for Non-Industrial Uses • Coverage Standards for Industrial Uses Siding and Wall Treatment • Standards for All Uses • Guidelines for All Uses Awnings • Standards for Types of Awnings/Treatments for All Uses • Guidelines for Types of Awnings/Treatments for All Uses • Standards Along River Trail and North/South Rights-of-Way Lighting • Standards for All Uses • Guidelines for All Uses Signs • Standards for All Uses
Section 14.200 Landscaping	River Side/Riparian Land Side/Upland Street Trees • All Street Trees • North-South Rights-of-Way Between Marine Drive / Commercial Street and Columbia River

Figure 14.178-1: Limitation Areas



(Section 14.178 added by Ord 20-02, 1-21-2020)

SECTION 257: **AMENDMENT** “2.040 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.040 LOT COVERAGE

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

SECTION 258: **AMENDMENT** “2.085 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.085 LOT COVERAGE

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

SECTION 259: **AMENDMENT** “2.175 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.175 LOT COVERAGE

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

SECTION 260: **AMENDMENT** “2.360 LOT COVERAGE” of the Astoria Development Code is hereby *amended* as follows:

AMENDMENT

2.360 LOT COVERAGE

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

SECTION 261: **AMENDMENT** “1.360” of the Astoria Development Code
is hereby *amended* as follows:

AMENDMENT

1.360

~~(Section 1.360 amended and renumbered as 1.030.B by Ord 19-05, 6-17-2019)~~

Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF SEPTEMBER, 2022.

APPROVED BY THE MAYOR THIS _____ DAY OF SEPTEMBER, 2022.

ATTEST:

Mayor

Paul Benoit, City Manager

ROLL CALL ON ADOPTION: YEA NAY ABSENT

Commissioner	Rocka
	Herman
	Brownson
	Hilton
Mayor	Jones



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

**SUBJECT: PUBLIC HEARING AND FIRST READING OF ORDINANCE
RELATING TO THE ASTORIA FIRE CODE AND AUTOMATIC FIRE
ALARM**

DISCUSSION / ANALYSIS:

The Oregon Legislature adopted the 2022 Oregon Fire Code which took effect on October 1, 2022. Pursuant to ORS 476.030, the City of Astoria must adopt a Fire Code that generally conforms to the state and national standards. This requires Astoria to adopt or modify any ordinances to ensure that they follow the minimum standards set forth in the Oregon Fire Code. The current version of the Astoria Fire Code is based on the Uniform Fire Code, which is no longer in use. Fire Department staff have been working with the City Attorney to draft amendment to the Astoria Fire Code to ensure compliance with the Oregon Fire Code standards, while keeping in line with current practices within the City.

The proposed ordinance will accomplish the following

- Update the Astoria Fire Code to follow the Oregon Fire Code;
- Identify the Fire Department's Business Inspection Program that is scheduled to begin January 1, 2023;
- Outline the Fire Department's Burn Regulations and associated fines for illegal burning;
- Update commercial fire alarm system requirements; and
- Outline a fine structure for chronic nuisance fire alarms.

Approval of the proposed amendments to the Astoria Code will work to standardize the Fire Code with the rest of the state of Oregon, and update the Fire Code to meet the current practices of the Fire Department.

RECOMMENDATION:

It is recommended that Council conduct a public hearing and consider holding a first reading of the proposed ordinance.

BY: DAN CRUTCHFIELD, CHIEF

ATTACHMENTS:

[Astoria Fire Code Final.pdf](#)

[Fire_Code_Ordinance_with_Edits.pdf](#)

CHAPTER 7 PUBLIC PROTECTION

FIRE PROTECTION

7.000 to 7.060 Adoption of Fire Prevention Code

CRIMINAL HISTORY RECORD CHECK POLICIES

7.100 to 7.110 Background Checks

BURGLARY AND ROBBERY ALARM ORDINANCE

7.200 Burglary and Robbery Alarm Regulations

AUTOMATIC FIRE ALARM ORDINANCE

7.210 to 7.255 Automatic Fire Alarm Regulations

ROCK AND GRAVEL QUARRIES

7.260 Regulation of Quarrying

CHAPTER 7 PUBLIC PROTECTION

[Sections 7.000 through 7.040 replaced in its entirety by Ordinance 12-01, passed January 3, 2012.]

FIRE PROTECTION

7.000 Adoption of Oregon Fire Code. There is hereby adopted by the City of Astoria for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain Code and Standards known as the Oregon Fire Code, adopted by the Oregon office of the State Fire Marshall pursuant to OAR 837-04-001 and authorized by ORS 476.030 ~~Appendix Chapters I-C, I-D, I-E, I-F, I-G, II-A, II-C, II-D, II-E, II-F, II-H, II-I, II-K, III-A, III-B, III-C, III-D, III-E, V-B, and VI-C, being particularly the most current B, and VI-C, being particularly the most currently adopted State of Oregon Fire Code edition and the whole thereof,~~ save and except such portions as are hereinafter deleted, modified or amended, one (1) copy of which Code and Standards have been and are now filed in the office of Community Development/Building Inspection Department of the City of Astoria and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Astoria.

7.005 Establishment and Duties of Bureau of Fire Prevention.

- (a) The Oregon Fire Code shall be enforced by the bureau of fire prevention in the Fire Department of the City of Astoria which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Fire Marshal in charge of the bureau of fire prevention shall be appointed by the City Manager on a recommendation by the Fire Chief on the basis of examination to determine his/her qualifications. The Fire Marshal shall regulate and enforce the provisions of the Oregon Fire Code after the original occupancy approval has been issued by the Building Official and monitor the continued performance and maintenance of these requirements in the City of Astoria after the final occupancy has been approved by the Building Official.

- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.

7.010 Definitions. For the purposes of this code and wherever the word is used in the Oregon Fire Code, the following definitions shall apply:

- (a) Jurisdiction. The City of Astoria.
- (b) Building Official. The officer or other designated authority charged with the administration and enforcement of the Oregon Structural Specialty Codes as defined in Section 9.020 of the code.
- (c) Fire Chief. The Chief of the Fire Department of the City of Astoria.
- (d) Fire Marshal. The Deputy Chief/Fire Marshal of the City of Astoria. This person shall also be known as the Fire Code Official for the City of Astoria.

~~**7.015 Establishment of Limits of District in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is Prohibited.** The limits referred to in Section 7902.2.2.1 and 7904.2.5.4.2 of the current Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by provisions of this code and zoning maps of the City.~~

~~**7.020 Establishments of Limits in Which Storage of Liquefied Petroleum Gases is to be Restricted.** The limits referred to in Section 8204.2 of the current Oregon Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.~~

~~**7.025 Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited.** The limits referred to in Section 7701.7.2 of the current Oregon Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: the entire area within the City limits, except that the City Manager and Fire Chief may provide for the temporary storage of explosives and blasting agents.~~

~~7.030 — **Establishment of Limits of Districts in Which the Storage of Compressed Natural Gas is to be Prohibited.** The limits referred to in Section 5204.5.2 of the current Oregon Fire Code in which the storage of compressed natural gas is prohibited, are established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.~~

~~7.035 — **Establishment of Limits of Districts in Which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are to be Prohibited.** The limits referred to in Section 3-1.5 of current Oregon Fire Code Standard 80-3 in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.~~

~~7.040 — **Establishment of Limits of Districts in Which the Storage of Hazardous Materials is to be Prohibited or Limited.** The limits referred to in Section 8001.1.1 of the current Oregon Fire Code in which the storage of hazardous materials is prohibited or limited is hereby established as follows: all areas of the City zoned RI, R2, R3, CI, C2, C4, LR, A3, A4, MH, FA, AH-HC, HR and AH-MP by zoning provisions of this code and zoning maps of the City.~~

7.015 **Amendments Made in the Uniform Oregon Fire Code.** ~~The current Oregon Fire Code is amended and changed in the following respects: [Sentence amended by Ordinance No. 12-01, passed January 3, 2012.]~~

~~(Section 105.8.) A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions:~~

- ~~a.2 Aircraft refueling vehicles.~~
- ~~f.4 Fumigation or thermal insecticidal fogging.~~
- ~~h.3 Hot work operations. Permits are required for hot work~~
- ~~i.2 Liquid or gas fueled vehicles or equipment in assembly buildings.~~
- ~~e.1 Open burning.~~
- ~~p.3 Pyrotechnical special effects material.~~

Oregon Fire Code Section 105.5.34 shall be amended to read: *Open burning. An operational permit is required for the kindling or maintaining of an open fire, including recreational fires, bon fires and portable outdoor fireplaces, or a fire on any public street, alley, road, or other public or private ground. Responsible parties shall comply with the instructions and stipulations of the permit as required by Astoria Fire Department. This section shall apply to any property within the City of Astoria city limits, including one and two family dwellings.*

Oregon Fire Code Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces shall be amended to read:

ADD TEXT Section 307.1.2 Prohibited materials. No burning of rubber products, tires, plastics, garbage, or any material that creates dark smoke or noxious odors.

Section 307.4.1 shall be amended to read: Bonfires. Bonfires are prohibited within the City of Astoria.

ADD TEXT Section 307.4.4 Burn Barrels. Burn barrels shall be a minimum of 25 feet from any structure and must be equipped with a ¼ inch mesh screen cover. Burn barrels shall only be operated during daylight hours.

ADD TEXT: Section 307.6 Penalties. Anyone found to be burning without a permit or in violation of the conditions listed in the above sections will be ordered to immediately extinguish the fire and shall be subject to the following fine structure:

- (a) No fee shall be assessed for the first two (2) illegal burns at the same premises during a calendar year.
- (b) The third illegal burn within the same calendar year: No fines will be assessed but a warning letter will be issued by the Fire Marshal.
- (c) The fourth illegal burn within the same calendar year: A fine of \$100.00 is assessed.
- (d) The fifth illegal burn in the same calendar year: A fine of \$150.00 is assessed.
- (e) The sixth or greater illegal burn within the same calendar year: A fine of \$200.00 is assessed.
- (f) The Fire Chief is hereby authorized to waive any or all of the fees due in the section. He/she may do so by policy or on an individual basis.
- (g) Nothing in this Ordinance shall authorize the Fire Department to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.

(Section 902.4 **506.1**) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be a type and shall contain keys to gain necessary access as required by the chief:

- (a) Pedestrian security gates where installed must be approved by the fire marshal.

All such approved gates must be capable of being opened by a fire department with the equipment normally carried on their fire apparatus.

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- (b) Vehicular security gates where installed must be approved by the fire marshal. Such approval will not be granted unless a minimum opening of 12 feet (for one direction of travel) is provided. If two travel lanes are to be enclosed by one gate, the minimum opening size must be 24 feet.
 - (c) In addition to the normal opening devices, a method for the fire department to obtain entry must be provided by one of the following:
 - (1) A padlocked chain with chain links no larger than 1/4 inch in diameter (manually operated gates); or
 - (2) A key switch override installed at a convenient and conspicuous location; or
 - (3) Lock-box installed by the approval of the chief with keys to padlocks or a key switch.
 - (d) Each lock box shall be installed and fastened in a place approved by the chief.
 - (e) It shall be the responsibility of each property owner to inform the fire marshal's office whenever access systems are changed, keys are lost or where a change in business use occurs.

Liability: The City of Astoria and their representatives shall not be liable for any loss resulting from the use of the lock box system.

~~The current Oregon Fire Code Article 49—Hot Work is amended to include the following language for Hot Work on Vessels: [Sentence amended by Ordinance No. 12-01, passed January 3, 2012.]~~

~~A Hot Work permit will be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the city of Astoria.~~

~~A. Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in dry dock, or ashore.~~

~~B. General Definition for this Section: For the purpose of this regulation, the following words have the meanings set forth below:~~

~~**1. Adjacent Spaces**—Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and~~

1. ~~**Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S. Department of Labor (OSHA) as a designated Competent Person by their respective employer.~~
2. ~~**Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by its small size and confined nature can readily create or aggravate a hazardous exposure.~~
3. ~~**Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons will be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this person will be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.~~
4. ~~**Designated Piers** - Those piers or berths designated by the Astoria Fire Department and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.~~
5. ~~**Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.~~
6. ~~**Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway will have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, will have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain will be kept taut at all times.~~
7. ~~**Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is likely to cause injury.~~

- ~~8. **Hot Work** - Per NFPA 306; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations will be considered hot work unless deemed otherwise by a Certified Marine Chemist.~~
 - ~~9. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."~~
 - ~~10. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.~~
 - ~~11. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.~~
 - ~~12. **Shipyard** - An operating facility, engaged in ship repair, doing business in the City of Astoria or adjacent Columbia River, meeting the requirements of the Building and Fire Codes.~~
 - ~~13. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.~~
- ~~C. **Hot Work Permits:** Hot Works Permits for Hot Work on Marine Vessels will be divided into three categories:~~
- ~~1. **Level I** - Those permits for hot work operations that are minor in nature. (See below for further definitions.)~~
 - ~~2. **Level II** - Those permits for hot work operations that are moderate in nature. (See below for further definition.)~~
 - ~~3. **Level III** - Those permits that involve major hot work operations. (See below for further definition.)~~
 - ~~4. **Violation of Condition:**~~

- ~~(a) No welding or cutting will be done on a dock or ship within the City's jurisdiction without first obtaining a hot work permit authorized by the Fire Department. If welding or cutting is done on a dock or ship within the City's jurisdiction without first obtaining the permit or permits required by this Chapter, the welding or cutting will cease immediately and not begin again until the Fire Marshal has inspected the work site, the inspection fee has been paid and the Fire Marshal has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, before the commencement of such work.~~
- ~~(b) Violation of any of the following permit conditions will be cause for immediate revocation of the "Hot Work Permit for Vessels". Permits that are revoked require all discrepancies corrected immediately and may require payment of a fee before issuance of a new permit. In the event that a fire occurs as the result of a violation of these permit conditions, the Chief of the Fire Department may prepare a statement setting forth the costs of extinguishing the fire and the permit holder will pay such costs.~~

~~D. Level I Hot Work~~

- ~~1. Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.~~
- ~~2. Level I hot work includes that work which is minor in nature. Examples of such work include:
 - ~~a. Standing rigging~~
 - ~~b. Replacement of cleats and pad eyes~~
 - ~~c. Work involving deck machinery~~
 - ~~d. Similar repairs or modifications~~~~
- ~~3. Level I hot work must not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to:
 - ~~e. Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping).~~
 - ~~f. Compartments, which are insulated with combustible or flammable insulation, including insulation that has a fire resistive barrier, installed over the surface.~~~~

- ~~g. Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms.~~
- ~~h. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).~~
- ~~i. Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space that might expose the insulation to heat).~~

~~4. Requirements:~~

~~a. Permits Required:~~

- ~~(1) A U.S. Coast Guard Hot Work Permit.~~
- ~~(2) A "Hot Work Permit for Vessels," authorized by the Fire Department will be obtained before the commencement of any hot work operations aboard any marine vessel.~~

~~b. Authorized Locations: Level I hot work may be performed at the normal berth of the vessel. Exception: Level I hot work will not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Fire Marshal, and a NFPA certified Marine Chemist.~~

~~c. Vessel's Fire Protection Systems: During hot work operations, all of the fire protection systems of the vessel will remain in service.~~

~~d. Gangways Required: At least one gangway will be provided for access to the vessel.~~

~~e. Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.~~

- ~~(1) All hot work operations will be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.~~
- ~~(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. A Competent Person will carry out monitoring of such areas.~~

- ~~f. Inspection Required: Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:~~
- ~~(a) The work to be performed does not involve an area of the vessel prohibited for Level I hot work.~~
 - ~~(b) Prohibited activity is not taking place elsewhere on the vessel.~~
 - ~~(c) The area is safe for the hot work to take place. The Competent Person and the person in charge of the repairs or modifications will make such inspection. Such inspections will include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.~~
- ~~g. Fire Watches: Whenever hot work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during such operations. Such persons will have no other duties other than to watch for fire. Fire watches will be equipped with, or have immediate access to emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed.~~
- ~~Persons performing hot work may not serve as their own fire watch. Persons appointed as fire watch may be a member of the crew of the vessel or other person designated by the individual in charge of the work.~~
- ~~As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.~~
- ~~Fire watches are to be readily identifiable.~~
- ~~Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.~~
- ~~h. Fire Extinguishing Devices Required:~~
- ~~(1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, will be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A-60BC, Dry Chemical, 2A-10-BC, CO² or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.~~

~~(2) A fire hose of not less than 1-1/2 inch diameter, with nozzle attached, will be laid out and suitably charged in the vicinity of the hot work operations. Such hose shall be of sufficient length to reach the compartment or space being worked on or protected.~~

~~i. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside a confined or enclosed space.~~

~~j. Other Precautions against Fire:~~

~~(1) Flammable or combustible liquids may not be stored within 50 feet of hot work operations.~~

~~(2) Combustible materials will not be located within 25 feet of hot work operations. (Including the opposite side of surfaces on which welding or cutting is being performed.)~~

~~(3) Hot work will not be done in or near compartments or spaces where flammable liquids or vapors, lint, or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.~~

~~E. Level II Hot Work~~

~~1. Definition: Level II hot work includes that work which is moderate in nature or any hot work on or near areas of the vessel which are hazardous in nature.~~

~~2. Such hazardous areas include:~~

~~a. Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping.~~

~~b. Compartments which are insulated with combustible or flammable insulation.~~

~~c. Engine rooms, fire rooms, boiler rooms, and auxiliary machinery rooms.~~

~~d. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).~~

~~e. Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.~~

3. ~~Examples of Level II hot work include:~~

- ~~a. Removal or replacement of major components of the vessel's propulsion system.~~
- ~~b. Removal or replacement of major components or sections of any shipboard piping systems.~~
- ~~c. Replacement of deckhouses or other major structural components.~~
- ~~d. Replacement of hull or deck plating.~~
- ~~e. Work is less than 30 days in duration.~~

4. ~~Requirements:~~

~~a. Permits Required:~~

- ~~(1) U.S. Coast Guard Hot Work Permit.~~
- ~~(2) "Hot Work Permit for Vessels," authorized by the Fire Marshal will be obtained before the commencement of any hot work operations aboard any marine vessel.~~

~~b. Authorized Locations:~~

- ~~(1) Level II hot work may only be performed at designated Port facility piers or at shipyards.~~
- ~~(2) Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.~~

~~c. Vessel's Fire Protection System: During hot work operations, all of the fire protection systems of the vessel will remain in service.~~

~~d. Gangways Required: Two gangways will be provided for access to the vessel, unless physical limitations dictate otherwise.~~

~~e. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:~~

- ~~(1) All hot work operations will be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.~~

- ~~(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. A Competent Person will carry out monitoring of such areas.~~
- ~~f. Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both before commencement. Full-time safety persons will meet the requirements for Competent Persons.~~
- ~~g. Marine Chemist Certificate Required:~~
- ~~(1) No person will engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates will be valid only if a Marine Chemist certified by the National Fire Protection Association (NFPA) issues them.~~
- ~~(2) A Marine Chemist Certificate will be required before Hot Work operations on any vessel:~~
- ~~(a) Within or on the boundaries of cargo tanks that have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.~~
- ~~(b) Within or on the boundaries of fuel tanks.~~
- ~~(c) On pipelines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.~~
- ~~(d) Within the boundaries of engine rooms, fire rooms and boiler rooms.~~
- ~~(e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.~~
- ~~(f) Marine Chemist Certificate will be issued in strict accordance with the requirements of NFPA 306 Standard for the "Control of Gas Hazards on Vessels."~~

- ~~h. Inspection Required: Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:~~
- ~~(a) The work to be performed is not prohibited for Level II hot work.~~
 - ~~(b) Prohibited activity is not taking place elsewhere on the vessel, unless approved by a Certified Marine Chemist. (See section entitled "Prohibited Activity" above.)~~
 - ~~(c) The area is safe for the hot work to take place and Hot Work Permit Conditions are being complied with:~~
 - ~~(d) Regular inspections will be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.~~
 - ~~(e) The types and amounts of fuel oils and other flammable or combustible liquid in all cargo, bunker, deep, settler and double bottom tanks will be determined. Such determination will include associated piping systems. Such information will be readily available to the Fire Department in the event of a fire or inspection by the Fire Marshal.~~
 - ~~(f) Such inspection will be made by the Competent Person or Certified Marine Chemist. Such inspection will include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.~~
- ~~i. Fire Watches: Whenever hot work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during hot work operations:~~
- ~~(1) Such persons will have no other duties other than to watch for fire.~~
 - ~~(2) Fire watches will be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).~~
 - ~~(3) Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed and/or breaks taken.~~
 - ~~(4) Persons engaged in Hot Work operations may not serve as their own fire watch.~~
 - ~~(5) Persons appointed as fire watch may be a member of the crew of the vessel or other person designated by the individual in charge of the work.~~

- ~~(6) As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.~~
- ~~(7) Fire watches are to be readily identifiable.~~
- ~~(8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch will be maintained on all sides of the bulkhead or deck.~~
- ~~(9) Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.~~

~~j. Fire Extinguishing Devices Required:~~

- ~~(1) Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit will be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical, 1A 10/12 BC CO², or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.~~
- ~~(2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, will be stretched out and suitably charged before the commencement of Hot Work operations. One such hose will be stretched to the area where the Hot Work is to occur. Hose(s) will be tested before commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed and/or breaks taken.~~
- ~~(3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Fire Marshal or his designated representative.~~
- ~~(4) Designated emergency "Red Head" fire boxes will be supplied and available. Each fire box will be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes will be suitably charged and positioned at intervals to maximize~~

- ~~(5) adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on, will be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes will be used for emergency use only.~~
- ~~(6) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches will be equipped with CO², or other acceptable portable extinguisher(s). Fire hose(s) strung out will remain dry, but in a state of readiness, in the event portable extinguishers are not effective.~~
- ~~k. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside a confined space.~~
- ~~l. Removal of Materials: Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:
 - ~~(a) Refrigerant gases (including gases within the system).~~
 - ~~(b) Compressed gas cylinders except those needed for hot work.~~
 - ~~(c) Drums of flammable and combustible liquids.~~
 - ~~(d) Explosives.~~~~
- ~~m. Other Precautions against Fire:
 - ~~(1) Unless approved by a Certified Marine Chemist, solid combustible materials will not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed)~~
 - ~~(2) Hot Work will not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.~~~~

~~(3) Where floor (deck) openings or cracks cannot be closed, precautions will be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions will be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)~~

~~F. Level III Hot Work:~~

~~1. Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to complete or work which will place the vessel's fire protection systems out of service.~~

~~2. Requirements:~~

~~a. Permits Required:~~

~~(1) U.S. Coast Guard Hot Work Permit.~~

~~(2) "Hot Work Permit for Vessels," authorized by the Fire Marshal, will be obtained before the commencement of any hot work operations aboard any marine vessel.~~

~~b. Authorized Locations: Level III repairs will only be performed in a shipyard.~~

~~c. Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems will remain in service or other steps will be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person will obtain the Fire Marshal's approval of alternate measures.~~

~~d. Gangways Required: Not less than two gangways will be provided for access to the vessel.~~

~~e. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:~~

~~(1) All hot work operations will be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.~~

- ~~(2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. A Competent Person will carry out monitoring of such areas.~~
- ~~f. Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both before commencement. Full-time safety persons will meet the requirements for Competent Person.~~
- ~~g. Marine Chemist Certificate Required:~~
- ~~(1) No person will engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipelines until a certificate is issued setting forth that such work can be done safely. Such certificates will be valid only if a Marine Chemist certified by the National Fire Protection Association (NFPA) issues them.~~
- ~~(2) A Marine Chemist Certificate will be required before Hot Work operations on any vessel:~~
- ~~(a) Within or on the boundaries of cargo tanks that have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.~~
- ~~(b) Within or on the boundaries of fuel tanks.~~
- ~~(c) On pipelines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.~~
- ~~(d) Within the boundaries of engine rooms, fire rooms and boiler rooms.~~
- ~~(e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.~~
- ~~(3) Marine Chemist Certificates will be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."~~
- ~~h. Inspection Required:~~

- ~~(1) Before the commencement of hot work operations, an inspection will be made of the area in which the work is to occur to assure that:
 - ~~(a) Prohibited activity is not taking place elsewhere on the vessel.~~
 - ~~(b) The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.~~~~
- ~~(2) Regular inspections will be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.~~
- ~~(3) The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks will be determined. Such determination will include associated piping systems. Such information will be readily available to the Fire Department in the event of a fire or inspection by the Fire Marshal.~~
- ~~(4) The Competent Person or a Certified Marine Chemist will make such inspection.~~
- ~~(5) Such inspections will include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.~~

~~i. Fire Watches:~~

- ~~(1) Whenever Hot Work operations are taking place, a responsible individual will be appointed as fire watch and will be on duty continuously during hot work operations.~~
- ~~(2) Such persons will have no other duties other than to watch for fire.~~
- ~~(3) Fire watches will be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).~~
- ~~(4) Fire watches will remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.~~
- ~~(5) Persons engaged in Hot Work operations may not serve as their own fire watch.~~

- ~~(6) Persons appointed as fire watch may be a member of the crew of the vessel or other persons designated by the individual in charge of the work.~~
- ~~(7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel will be based on all existing conditions and potential fire hazards.~~
- ~~(8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch will be maintained on all sides of the bulkhead or deck exposed to heat.~~
- ~~(9) All Fire Watches will be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.~~

~~j. Fire Extinguishing Devices Required:~~

- ~~(1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit will be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 2A-10 BC, CO² or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.~~
- ~~(2) Hose(s) will be tested before commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.~~
- ~~(3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Fire Marshal or his designated representative.~~
- ~~(4) Designated emergency "Red Head" fire boxes will be supplied and available. Each fire box will be equipped with two (2) 100' lengths of 1-1/2" fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes will be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's~~

~~charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on will be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes will be used for emergency use only.~~

~~(5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches will be equipped with CO², or other acceptable portable extinguisher(s). Fire hose(s) strung out will remain dry, but in a state of readiness in the event portable extinguishers are not effective.~~

~~k. Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor will be installed before performing any work below deck or inside an enclosed space.~~

~~l. Removal of Materials:~~

~~(1) Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:~~

~~(a) Refrigerant gases (including gases within the system).~~

~~(b) Compressed gas cylinders except those needed for hot work.~~

~~(c) Drums of flammable and combustible liquids.~~

~~(d) Explosives and pyrotechnics.~~

~~m. Other Precautions against Fire:~~

~~(1) Unless approved by a Certified Marine Chemist, combustible materials will not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.~~

~~(2) Hot work will not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that~~

~~sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.~~

~~(3) Where floor (deck) openings or cracks cannot be closed, precautions will be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions will be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).~~

~~Uniform Fire Code Appendix II-C Marinas, is amended to include the following language for Harbors:~~

~~General Definition for this Section: For the purpose of this regulation, the following words have the meanings set forth below:~~

~~**Anchorage:** means any designated location where vessels or watercraft may anchor or moor.~~

~~**Authorized Emergency Vessel:** means any patrol vessel or watercraft owned and operated by the Fire Department, Sheriff of Clatsop County, State of Oregon, U.S. Coast Guard or any other agency having jurisdiction.~~

~~**City:** the City of Astoria.~~

~~**DOT:** the United States Department of Transportation.~~

~~**Master:** the captain, skipper, pilot, operator or person having charge of a vessel.~~

~~**Obstruction:** any vessel, watercraft, or any floating matter of any description which can't comply with the pilot rules and which may in any way blockade, interfere with or endanger any vessel or impede navigation or which does not comply with the United States Coast Guard "Rules of the Road: International-Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this amendment.~~

~~**Owner:** the legal or equitable owner of a vessel or watercraft, or the agent or employee of such owner or any other person lawfully in actual possession of a vessel or watercraft.~~

~~**Person:** any natural person, firm, co-partnership, association, or servant, employee, or agent of another; and the singular number includes the plural, and the plural of singular.~~

~~**Slip:** a ship's or boat's berth between two piers.~~

- ~~A. Right to inspect. To the full extent permitted by law, the Fire Marshal or any duly authorized assistants, when engaged in fire prevention, and/or inspection work, is authorized and directed, at any and all reasonable times, to enter and examine any building, mill warehouse, shipyard, dock, plant, boat, vessel, watercraft, or structure, either fixed or floating, in the performance of their duties.~~
- ~~B. Notification of Arrival of Ocean Going Vessels.~~
- ~~(1) The agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Fire Department, the location, name and agent for the vessel.~~
- ~~(2) Reports to the Merchant Exchange may be allowed in place of the above requirement.~~
- ~~C. Vessels Are Not to Be Blocked. No master, owner or person in charge of any vessel or watercraft shall block or hinder in any way the entrance or exit to any "Authorized Emergency Vessel" on either the land or water side.~~
- ~~D. Rafts Not to Block Slips. Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered.~~
- ~~E. Removal of Refuse. No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.~~
- ~~F. Mooring Hazardous Vessels. No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.~~
- ~~G. Hazardous Materials.~~
- ~~1. No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Fire Marshal, except in accordance with the regulations of the U. S. Department of Transportation (DOT) and U. S. Coast Guard.~~

- ~~2. No hazardous materials shall be received, handled, or stored at any dock or other facility within the Fire Marshal's jurisdiction not previously approved by the Fire Marshal, and the U. S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Astoria Fire Code, National Fire Protection Association, and the U. S. Coast Guard.~~
- ~~3. All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by DOT.~~
- ~~4. The Fire Marshal may limit the scope of activity, and/or specificity fire safety provisions, in addition to this Code, should he/she deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.~~
- ~~5. Permission from the Fire Marshal to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
 - ~~a. Explosives 1.1, 1.2, 1.3, 1.4~~
 - ~~b. Blasting agents 1.5~~
 - ~~c. Poison gases 2.3~~
 - ~~d. Poison liquids with inhalation hazards 6.1~~
 - ~~e. Cryogenics 2.1, 2.2~~
 - ~~f. Pyrophoric 4.2~~
 - ~~g. Dangerous when wet 4.3~~
 - ~~h. Ammonium nitrate and ammonium nitrate mixtures 5.1~~
 - ~~i. Oxidizers 5.1 and organic peroxides 5.2~~
 - ~~j. Etiological materials 6.2~~
 - ~~k. Radioactive 7.~~
 - ~~l. Flammable solids 5.2~~~~
- ~~6. The Fire Marshal must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
 - ~~a. Motor vehicles.~~
 - ~~b. Hay/straw.~~
 - ~~c. New wet batteries.~~
 - ~~d. ORM/D (consumer commodities).~~~~

- ~~H.—Precautions in Mooring. All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be made by the Fire Marshal and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.~~
- ~~I.—Mooring of Vessels. It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline within the City of Astoria Fire Department's jurisdiction, without first securing written permission from the Fire Marshal.~~

~~Emergency Towing Lines (Fire Warps, Fire Wires). The Fire Marshal may require that a vessel, when berthed, moored or anchored, have emergency towing lines rigged. This is to ensure that in the event of a fire on a vessel or dock, the vessel may be moved readily if required. Typically this will be applied to vessels that are unmanned or for any reason unable to readily get under way in the event of an emergency. The emergency towing lines shall be securely fastened to the vessel and placed fore and aft (or bow and stern) on the offshore side in such a manner that the lower end, equipped with an eye, is located not more than 1 meter (3.28 ft) from the water.~~

~~J.—Street Ends.~~

- ~~1.—No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.~~
- ~~2.—No sign shall be placed across or on any street end without written permission of the Fire Marshal. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.~~

- ~~K.—Equipment and Use of Docks. All docks where seagoing vessels are to be secured must be equipped with proper cleats, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any time which may endanger such structure in any way.~~
- ~~L.—Passenger Docks To be Fenced. No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways are in place.~~
- ~~M.—Heating Combustible Matter. It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel, except in places as shall be designated by the Fire Marshal.~~
- ~~N.—Obstructing Public Docks. It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock by an Authorized Emergency Vessel.~~

7.020 **Appeals.** Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the Astoria City Council pursuant to AC 1.070. ***Any appeal related to the Oregon Fire Code may also be subject to the formal and informal appeals process set by the Oregon Office of the State Fire Marshal.***

7.025 **New Materials, Processes or Occupancies Which May Require Permits.** The City Manager, the chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code.

7.030 **Penalties.**

- (a) Any person who shall violate any of the provisions of the Code or Standards hereby adopted or fail to comply therewith, or who shall

violate or fail to comply with any order made thereunder, or who shall

(b)

build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City of Astoria or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by Astoria Code 1.010 with imprisonment not to exceed one year, or by a fine not to exceed \$1,000, or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(d) The Fire Department will routinely conduct inspections of City businesses, free of charge, to ensure fire and life safety throughout the community. Any Fire Code violations found will be re-inspected once at no charge. If a second re-inspection is required a \$25.00 fine will be assessed. A third re-inspection will result in a \$50.00 fine. All fines will be assessed per fire code violation noted during each re-inspection.

~~[Sections 7.000 through 7.050 amended by Ordinance No. 86-02; passed January 20, 1986.]~~

~~[Sections 7.055, 7.060, and 7.065 repealed by Ordinance No. 86-11, passed May 5, 1986.]~~

~~[Sections 7.070 to 7.120 repealed by Ordinance No. 86-02, passed January 20, 1986.]~~

~~[Sections 7.000 to 7.045 repealed and replaced with Sections 7.000 to 7.060 by Ordinance No. 99-15; passed September 7, 1999.]~~

AUTOMATIC FIRE ALARM ORDINANCE**Automatic Fire Alarm Regulations**

7.210 Automatic Fire Alarm Ordinance. Sections 7.210 to 7.255 shall be known as the automatic fire alarm ordinance.

7.215 Purpose and Scope.

(a) The purpose of this ordinance is to protect the emergency service of the city from misuse.

~~(b) This ordinance governs automatic fire alarm systems, requires permits, establishes fees, provides for revocation of permits and establishes systems of administration.~~

7.220 Definitions.

~~(a) "Alarm business" means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.~~

(b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or other emergency requiring urgent attention and to which firefighters are expected to respond.

(c) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

~~(d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.~~

(e) "Fire alarm system" means an alarm system signaling a fire or other emergency in the area protected by the system.

~~(f) "Coordinator" means the individual designated by the city manager to issue permits and enforce the provisions of this ordinance.~~

(g) "False alarm" means an alarm signal, eliciting a response by firefighters when a situation requiring a response by the firefighters does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

~~(h) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.~~

~~(i) "Primary trunk line" means a telephone line serving the communication center that is designated to receive emergency calls.~~

7.225 False Alarm Penalties. False fire alarm pose a danger to firefighters and the community at large. The following is a fine schedule for false fire alarms.

(h) No fee shall be assessed for the first two (2) false fire alarms at the same premises during a calendar year.

(i) The third false alarm within the same calendar year: No fines will be assessed, but a warning letter will be issued by the Fire Marshal.

(j) The fourth false alarm within the same calendar year: A fine of \$100.00 is assessed.

(k) The fifth false alarm in the same calendar year: A fine of \$150.00 is assessed.

(l) The sixth or greater false alarm within the same calendar year: A fine of \$200.00 is assessed.

(m) If the false alarm is given intentionally, then an additional fine of \$500.00 shall be added to the fine listed above.

(n) The Fire Chief is hereby authorized to waive any or all of the fees due under this Ordinance. He/she may do so by policy or on an individual basis.

(o) Nothing in this Ordinance shall authorize the Fire Department to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.

~~**7.225 Alarm Users' Permits Required.** Every alarm user shall obtain an alarm user's permit for each system and shall enter into an agreement with the city of Astoria for the use of such alarm and maintenance thereof, and such permit shall be obtained from the coordinator's office prior to the use of an alarm system. Systems in effect at the date of passage of this ordinance shall have 60 days to apply for a permit. The coordinator is hereby given the authority and responsibility to select and designate permissible systems. Applications for fire alarm user's permit shall be accompanied by a one-time installation charge of \$40.00, with no~~

~~additional yearly fee for those property owners within the city of Astoria limits. However, any alarm user who is connected to the city of Astoria system who is outside the city limits of Astoria shall be required to pay an annual fee of \$25.00 in addition to the one-time installation charge. Each permit shall bear the signature of the fire chief and shall expire on June 30th each year following the date of application. Fees may be pro-rated on a quarterly basis. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the city of Astoria fire department.~~

~~**7.230** Revocation.~~

~~(a) Any alarm system which has four or more false alarms in a permit year shall be subject to permit revocation. The fire chief shall notify the alarm user and the alarm business providing inspection to the user, by certified mail, of such revocation, and the revocation may be appealed to the city manager, in writing, within 10 calendar days of the receipt of the notice describing actions taken or to be taken in the revocation proceedings. The city manager shall review the case within 60 days after receipt of the written appeal, and then by certified mail notify the alarm user of his decision. The city manager's decision may be appealed to the city council, in writing, within 10 calendar days of the receipt of the above mentioned notice from the city manager. The decision of the city council shall be final. The alarm user shall immediately discontinue the use of the alarm system upon being notified by certified mail of the revocation of the permit by the fire chief.~~

~~**7.235** Senior Citizen Charges. If a residential alarm user is over the age of 65 and is the primary resident of the residence, and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office without the payment of a fee.~~

~~**7.240** Governmental Units. An alarm user which is a governmental, political unit shall be subject to this ordinance, but a permit shall be issued without payment of a fee. And further, governmental, political unit installations shall not be subject to revocation unless so directed by the city council.~~

~~**7.245** User Instructions.~~

~~Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.~~

~~(c) A set of instructions shall be submitted to the fire chief by the~~

~~(d) business selling alarm systems, and if the fire chief finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions so that they may be understood by the user.~~

~~**7.250 — Automatic Dialing Device; Certain Interconnections Prohibited**~~

~~(a) It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to~~
~~**7.250 — Astoria Code 7.260**~~

~~disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the coordinator that it is so programmed.~~

~~(b) Within 60 days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk shall be reprogrammed or disconnected.~~

~~(c) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.~~

~~**7.255 — Alarm User's Agreements.** Before any alarm user connects to the city alarm system, he shall, along with the permit used to install the alarm, sign an agreement with the city of Astoria that will provide both the alarm user and the city with instructions concerning the installation of and the use of the alarm system. No alarm user shall proceed with the installation without signing such an agreement.~~

~~*[Sections 7.210 to 7.255 added by Ordinance No. 78-02, passed March 6, 1978.]*~~

ORDINANCE 22-15

AN ORDINANCE ADOPTING THE ASTORIA FIRE CODE and AUTOMATIC FIRE ALARM ORDINANCE

Pursuant to the Charter of the City of Astoria, and ORS 476.030 the City of Astoria is authorized to enact regulations concerning fire prevention, fire safety as well as building construction requirements that the generally conform to state and national standards governing conditions hazardous to life and property from fire, hazardous materials, or explosion.

NOW THEREFORE, the City of Astoria does Ordain as Follows:

SECTION 1: REPEAL. Sections 7.000 – 7.060 Adoption of Fire Prevention Code and 7.210-7.255 Automatic Fire Alarm Ordinance are hereby repealed.

SECTION 2: ADOPTION. The provisions of the Astoria Fire Code and the Automatic Fire Alarm Ordinance set forth on the attached Exhibit “A” are hereby adopted.

SECTION 3: EFFECTIVE DATE This ordinance shall be in full force and effect 30 days after the adoption by City Council according to law.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF NOVEMBER, 2022.

APPROVED BY THE MAYOR THIS _____ DAY OF NOVEMBER, 2022.

Mayor

ATTEST:

Paul Benoit, Interim City Manager

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Councilor	Rocka			
	Herman			
	Brownson			
	Hilton			
Mayor	Jones			

Exhibit "A"

7.000 Astoria Fire Code. Sections 7.000 to 7.040 shall be known as the Astoria Fire Code.

7.010 Adoption of Oregon Fire Code. There is hereby adopted by the City of Astoria for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain Code and Standards known as the Oregon Fire Code, adopted by the Oregon office of the State Fire Marshal pursuant to OAR 837-04-001 and authorized by ORS 476.030, save and except such portions as are hereinafter deleted, modified or amended.

7.015 Establishment and Duties of Bureau of Fire Prevention.

- (a) The Astoria Fire Code shall be enforced by the bureau of fire prevention in the Fire Department of the City of Astoria which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The Fire Marshal in charge of the bureau of fire prevention shall be appointed by the City Manager on a recommendation by the Fire Chief based on examination to determine his/her qualifications. The Fire Marshal shall regulate and enforce the provisions of the Oregon Fire Code after the original occupancy approval has been issued by the Building Official and monitor the continued performance and maintenance of these requirements in the City of Astoria after the final occupancy has been approved by the Building Official.
- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.

7.020 Definitions. For the purposes of this code and wherever the word is used in the Oregon Fire Code, the following definitions shall apply:

- (a) Jurisdiction. The City of Astoria.
- (b) Building Official. The officer or other designated authority charged with the administration and enforcement of the Oregon Structural Specialty Codes as defined in Section 9.020 of the code.
- (c) Fire Chief. The Chief of the Fire Department of the City of Astoria.

- (d) Fire Marshal. The Deputy Chief/Fire Marshal of the City of Astoria. This person shall also be known as the Fire Code Official for the City of Astoria.

7.025 Modifications of the Oregon Fire Code.

- (a) **Open burning.** An operational permit is required for the kindling or maintaining of an open fire, including recreational fires, bon fires and portable outdoor fireplaces, or a fire on any public street, alley, road, or other public or private ground. Responsible parties shall comply with the instructions and stipulations of the permit as required by Astoria Fire Department. This section shall apply to any property within the City of Astoria city limits, including one and two family dwellings.
- 1) **Prohibited materials.** No burning of rubber products, tires, plastics, garbage, or any material that creates dark smoke or noxious odors.
 - 2) **Bonfires.** Bonfires are prohibited within the City of Astoria.
 - 3) **Burn Barrels.** Burn barrels shall be a minimum of 25 feet from any structure and must be equipped with a ¼ inch mesh screen cover. Burn barrels shall only be operated during daylight hours.
 - 4) **Penalties.** Anyone found to be burning without a permit or in violation of the conditions listed in the above sections will be ordered to immediately extinguish the fire and shall be subject to the following fine structure:
 - i. No fee shall be assessed for the first two (2) illegal burns at the same premises during a calendar year.
 - ii. The third illegal burn within the same calendar year: No fines will be assessed but a warning letter will be issued by the Fire Marshal.
 - iii. The fourth illegal burn within the same calendar year: A fine of \$100.00 is assessed.
 - iv. The fifth illegal burn in the same calendar year: A fine of \$150.00 is assessed.
 - v. The sixth or greater illegal burn within the same calendar year: A fine of \$200.00 is assessed.
 - vi. The Fire Chief is hereby authorized to waive any or all of the fees due in the section. He/she may do so by policy or on an individual basis.
 - vii. Nothing in this Ordinance shall authorize the Fire Department to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for

services previously rendered.

(b) Access Required.

- 1) When access to or within a structure or an area is controlled by secured openings or where immediate access may be necessary for life-saving or fire-fighting purposes, the chief is authorized to require a key box be installed in an accessible location. The key box shall be of a type and shall contain keys to gain necessary access as required by the chief.
- 2) Pedestrian security gates where installed must be approved by the fire marshal. All such approved gates must be capable of being opened by a fire department with the equipment normally carried on their fire apparatus.
- 3) Vehicular security gates where installed must be approved by the fire marshal. Such approval will not be granted unless a minimum opening of 12 feet (for one direction of travel) is provided. If two travel lanes are to be enclosed by one gate, the minimum opening size must be 24 feet. In addition to the normal opening devices, a method for the fire department to obtain entry must be provided by one of the following:
 - i. A padlocked chain with chain links no larger than 1/4 inch in diameter (manually operated gates); or
 - ii. A key switch override installed at a convenient and conspicuous location; or
 - iii. Lock-box installed by the approval of the chief with keys to padlocks or a key switch.
- 4) Any lock box shall be installed and fastened in a location approved by the chief.
- 5) It is responsibility of each property owner to inform the fire marshal's office whenever access systems are changed, keys are lost or where a change in business use occurs.

7.030 **Appeals.** Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the Astoria City Council pursuant to AC 1.070. Appeals related to the Oregon Fire Code may also be subject to the formal and informal appeals process set by the Oregon Office of the State Fire Marshal.

7.035 New Materials, Processes or Occupancies Which May Require Permits.

The City Manager, the chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code.

7.040 Penalties.

- (a) Any person who violates any provision of the Astoria Fire Code or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City of Astoria or by a court of competent jurisdiction, within the time fixed herein, be guilty of a misdemeanor, punishable by Astoria Code 1.010. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy violations or defects within a reasonable time. Unless otherwise specified, each ten days that a prohibited condition is maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- (c) The Fire Department will routinely conduct inspections of City businesses, free of charge, to ensure fire and life safety throughout the community. Any Fire Code violations found will be re-inspected once at no charge. If a second re-inspection is required a \$25.00 fine will be assessed. A third re-inspection will result in a \$50.00 fine. All fines will be assessed per fire code violation noted during each re-inspection.
- (d)

7.200 AUTOMATIC FIRE ALARM ORDINANCE

7.210 Automatic Fire Alarm Ordinance. Sections 7.200 to 7.225 shall be known as the automatic fire alarm ordinance.

7.215 Purpose and Scope. The purpose of this ordinance is to protect the emergency service of the city from misuse.

7.220 Definitions.

- (a) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or other emergency requiring urgent attention and to which firefighters are expected to respond.

- (b) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.
- (c) "Fire alarm system" means an alarm system signaling a fire or other emergency in the area protected by the system
- (d) "False alarm" means an alarm signal, eliciting a response by firefighters when a situation requiring a response by the firefighters does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

7.225 **False Alarm Penalties.** False fire alarm pose a danger to firefighters and the community at large. The following is a fine schedule for false fire alarms.

- (a) No fee shall be assessed for the first two (2) false fire alarms at the same premises during a calendar year.
- (b) The third false alarm within the same calendar year: No fines will be assessed, but a warning letter will be issued by the Fire Marshal.
- (c) The fourth false alarm within the same calendar year: A fine of \$100.00 is assessed.
- (d) The fifth false alarm in the same calendar year: A fine of \$150.00 is assessed.
- (e) The sixth or greater false alarm within the same calendar year: A fine of \$200.00 is assessed.
- (f) If the false alarm is given intentionally, then an additional fine of \$500.00 shall be added to the fine listed above.
- (g) The Fire Chief is hereby authorized to waive any or all of the fees due under this Ordinance. He/she may do so by policy or on an individual basis.
- (h) Nothing in this Ordinance shall authorize the Fire Department to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.



DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: CONSIDERATION TO APPROVE A GRANT APPLICATION FOR OREGON DEPARTMENT OF PARKS AND RECREATION'S RECREATIONAL TRAILS PROGRAM GRANT FOR THE RICHARD FENCSAK CATHEDRAL TREE TRAIL IMPROVEMENTS AND ENHANCEMENTS

DISCUSSION / ANALYSIS:

The Richard Fencsak Cathedral Tree Trail was built in the 1990's and is beginning to show its age. The trail offers a unique experience within the City of Astoria's parks system. Beginning at Irving Avenue, the trail provides a compact and accessible urban-wilderness journey through first and second-growth Douglas fir & Sitka Spruce forest before depositing hikers at the Astoria Column. The trail is very popular with locals who hike, bike and run, as well as out-of-town visitors accessing the Astoria Column by way of the Cathedral Tree, a large Sitka Spruce that has grown with a cavity at its base large enough for a small person to sit inside. The trail features prominently in the 2013 Trails Master Plan and specific recommendations include prioritizing the following trail improvements:

- Repair poorly drained and deeply rutted sections of trail;
- Re-route sections that are highly impacted and therefore not easily maintained or repaired; and
- Either re-route or add steps in areas of significant grade

Parks Maintenance Staff have identified a possible source of funding for needed improvements to the Cathedral Tree Trail through the Oregon Parks and Recreation Department's Recreational Trails Program (RTP). Up to \$150,000 in RTP funds are available for non-motorized trail improvement projects, with a match requirement of 20% - which can include cash as well as volunteer and in-kind support.

Parks Maintenance Staff worked with Twin Oaks, a trail construction, maintenance, and design company, to develop a comprehensive scope of work that could be accomplished using funds from the RTP. The project's total cost estimate is \$122,500. Parks staff is requesting Council approval to apply for \$98,040 in RTP funds. The 20% match for the project would be \$24,510 and the Astoria Parks Recreation and Community Foundation has committed to a contribution of \$5,800. Staff is planning for volunteer support that is valued at \$5,950 (200 volunteer hours @ \$20.75/hr.), which leaves \$12,760 that will be requested in the upcoming fiscal year's budget process from the capital improvement budget. If funded, the

project is anticipated to be undertaken in Fall/Winter 2023-24.

Due to considerable elevation gains over relatively short distances, the trail is quite steep. Due to the high volumes of rainfall in our area, and few drainage structures along the trail (waterbars, drainage dips, etc.), there are numerous areas that have been impacted by standing or flowing water. The conditions of these areas are exacerbated by hikers who, seeking to avoid muddy or unstable sections, walk along the outer edges of the trail, which eventually creates additional impacted areas. Near the bottom of the trail is a series of elevated wooden walkways and stairs that are in poor condition and need improvements such as: railing replacements, installation of traction devices on foot boards (shingling or netting), lengthening of stairways to reduce steepness, or removal and rerouting.

Improvements planned for the trail include drainage features, targeted re-routes of steep areas to alleviate erosion and safety concerns, parallel path construction at key locations to minimize interactions and hazards between hikers and mountain bikers, and replacement or removal of deficient elevated wooden walkways and stairs. Parks Staff plan to use grant funds to contract out portions of the work to a qualified trail construction firm and will also use in-house labor and volunteer assistance to supplement project items. If awarded grant funds, the project is anticipated to be completed between fall 2023 and winter 2024, the application deadline for the RTP is November 15.

The Parks Advisory Board has been informed of the grant opportunity and is in support of the application and recommends approval by City Council for staff to proceed.

RECOMMENDATION:

It is recommended that City Council consider approving the submission of the grant application to the Oregon Department of Parks and Recreation's Recreational Trails Program by the Parks Department

BY: JONAH DART-MCLEAN, PARKS DIRECTOR

ATTACHMENTS:



DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: PUBLIC WORKS SHOPS ROOF REPLACEMENT - PHASE 2 - AUTHORIZATION TO AWARD GOODS AND SERVICES CONTRACT

DISCUSSION / ANALYSIS:

The main building at the Public Works Shop has a metal roof that was installed in 1979. It is 43 years old and in need of replacement or retrofit. This building serves as the main office, water lab, material storage and mechanic shop. Over the last 5 years, the frequency of temporary repairs and maintenance needed to address leaks has significantly increased. The typical lifespan of a commercial metal roof is between 30 and 45 years. With Astoria's climate and weather, the expected lifespan of a commercial metal roof is on the lower end of that range.

The lower portion of the roof was retrofitted in June 2022 with a PVC membrane overlay. This was determined to be the most cost-effective and least disruptive approach. Only the lower portion was completed due to budgetary constraints and an immediate need due to ongoing leaking.

Retrofit of the upper, larger portion of the roof was budgeted for FY22/23 at \$120,000. Public Works staff recently solicited quotes for the work and received two responses, detailed below.

Contractor	Quote
Dr. Roof Inc.	\$113,002.00
Weather Guard Roofing	\$124,321.00

Dr. Roof Inc. provided the lowest responsive quote of \$113,002.00. This is within the \$120,000 budgeted for the project this fiscal year in the Public Works Improvement Fund. Dr. Roof completed the lower section of the roof earlier this year, and Staff was pleased with their work. A Goods and Services Contract for the project has been reviewed by the City Attorney and is approved as to form. The contract and associated quote are attached to this memo.

RECOMMENDATION:

It is recommended that City Council approve a Goods and Services Contract with Dr. Roof

Inc. in the amount of \$113,002 for the Public Works Shop Roof Replacement Project - Phase 2.

BY: NATHAN CRATER, CITY ENGINEER

ATTACHMENTS:

[COA - Shop Roof Phase 2 - Goods & Services Contract.pdf](#)

**CITY OF ASTORIA
CONTRACT FOR GOODS AND SERVICES**

This Contract, made and entered into this ____ day of _____, 2022 by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and Dr. Roof Inc., 1819 Pacific Ave., Long Beach, WA 98631 called "CONTRACTOR", duly authorized to do business in Oregon.

W I T N E S S E T H

WHEREAS, the CITY requires goods and services which CONTRACTOR is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONTRACTOR is able and prepared to provide such goods and services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONTRACTOR GOODS AND SERVICES

A. CONTRACTOR shall provide goods and services for the City of Astoria, as outlined in its Attachment A, which by this reference is incorporated herein.

B. CONTRACTOR'S obligations are defined solely by this Contract and its attachment and not by any other contract or agreement that may be associated with this project.

C. CONTRACTOR services shall be performed as expeditiously as is consistent with professional skill and the orderly progress of work. All work shall be completed by June 15, 2023.

2. COMPENSATION

A. The CITY agrees to pay CONTRACTOR a total not to exceed \$113,002.00 for providing goods and performance of those services provided herein;

B. The CONTRACTOR will submit a billing upon the completion of work.

C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONTRACTOR IDENTIFICATION

CONTRACTOR shall furnish to the CITY the CONTRACTOR'S employer identification number, as designated by the Internal Revenue Service, or CONTRACTOR'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Nathan Crater, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 338-5173.

5. CONTRACTOR'S REPRESENTATIVE

For purposes hereof, the CONTRACTOR'S authorized representative will be Tom Shannon.

6. CITY'S OBLIGATIONS

In order to facilitate the work of the CONTRACTOR as above outlined, the CITY shall furnish to the CONTRACTOR access to all relevant site information which is in the City's possession concerning the project area. In addition, the CITY shall act as liaison for the CONTRACTOR, assisting the CONTRACTOR with making contacts and facilitating meetings, as necessary.

7. CONTRACTOR IS INDEPENDENT CONTRACTOR

A. CONTRACTOR'S services shall be provided under the general supervision of City's project director or his designee, but CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,

B. CONTRACTOR acknowledges that for all purposes related to this contract, CONTRACTOR is and shall be deemed to be an independent CONTRACTOR and not an employee of the CITY, shall not be entitled to benefits of any kind to which an employee of the CITY is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONTRACTOR is found by a court of law or an administrative agency to be an employee of the CITY for any purpose, CITY shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONTRACTOR under the terms of the contract, to the full extent of any benefits or other remuneration CONTRACTOR receives (from CITY or third party) as result of said finding and to the full extent of any payments that CITY is required to make (to CONTRACTOR or a third party) as a result of said finding.

C. The undersigned CONTRACTOR hereby represents that no employee of the City of Astoria, or any partnership or corporation in which a City of Astoria employee has an interest, has or will receive any remuneration of any description from the CONTRACTOR, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

8. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONTRACTOR breaches any of the terms herein or in the event of any of the following: Insolvency of CONTRACTOR; voluntary or involuntary petition in bankruptcy by or against CONTRACTOR; appointment of a receiver or trustee for CONTRACTOR, or any assignment for benefit of creditors of CONTRACTOR. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONTRACTOR may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

9. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

10. FORCE MAJEURE

Neither CITY nor CONTRACTOR shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disenabled provided the party so disenabled shall within ten (10) days from the beginning such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

11. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONTRACTOR of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

12. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

13. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

14. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONTRACTOR, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

15. INDEMNIFICATION

With regard to Comprehensive General Liability, CONTRACTOR agrees to indemnify and hold harmless the City of Astoria, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to city, contractor, or others resulting from or arising out of CONTRACTOR'S negligent acts, errors or omissions in services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and The City of Astoria this

indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONTRACTOR.

With regard to Professional Liability, CONTRACTOR agrees to indemnify and hold harmless the City of Astoria, its Officers and Employees from any and all liability, settlements, loss, reasonable defense costs, attorney fees and expenses arising out of CONTRACTOR'S negligent acts, errors or omissions in service provided pursuant to this Agreement; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and the Client, this indemnification and agreement to assume defense costs applies only to the extent of negligence of CONTRACTOR.

With respect to Commercial Liability and Professional Liability, CONTRACTOR reserves the right to approve the choice of counsel.

16. INSURANCE

Prior to starting work hereunder, CONTRACTOR, at CONTRACTOR'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance, written on an occurrence basis, in amounts not less than the limitations on liability for local public bodies provided in ORS 30.272 and ORS 30.273:

A. Commercial General Liability. CONTRACTOR shall obtain, at CONTRACTOR'S expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage. Coverage shall include Contractors, subcontractors and anyone directly or indirectly employed by either.

B. Automobile Liability. CONTRACTOR shall obtain, at CONTRACTOR'S expense and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits).

C. Additional Insured. The liability insurance coverage shall include CITY and its officers and employees as Additional Insured but only with respect to CONTRACTOR'S activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, CONTRACTOR shall furnish a certificate to CITY from each insurance company providing insurance showing that the CITY is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

D. Professional Liability Insurance. The CONTRACTOR shall have in force a policy of Professional Liability Insurance. The CONTRACTOR shall keep such policy in force and current during the term of this contract.

E. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from CONTRACTOR or its insurer(s) to CITY. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

17. CITY'S BUSINESS LICENSE

Prior to beginning work, the CONTRACTOR shall have a current City of Astoria business license (occupational tax). Before permitting a subcontractor to begin work, CONTRACTOR shall verify that subcontractor has a current City of Astoria business license.

18. WORKMEN'S COMPENSATION

The CONTRACTOR, its subcontractors, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

19. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

Contractor shall make payment promptly, as due, to all persons supplying CONTRACTOR labor or material for the prosecution of the work provided for this contract.

Contractor shall pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or any subcontractor incurred in the performance of the contract.

Contractor shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

20. NONDISCRIMINATION

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

21. PAYMENT OF MEDICAL CARE

Contractor shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

22. OVERTIME

Employees shall be paid for overtime work performed under this contract in accordance with ORS 653.010 to 653.261 and the Fair Labor Standards Act of 1938 (29 U.S.C. sections 201 to 209).

23. STANDARD OF CARE

The standard of care applicable to contractor's services will be the degree of skill and diligence normally employed by contractors performing the same or similar services at the time CONTRACTOR'S services are performed. CONTRACTOR will re-perform any services not meeting this standard without additional compensation.

24. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR and has no third party beneficiaries.

25. SEVERABILITY AND SURVIVAL

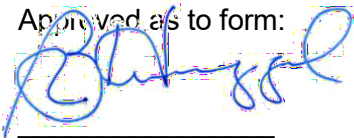
If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

26. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and CONTRACTOR and supersedes all prior written or oral discussions or agreements. CONTRACTOR services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first written above.

Approved as to form:



Attorney

CITY OF ASTORIA, a municipal corporation of the State of Oregon

BY: _____
Mayor Date

BY: _____
City Manager Date

BY: _____
Contractor Date



COA—Maintenance Bldg—Phase 2

Roof Replacement Proposal

Attachment A

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

Nathan Barber

City of Astoria

211 N. Commercial Street

Raymond, WA 98577



Prepared By:

Tom Shannon—360-214-6387 Cell

Date: October 12, 2022

Existing Conditions / Roof Sample

2

City of Astoria

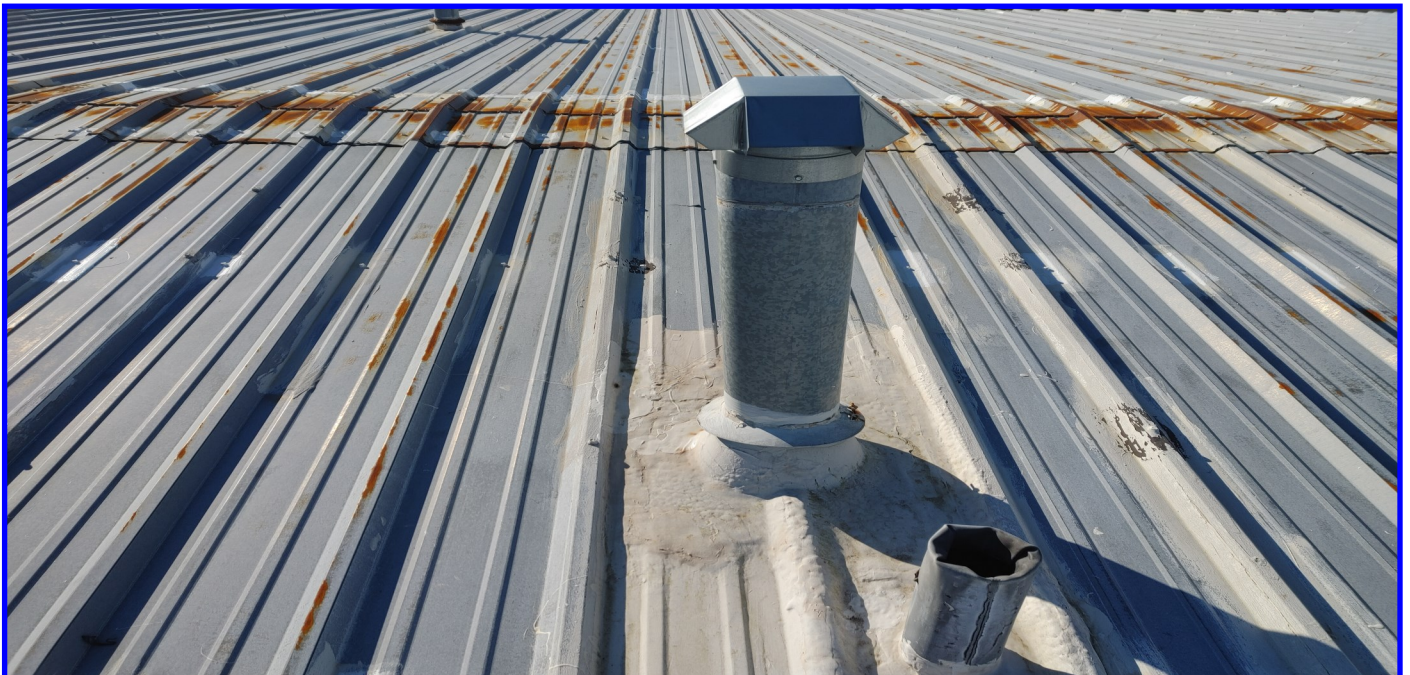
Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

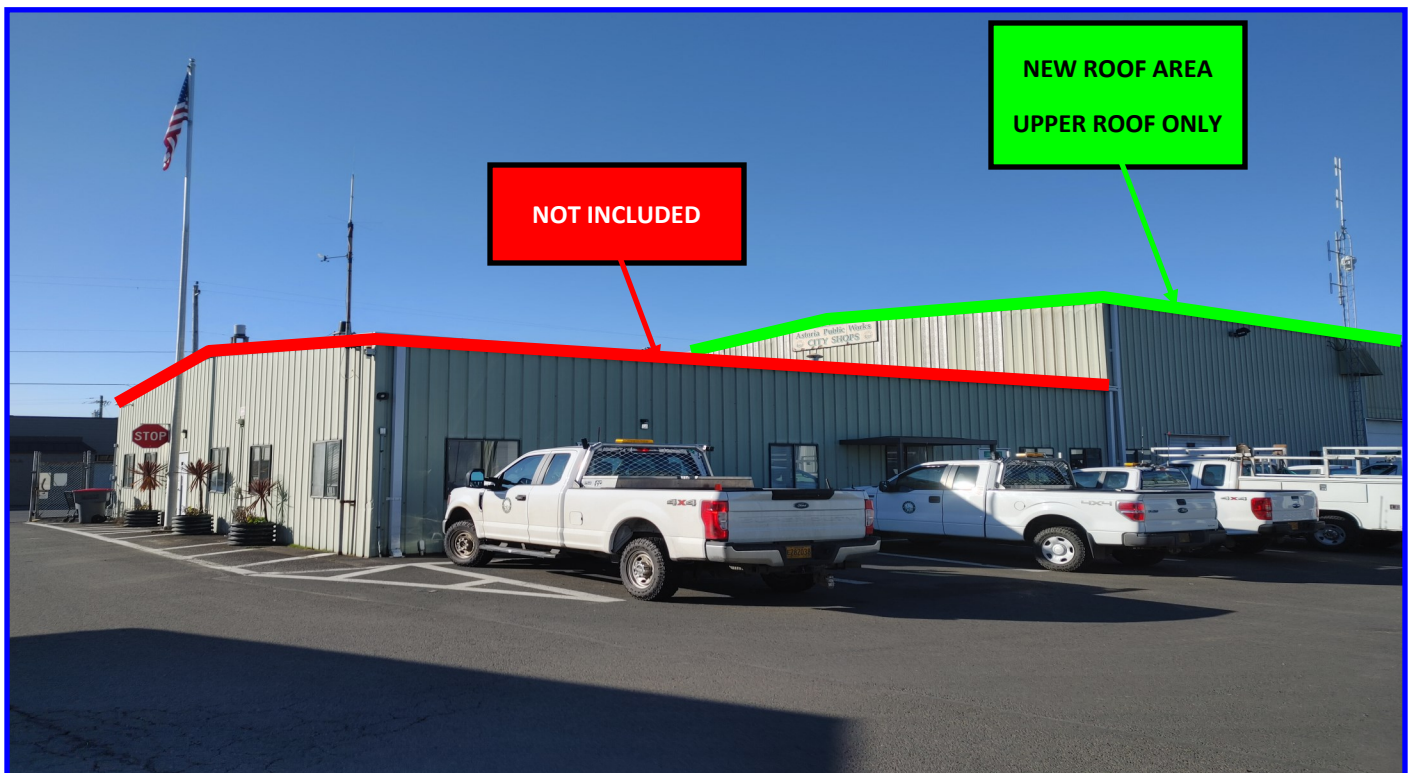
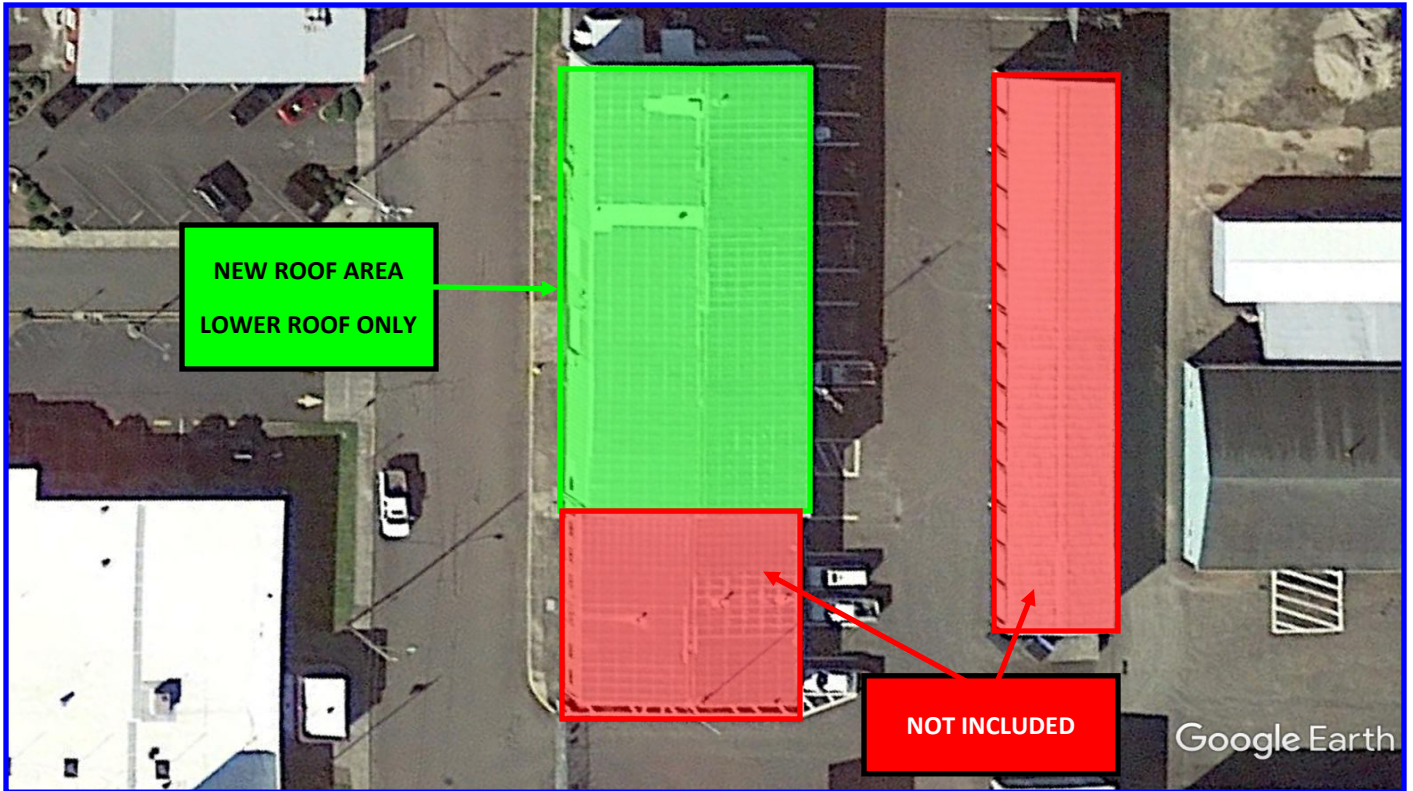
The existing roof assembly consists of the following: (From Top To Bottom)

- Metal Roof Panels
- Steel Purlins



Roof Plan

City of Astoria
Maintenance Building—Upper Only
550—30th Street
Astoria, OR 97103



New Roof System—Scope of Work

4

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

Base Bid—New PVC Roof System—Scope of Work

- Inspect the metal substrate. All damaged panels will be replaced on a Time and Material Basis. We will obtain the Owners permission prior to any replacement.
- Install new 2x wood nailers at the perimeter eave edges.
- Loose lay new insulation flute fillers inside the left in place metal roof panel flute.
- Mechanically attach 1-layer of 1/4" Densdeck coverboard over the new flute filler insulation.
- Mechanically attach new Durolast 50 Mil Charcoal color Durotuff PVC single ply membrane over the new coverboard
- At the gutter edge, install new Durolast Clad metal edge flashing and strip onto the new roof membrane.
- Install new K6 gutters and downspouts at the existing locations. (Color to be selected by owner)
- Roofing Permit to be purchased by Dr. Roof, Inc and paid for by the Owner.
- Issue a 2 Year Contractor Warranty and a 15 Year NDL Manufacturer's Warranty.

Proposal is based upon the following:

- Roof Structure will pass the Structural Engineers Review. **(If Required)**
- Substrate will pass the Manufacturer's required pull test.

If the building does not pass these items, our proposal will need to be revised.

OVERVIEW OF ORGANIZATION

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

Overview of Organization

Dr. Roof is a family-owned and operated business for over 24 years. Since our founding in 1998, it has been our guiding principle to bring something of exceptional quality to the marketplace and our community in the construction industry. Our relationships with our suppliers and labor force provide us with the highest level of performance, most cutting-edge technology in materials, best warranties, and superior workmanship. Dr. Roof offers unheard-of lifetime, non-prorated, transferable material and workmanship warranties on many of our projects.

This brings a degree of assurance that's unheard-of in the industry. By recruiting, hiring, and retaining, expert personnel we bring the highest level of expertise possible to your project. Our experience in the industry sets us apart from the rest of the pack and means peace of mind for you and your company.

Roofing work is an investment you want to last. Finding a roofing company you can trust is part of that investment. Take the time to research a company and make sure they have the skills, experience, positive reviews, and good standing with the BBB before selecting your roofing contractor.

We know that our *high reviews and A+ rating with the BBB* instill confidence in our new customers. In fact, many of our new customers were referred to us by older customers who were happy with our work and our pricing. We pride ourselves on stellar work and excellent customer service, and it shows.

Contractor License Oregon: OR 157159

City of Astoria Business License: 043029

Primary Contact:

Tom Shannon

Commercial Accounts Manager

360-214-6387 Cell

Tom.shannon@drroofinc.com

Schedule

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

SCHEDULE

Note: The following Schedule is an estimate and will be determined by several factors.

- Contract review and execution (2 days)
- Deposit received (must be received or negotiated prior to scheduling of project)
- Submittals (submitted within 1 week of Fully Executed contract)
- Pre-Construction meeting (2-3 weeks prior to job start)
- Material Order (must have approved submittals)
- Start of project—loading materials and safety (1-2 days)
- Demolition and installation of new roof system (approx. 12 working days - PVC may be completed sooner than the metal roof system)
- Inspection by Superintendent and manufacture representative (1 day—then 3-5 days for report)
- Repair punch list items if any (1 day)
- Provide final invoicing (within 10 working days of project completion)
- Issue warranties and close out information (Contractor within 10-15 working days of final payment - the manufacture warranty could be longer and is up to the warranty department).

*****All schedules are weather dependent.**

References

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

References

Escape Lodging

Multiple projects

PO Box 1037

Cannon Beach, OR 97110

BJ Quick

503-739-6112

bj@escapelodging.com

Columbia Pacific Heritage Museum—Ilwaco

Standing Seam Metal roof system

Multiple Projects over \$100,000.00

115 Lake Street Southeast

Ilwaco, WA 98624

Betsy Mallard

360-642-4473

betsy@cphm-ilwaco.org

Beach Development

Multiple Single ply projects

3457 HWY 101 North

Seaside, OR 97138

Terry Lowenberg

503-440-4000

beachdevelopment@beachdev.com

Pricing / Exclusions / Qualifications

City of Astoria

Maintenance Building—Upper Only

550—30th Street

Astoria, OR 97103

Base Bid—PVC Roof Retrofit

Durolast 50 Mil PVC Single Ply Roof System with a 15 Year NDL Manufacturer's Warranty. (Includes new gutters and downspouts).

Bid: \$113,002.00 ***

*****Prevailing Wage Project**

Qualifications:

- Quote is Valid Through 11/30/22. **Proposal does not include any price protection or escalation.**
- We may require a Hazardous Material report or Good Faith Letter.
- **If damage decking / substrate is discovered we will replace the damage wood on a Time and Material Basis. It is the Owners responsibility to either approve Dr Roof to replace or provide alternative replacement in a timely manner and in sufficient time for the area to be brought into a watertight condition before the end of the work day.**
- **Our proposal does not include any guarantee, for or against, or provide for proper ventilation which, without, could lead to condensation. In addition, we do not assume any design liability in these areas. Condensation and associated damage is not covered by either the Contractor or Manufacturer's warranties.**

Exclusions:

- All Wood Work unless listed.
- Interior work of any kind including cleaning and protection
- Installation over buried components on the deck surface
- Hazardous Material testing and abatement
- Demolition other than listed
- Electrical, Plumbing and Mechanical work
- Correction of roof slope or ponding water conditions
- Shop and As-Built Drawings
- Permits, Bonds, Code Compliance and Upgrades
- Fume Mitigation, Dust Control
- Unforeseen Conditions



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

CITY OF ASTORIA PUBLIC WORKS SHOP ROOF REPLACEMENT – PHASE 2 REQUEST FOR QUOTES

Due: Thursday, October 20, 2022

The City of Astoria Public Works Department is requesting quotes to furnish all labor, equipment and materials necessary to install a new PVC roofing system over existing metal roofing on the City's Public Works Shop building located at 550 30th Street. The building has two sections with different roof heights as indicated in the attached photo. This project includes roofing on the upper 60 ft. x 137 ft. section only. The lower section was completed in June 2022.

OUTCOME

The expected outcome of this RFQ is to enter into a contractual relationship with a reliable and experienced roofing contractor who will perform the work to the satisfaction of the City of Astoria and warrant all aspects of their work for a period of not less than fifteen (15) years.

SCOPE OF WORK

- The repairs will consist of installing a new watertight roof on the upper portion of the Astoria City Shops building.
- The roof area is approximately 60 feet wide by 137 feet long, and has a 1:12 pitch.
- Contractor shall obtain a Building Permit for the project. The Public Works Department will pay for the Building Permit fee.
- A City of Astoria business license is required.
- The work shall be scheduled for dry weather. Any temporary waterproofing measures necessary to protect the building and contents during the work will be considered incidental to the bid items identified below.

PVC Roofing System

- The project will require any preparation for the placement of the new roof, including any structural repairs, cover board, cleaning area and removal of debris, and installation of new 50 mil PVC membrane system and underlayment insulation boards as approved by manufacturer with a minimum 15 year material warranty. Use Duralast 50 mil PVC roofing system or approved equal. The color shall be Charcoal Gray
- Contractor will specify if single ply system is fully adhered and/or mechanically fastened.

- Work also includes fabrication and installation of new pre-painted edge metal, cap metal, and flashing of all drains, and gutter replacement to the adjusted roof height due to the new roofing system and roof penetrations.
- Any installation will need to meet specifications of manufacturer and to allow for full warranty of product, and include a 15-year workmanship warranty on installation. Materials and installation must meet all local building code requirements.

PROJECT SCHEDULE

The project needs to be completed and invoiced prior to June 15, 2023.

SUBMISSION OF QUOTES

Provide a brief overview of your organization. Include the number of years providing roofing installations with business license/contractor license number.

1. Primary contact information
2. Describe briefly the project schedule and sequence of services to be provided. Include duration of work, any limitations on the City's use of the site or building during that time.
3. Description of methods and/or materials used to perform the work.
 - a. Manufacturer, material (PVC), mil thickness, attachment solution (mechanical, fully adhered).
 - b. Details regarding roof guarantee, warranty, duration, and coverage for labor and materials.
4. Provide references from three clients for whom your firm has successfully provided similar services within the last two years. For each, state the dollar value and location of the work, and provide a contact name, client name, telephone number, and if possible, an email address for the person knowledgeable about the project. The City may, in addition, investigate past performance of any respondent providing a proposal with respect to its successful performance of similar projects, compliance with contractual obligations, and its completion or delivery of a project on schedule.
5. Complete quote table.

The City of Astoria accepts no responsibility or liability for any expense incurred in the preparation or delivery of Quotes. All costs incurred shall be borne solely by the bidder.

Submitted Quotes must meet the requirements as stated in this RFQ to be considered. If delivered, one (1) bound original document shall be submitted. If submitted via email, documents shall be submitted as an attachment in PDF format only with confirmation of receipt. All documents shall be provided in a professional legible fashion suitable for additional copying and distribution.

Any addenda issued while this RFQ is published shall be incorporated into any submitted quote in the final pages as acknowledgment of receipt of said addenda. Quotes received after the stated Due Date will be rejected and not returned to proposer.

Contractor shall read and comply with the attached documents before finalizing a Quote.

Quotes are due October 20, 2022 by 2:00 p.m. Please send sealed Quotes to:

Nathan Crater
Astoria Public Works Department
1095 Duane Street
Astoria, Oregon 97103
ncrater@astoria.or.us

QUOTE EVALUATION

Quotes will first be reviewed to determine if all submittal requirements are met. Failure to meet any submittal requirements may result in the proposal being rejected. In the event that all proposals do not meet one or more of the mandatory requirements, the City reserves the right to continue the evaluation of any or all proposals and to select the proposal which best meets the City's needs if determined to be in the City's best interest to do so.

In evaluating the quotes and selecting a contractor, the City may cancel the procurement or reject any or all quotes in accordance with ORS 279B.100 and reserves the right to waive any informalities, request additional information, negotiate with any Contractor providing a quote, or issue subsequent requests for quotes.

ADDITIONAL CONDITIONS

This project will likely be a prevailing wage project. The Contractor shall comply with the prevailing wage provisions of ORS 279C.800 through ORS 279C.870.

All work and material shall meet APWA, City of Astoria Standards and Specifications, and local building codes. The project will need to be completed no later than 6/15/2023

Please review the attached exhibit maps, photos, and sample City contract. The City will execute this contract with the selected Contractor.

Contractors are encouraged to visit the site to fully acquaint themselves with the facilities involved, challenges and restrictions for full performance of the contract. Access to the site prior to quotes can be arranged as needed for interested contractors by contacting Nathan Barber at 503-325-3524.


PROJECT QUOTE

Provide further description of items, as necessary. Additional items may be added.

Item #	Item Description	Quantity	Unit	Unit Price	Total (In Figures)
1	Install New PVC Single Ply Roofing System	1	LS	\$ 113,002.00	\$113,002.00
TOTAL PRICE:					\$ 113,002.00

The undersigned, having full knowledge of the quality and quantity of work and material required, hereby proposes to furnish all labor, material and equipment required to complete the Public Works Shop Roof Replacement Project – Phase 2. Contractor agrees comply with ORS 279C.838 or ORS 279C.840 or 40 USC3141, et seq, if the contract is subject to state or federal prevailing wage laws.

10/12/22
DATE SIGNED

Dr. Roof, Inc. 
OFFEROR

Tom Shannon - Commercial Accounts Manager
SIGNED (NAME AND TITLE)

PO Box 187
MAILING ADDRESS

Seaview, WA 98644
CITY, STATE, AND ZIP CODE

PHONE NUMBER: 360-214-6387

EMAIL ADDRESS: tom.shannon@drroofinc.com

CORPORATION: _____ YES NO

IF NO, TAX ID NUMBER OR SOCIAL SECURITY NUMBER: 91-2137934

OREGON CCB NO. OR157159

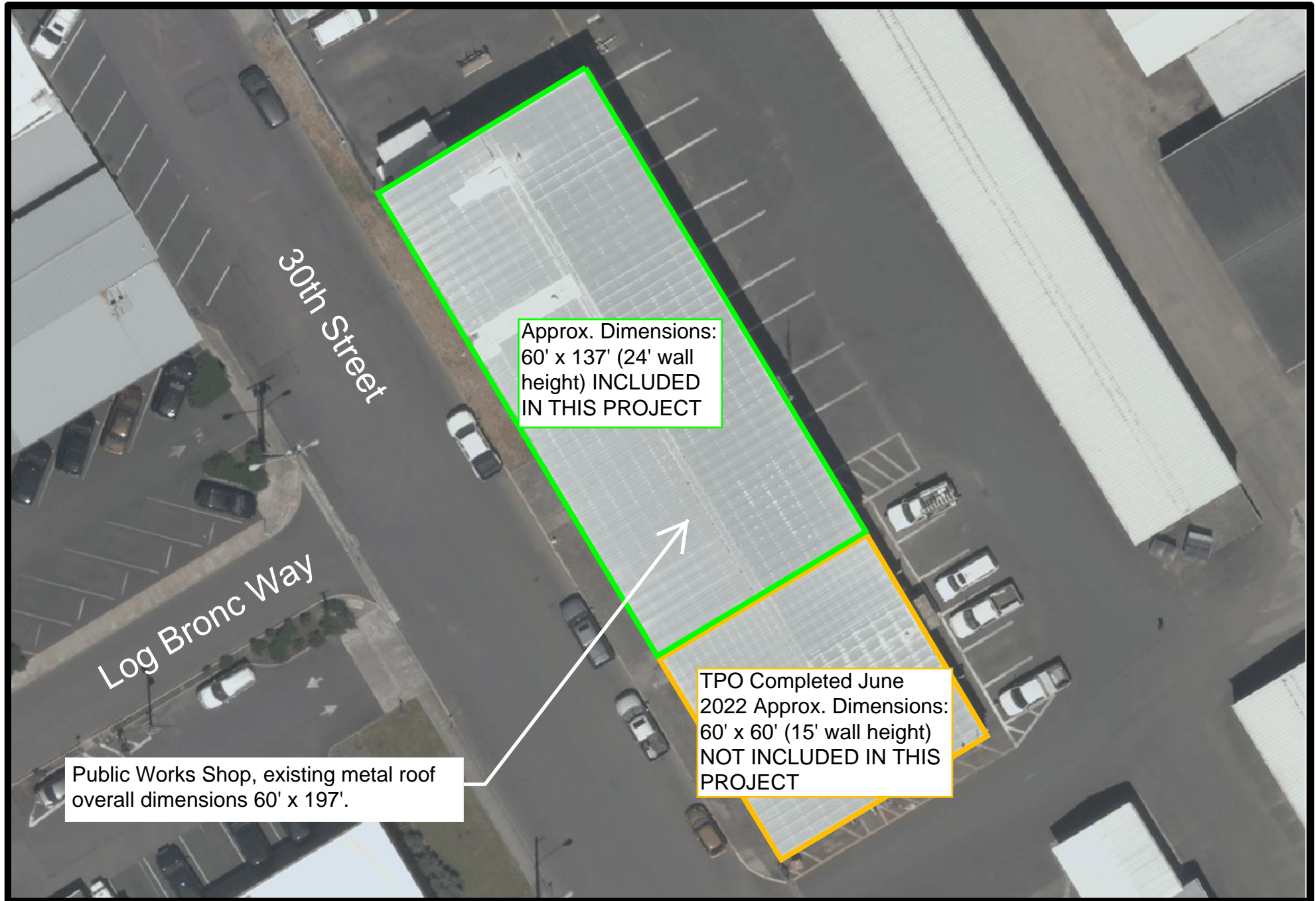
CCB EXPIRATION DATE: 9/26/23

Astoria City Shop - Location Map



DISCLAIMER The unauthoritative information provided within this GIS application comes to you from City of Astoria, Oregon. This GIS application is not an official source of information, use it at your own risk. The spatial data contained within this GIS application do not originate from Clatsop County. And Clatsop County does not have any responsibility for its content or use. GIS applications like this are intended for a visual display of data and do not carry legal authority to determine a boundary or the location of fixed works, including parcels of land and are intended as a location reference for planning, infrastructure management and general information. Therefore, this GIS application cannot be used as a source of information for the exact location of a boundary or fixed works. The maps cannot serve as a substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from those shown on the maps. And this GIS application cannot be used as a substitute for a professional land survey or official source of information. Contact the Clatsop County Assessors office to obtain official information regarding County tax records. Contact the City of Astoria regarding all other information available through this GIS application. By using this GIS application as a source of information, you must agree to accept any liability and limitation both known and unknown. City of Astoria, Oregon provides this GIS map on an "as is" basis without warranty of any kind, expressed or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of this information. City of Astoria, Oregon shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Furthermore by accepting these conditions for use, you must also agree to indemnify, defend against, and hold City of Astoria, Oregon harmless for any claim or other liability imposed on City of Astoria, Oregon that arise from use of this GIS application. City of Astoria, Oregon assumes no liability for any decisions made or actions taken or not taken by the user of the GIS application.

Astoria City Shop - Exhibit Map



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Public Works Shop – Photos



Public Works Shop – Looking North



Public Works Shop – Looking South



Roof (Upper Section) – Looking Northwest



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: 14TH STREET PARK PIER REPAIR PROJECT - AUTHORIZATION TO AWARD PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION SERVICES

DISCUSSION / ANALYSIS:

The 14th Street Park Pier is located north of the Riverwalk, in the 14th Street right-of-way, and provides a great opportunity for viewing the Columbia River and Astoria's waterfront. The structure is only intended for pedestrian use. Several years ago a structural inspection of the pier identified numerous critical repairs that need to be completed for continued use of the structure. City Council approved a construction contract with Bergeman Construction at the October 17, 2022, City Council meeting that includes the work necessary to complete the repairs.

DOWL (project consulting engineers) provided a proposal for construction services for this project. These services include construction management and inspection to ensure that their design plans are implemented appropriately. The total estimated not-to-exceed cost of these services is \$62,191. Funds are available for these services in the Promote Astoria Fund and were included in the FY22/23 budget. The total budgeted for this fiscal year is \$427,000. This amount will cover the engineering services to date (\$41,280), the construction contract (\$242,328) and the consultant construction services (\$62,191). The professional services contract has been reviewed and approved by the City Attorney. The contract and associated proposal are attached to this memo.

RECOMMENDATION:

It is recommended that City Council approve a professional service contract with DOWL in the amount of \$62,191 for construction services associated with the 14th Street Park Pier Repair Project.

BY: NATHAN CRATER, CITY ENGINEER

ATTACHMENTS:

[14th Park Pier Repair - Construction Services - DOWL.pdf](#)

CITY OF ASTORIA
CONTRACT FOR PROFESSIONAL SERVICES

CONTRACT:

This Contract, made and entered into this ____ day of _____, 2022 by and between the City of Astoria, a municipal corporation of the State of Oregon, hereinafter called "CITY", and DOWL, 5000 Meadows Rd #420, Lake Oswego, OR 97035 hereinafter called "CONSULTANT", duly authorized to perform such services in Oregon.

W I T N E S S E T H

WHEREAS, the CITY requires services which CONSULTANT is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONSULTANT is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONSULTANT SERVICES

- A. CONSULTANT shall perform professional services, as outlined in the Attachment A, to the City of Astoria regarding construction services for the 14th Street Park Pier Repair Project.
- B. Consultant's services are defined solely by this Contract and its attachment and not by any other contract or agreement that may be associated with this project.
- C. The CONSULTANT'S services shall be performed as expeditiously as is consistent with professional skill and the orderly progress of work. All work shall be completed no later than June 30, 2023.

2. COMPENSATION

- A. The CITY agrees to pay CONSULTANT a total not to exceed \$62,191 price on a time and materials basis for performance of those services provided herein;
- B. The CONSULTANT will submit monthly billings for payment which will be based upon time and materials for the work completed in each of the categories listed in the scope of work. Said progress billings shall be payable within 30 days of receipt by City.
- C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONSULTANT IDENTIFICATION

CONSULTANT shall furnish to the CITY the CONSULTANT'S employer identification number, as designated by the Internal Revenue Service, or CONSULTANT'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Nathan Crater, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 338-5173.

5. CONSULTANT'S REPRESENTATIVE

For purposes hereof, the CONSULTANT'S authorized representative will be Courtney Davis.

6. CITY'S OBLIGATIONS

In order to facilitate the work of the CONSULTANT as above outlined, the CITY shall furnish to the CONSULTANT access to all relevant maps, aerial photographs, reports and site information which is in the City's possession concerning the project area. In addition, the CITY shall act as liaison for the CONSULTANT, assisting the CONSULTANT with making contacts and facilitating meetings, as necessary.

7. CONSULTANT IS INDEPENDENT CONTRACTOR

A. CONSULTANT'S services shall be provided under the general supervision of City's project director or his designee, but CONSULTANT shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,

B. CONSULTANT acknowledges that for all purposes related to this Contract, CONSULTANT is and shall be deemed to be an independent CONTRACTOR and not an employee of the City, shall not be entitled to benefits of any kind to which an employee of the City is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONSULTANT is found by a court of law or an administrative agency to be an employee of the City for any purpose, City shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONSULTANT under the terms of the Contract, to the full extent of any benefits or other remuneration CONSULTANT receives (from City or third party) as result of said finding and to the full extent of any payments that City is required to make (to CONSULTANT or a third party) as a result of said finding.

C. The undersigned CONSULTANT hereby represents that no employee of the City of Astoria, or any partnership or corporation in which a City of Astoria employee has an interest, has or will receive any remuneration of any description from the CONSULTANT, either directly or indirectly, in connection with the letting or performance of this Contract, except as specifically declared in writing.

8. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONSULTANT breaches any of the terms herein and fails to cure such breach within 10 days after receiving notice thereof, or in the event of any of the following: Insolvency of CONSULTANT; voluntary or involuntary petition in bankruptcy by or against CONSULTANT; appointment of a receiver or trustee for

CONSULTANT, or any assignment for benefit of creditors of CONSULTANT. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONSULTANT may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

9. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

10. FORCE MAJEURE

Neither CITY nor CONSULTANT shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disabled provided the party so disabled shall within ten (10) days from the beginning such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

11. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONSULTANT of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

12. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

13. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

14. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONSULTANT, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

15. INDEMNIFICATION

With regard to Comprehensive General Liability, CONSULTANT agrees to indemnify and hold harmless the City of Astoria, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to city, consultant, or others resulting from or arising out of CONSULTANT'S negligent acts, errors or omissions in services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONSULTANT and The City of Astoria this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONSULTANT.

With regard to Professional Liability, CONSULTANT agrees to indemnify and hold harmless the City of Astoria, its Officers and Employees from any and all liability, settlements, loss, reasonable defense costs, attorney fees and expenses to the extent it arises out of CONSULTANT'S negligent acts, errors or omissions in service provided pursuant to this Agreement; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONSULTANT and the Client, this indemnification and agreement to assume defense costs applies only to the extent of negligence of CONSULTANT.

With respect to Commercial Liability and Professional Liability, CONSULTANT reserves the right to approve the choice of counsel.

16. INSURANCE

Prior to starting work hereunder, CONSULTANT, at CONSULTANT'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance, written on an occurrence basis, in amounts not less than the limitations on liability for local public bodies provided in ORS 30.272 and ORS 30.273:

A. Commercial General Liability. CONSULTANT shall obtain, at CONSULTANT'S expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage. Coverage shall include consultants, subconsultants and anyone directly or indirectly employed by either.

B. Automobile Liability. Automobile Liability. CONSULTANT shall obtain, at CONSULTANT'S expense and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits).

C. Additional Insured. The liability insurance coverage shall include CITY and its officers and employees as Additional Insured but only with respect to CONSULTANT'S activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, CONSULTANT shall furnish a certificate to CITY from each insurance company providing insurance showing that the CITY is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

D. Professional Liability Insurance. The CONSULTANT shall have in force a policy of Professional Liability Insurance. The CONSULTANT shall keep such policy in force and current during the term of this contract.

E. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from CONSULTANT or its insurer(s) to CITY. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

17. CITY'S BUSINESS LICENSE

Prior to beginning work, the CONSULTANT shall have a current City of Astoria business license (occupational tax). Before permitting a sub-consultant to begin work, CONSULTANT shall verify that sub-consultant has a current City of Astoria business license.

18. WORKMEN'S COMPENSATION

The CONSULTANT, its subconsultants, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

19. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

CONSULTANT shall make payment promptly, as due, to all persons supplying CONSULTANT labor or material for the prosecution of the work provided for this contract.

CONSULTANT shall pay all contributions or amounts due the Industrial Accident Fund from CONSULTANT or any subconsultants incurred in the performance of the contract.

CONSULTANT shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

CONSULTANT shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

20. NONDISCRIMINATION

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

21. PAYMENT OF MEDICAL CARE

CONSULTANT shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONSULTANT, of all sums which the CONSULTANT agrees to pay for such services and all moneys and sums which the CONSULTANT collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

22. OVERTIME

Employees shall be paid for overtime work performed under this contract in accordance with ORS 653.010 to 653.261 and Fair Labor Standards Act of 1938 (29 U.S.C. Sections 201 to 209).

23. USE OF ENGINEER'S DRAWINGS AND OTHER DOCUMENTS

The CITY retains all drawings and other documents prepared by the CONSULTANT for the project after payment to CONSULTANT.

CONSULTANT will not be held liable for reuse of documents or modifications thereof for any purpose other than those authorized under this Agreement.

24. STANDARD OF CARE

The standard of care applicable to consultant's services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar services at the time CONSULTANT'S services are performed. CONSULTANT will re-perform any services not meeting this standard without additional compensation.

25. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and CONSULTANT and has no third party beneficiaries.

26. ASSIGNMENT

This contract is personal to Consultant and may not be assigned or any work subcontracted without consent from the CITY.

27. SEVERABILITY AND SURVIVAL

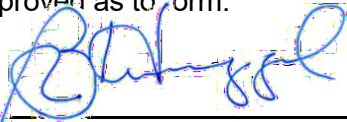
If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

28. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and CONSULTANT and supersedes all prior written or oral discussions or agreements. CONSULTANT services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first written above.

Approved as to form:



City Attorney

CITY OF ASTORIA, a municipal corporation of the State of Oregon

BY: _____
Mayor Date

BY: _____
City Manager Date

BY: _____
Consultant Date



Attachment A

September 3, 2022

Nathan Crater, PE
City Engineer
City of Astoria
1095 Duane Street
Astoria, OR 97103

**Subject: City of Astoria 14th Street Pier Repairs
DOWL Project NO. 2647.80340.01**

Dear Nathan:

DOWL is pleased to present the following amendment request for continued engineering services related to the City of Astoria's (City) 14th Street Pier Repairs during the construction phase of the Project.

Project Background

The Project background is unchanged from the original Contract.

Scope of Work

DOWL proposes the following SOW to provide engineering services during the construction phase of the Project. Final design was completed in August of 2022 with advertisement for selection of a Construction Contractor (CC) tentatively scheduled for fall 2022 and construction beginning early 2023.

The following are the Cities responsibilities during the construction phase:

- ◆ Execution of Intergovernmental Agreements ("IGAs") related to the Project
- ◆ Attend Pre-Construction Conference and weekly Project meetings
- ◆ QA Material testing (none anticipated)
- ◆ Approving construction Contract Change Orders
- ◆ Approving requests for overrun or increase in Project budget
- ◆ All contact with 3rd parties including Public Involvement
- ◆ Reviewing and processing monthly pay estimates for the CC
- ◆ Final Project Acceptance
- ◆ Providing access to City-owned Right of Way ("ROW") and easements
- ◆ Reviewing Working Drawings, shop drawings, other submittals, and RFI's related to City standard

Task 1: Project Management, Coordination, and Project Progress Meetings (Additional Effort)

The major objectives of this task are to establish the lines of communication and set forth the priorities between DOWL, City staff and the CC.

DOWL will provide the following services:

- ◆ Schedule, coordinate, and supervise consultant work
- ◆ Maintain liaison and coordination with the City and CC
- ◆ Prepare monthly consultant invoices, progress reports, and supporting data
- ◆ Monitor consultant budget

Deliverables:

- ◆ Up to six Monthly Project Reports (with project schedule updates as necessary). A copy of the Monthly Project Status Report must be submitted with the monthly invoice.

Task 2: Analysis; Design; and Plans, Specification, and Estimate (PS&E) (No Change)

Task 3: Environmental Compliance and Permitting (No Change)

Task 4: Project Letting (No Change)

Task 5: Construction Administration (New Task)

Consultant shall support the Project's needs by providing Construction Administration & Office Support Services during construction. Consultant shall engage the Professional of Record (POR) as required to provide engineering services required to respond to Requests for Information (RFI's) and submittals from the CC and administer design changes that may become necessary during the construction phase of the work.

Consultant shall review construction shop drawings and working drawings submitted electronically by the CC. Consultant shall provide consultation and technical services regarding design questions raised during construction of the Project. Consultant shall clarify construction Contract documents and provide written responses to Requests for Information ("RFIs".)

Consultant shall:

- ◆ Attend & lead Project meetings
- ◆ Monitor overall budget and costs included in the Project Construction Authorization
- ◆ Monitor and evaluate the construction schedule
- ◆ Assist City staff in processing of Contract Change Orders
- ◆ Provide feedback on CC provided monthly progress estimate

Deliverables will be provided in accordance with 2018 APWA Oregon Standard Specifications for Construction (OSSC), Section 00150.35:

- ◆ Responses to CC submittals
- ◆ Responses to CC Request for Information (RFI)
- ◆ Draft CCO documents

Assumptions:

- ◆ The budget allowance included for Task 5 is based on up to six weeks of active construction.
- ◆ Up to six (6) submittals and three (3) RFIs
- ◆ Design changes will be provided at the direction of the City, it is assumed 1 plan sheet will be amended during construction

Task 6: Construction Observation (New Task)

DOWL will provide observations during active construction, which will focus on monitoring the construction contractor's compliance with the Contract documents. The CC will provide DOWL staff access per OSSC so they may observe the work effectively.

Deliverables:

- ◆ Daily Construction Observation Report for each day onsite
- ◆ Final Observation Report

Assumptions:

- ◆ The budget allowance included for Task 6.1 (Construction Observations) is based on up to six (6) weeks of active construction and of on-site observation averaging 30 hours per week including provisions for travel.
- ◆ The Final Observation Report is assumed to be 1 site visit upon substantial completion.
- ◆ Mileage expenses are predicated on fifteen (15) round trips between Astoria and Lake Oswego.

Task 7: As-Constructed Drawings (New Task)

DOWL will update the Contract plan sheets to include the as-built conditions. DOWL and CC staff will provide redlined/marked-up sheets to the POR's for review and updating.

Deliverables:

- ◆ PDF copy of updated Contract plans (performed in CAD) with incorporated redline markups

Fee Estimate

The estimated fee for this work is detailed in the attached spreadsheet. Labor rates are based on DOWL's 2022 standard rate table, attached for your reference. We propose to complete the services outlined in our SOW on a time-and-materials basis for an estimated fee not to exceed (NTE) \$62,191. The estimated fee will not be exceeded without prior written authorization from the City. Any changes to the SOW, whether requested by the City or due to other circumstances, will be documented in writing and promptly communicated to the City.

Contingency Tasks

No contingency tasks are included in the SOW.

Nathan Crater, PE
City of Astoria
9/3/2022
Page 4 of 4

We trust this proposal provides you with the information required for this condition assessment work and hope that it meets with your approval. Please do not hesitate to contact me if you have any questions.

Sincerely,

Jason Kelly, PE
Senior Project Manager

Attachment(s): As stated

ATTACHMENT 1
Estimated Labor Costs and Expenses

Astoria Trolley 14th Street Pier
 City of Astoria
 DOWL,LLC

September 3, 2022

14th Street Pier Repairs

TASK	Senior PM III	Engineer VI	Project Manager III	Engineer II	Engineer V	Environment al Specialist VIII	Environmental Specialist III	FPR III	Project Controller	FPR IV	CAD Drafter IV	SUBTASK TOTAL	TOTAL HOURS	COST / TASK
Task 1	Project Management, Coordination and Project Progress Meetings	10		10								20		\$ 4,300.00
Task 5	Construction Administration	10	6		20	8			20	40		104		\$ 17,630.00
Task 6	Construction Observation							200				200		\$ 31,000.00
Task 7	As-Constructed Drawings				4	2		2	2		14	24		\$ 3,250.00
	Subtotal	20	6	10	24	10	0	0	202	22	40	14	348	\$ 56,180.00
	2022 DOWL Rates	\$ 255.00	\$ 200.00	\$ 175.00	\$ 130.00	\$ 185.00	\$ 215.00	\$ 130.00	\$ 155.00	\$ 150.00	\$ 170.00	\$ 125.00		
	Total Labor Estimate	\$ 5,100.00	\$ 1,200.00	\$ 1,750.00	\$ 3,120.00	\$ 1,850.00	\$ -	\$ -	\$ 31,310.00	\$ 3,300.00	\$ 6,800.00	\$ 1,750.00		
														Expenses = \$ 6,011.00
														Total Not to Exceed = \$ 62,191.00

Expenses:

Mileage: 390 miles RT, 15 trips x \$0.625/Mile	\$ 3,656.25
Meals (GSA): 12 days x \$51.75/day	\$ 621.00
Meals (GSA): 6 days x \$69/day	\$ 414.00
Lodging (GSA): 12 days x \$110/day	\$ 1,320.00
Total (rounded)	\$ 6,011.00



CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: ACQUISITION OF REAL PROPERTY FOR FUTURE IRVING AVENUE AT 33RD STREET BRIDGE REPLACEMENT

DISCUSSION / ANALYSIS:

The Irving Avenue Bridge at 33rd Street is a timber girder structure with a concrete deck that was built in 1951. This bridge serves as part of an alternate route for Highway 30 and provides access to downtown for residents on the east side of Astoria. The bridge is showing signs of deterioration and is load-limited. The roadway width and railing on the Irving Ave. Bridge at 33rd St. do not meet current standards. This bridge is the last remaining bridge to be replaced in the Astoria City limits. Staff has submitted applications to the Oregon Department of Transportation (ODOT) for the Statewide Transportation Improvement Program (STIP) under the Local Bridge Program (LBP) on two occasions. Both requests were not awarded due to a lack of funding. The program did fund the replacement of the Franklin Bridge, the Irving Ave. at 19th St. Bridge, and the Waterfront Bridges. It is staff's hope that we will receive funding in the future.

During the preparation of the previous funding applications, bridge engineers who assisted the City identified a need to increase the radius of the bridge alignment to provide a safer curve on the proposed replacement bridge. In order to make this alignment adjustment, the bridge would need to move south into County owned Tax Lot 80909CA10400 (south of Irving Avenue). City ownership of this lot would be in the best interest of the City and would provide the highest level of flexibility during design. Acquisition of County-owned Tax Lot 80909CA10300 (north of Irving Avenue) would provide better construction access to the project since it is adjacent to the City-owned property on the north side of the roadway. Both parcels are shown on the attached exhibit maps.

Staff has been working with the County on a request for the property and County staff supports the transfer of these parcels to the City of Astoria, however, the ultimate approval must come from the Board of County Commissioners. With City Council approval, staff would submit a formal request to the County. With Commission approval, it is anticipated that the County would process quit claim deeds for transferring ownership of the two parcels to the City. At a future meeting, staff will request that City Council take action to accept the deeds.

Staff does not see the need for any deed restrictions, sale conditions, or reversion arrangements. The property transfer will subject the City to two liabilities to consider. The first is the need to address potential hazardous tree removal on tax lot 80909CA10400 due to the

existence of a group of trees upslope of the bridge. The second is adding a property to our inventory of slide susceptible property. The positive side to both of the issues is that ownership gives us more control over managing the property and applying the same level of risk management strategy that we do to other City-owned properties. Staff including the Public Works Director, Finance Director and City Engineer have discussed these items and our consensus is that the benefits outweigh the risks.

RECOMMENDATION:

It is recommended that City Council approve the proposal to acquire the above noted County-owned real property for the future Irving Avenue at 33rd Street Bridge Replacement Project.

BY: JEFF HARRINGTON, PUBLIC WORKS DIRECTOR

ATTACHMENTS:

[Property Acquisition of TL 80909CA10400.pdf](#)

[Property Acquisition of TL 80909CA10300.pdf](#)



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CITY OF ASTORIA

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MEMORANDUM

DATE: NOVEMBER 7, 2022

TO: MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, INTERIM CITY MANAGER

SUBJECT: ORS 192.660(2)(A) EMPLOYMENT OF A PUBLIC OFFICER AND
(D) LABOR NEGOTIATIONS

DISCUSSION / ANALYSIS:

RECOMMENDATION:

BY: RYAN QUIGLEY, EXECUTIVE ASSISTANT

ATTACHMENTS: