

PD: PLANNED DEVELOPMENT OVERLAY ZONE

14.560. PURPOSE.

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

(Section 14.560 renumbered by Ord 14-09, 10-16-14)

14.565. PERMITTED BUILDINGS AND USES.

- A. The following buildings and uses may be permitted as hereinafter provided when on sites of three acres or more. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the parent zone as provided in this Code.
1. Single-family dwelling including detached, attached, or semi-attached units, row houses, atrium or patio houses on individual lots or in cooperative or condominium ownership.
 2. Two-family dwelling.
 3. Multi-family dwelling.
 4. Manufactured home, mobile house, or modular home.
 5. Accessory building and uses.
 6. Commercial use only when support mainly by the planned development and only when economic feasibility can be shown.
 7. Building or use as an outright use, or conditional use in the parent zone on which the planned development is located.
 8. Transportation facilities.
(Section 14.565.8 formerly 2.895.8 added by Ordinance 14-03, 4-21-14)
 9. Accessory Dwelling Unit.

(Section 14.545.9 added by Ordinance 21-02, 2-16-21)

(Section 14.565 renumbered by Ord 14-09, 10-16-14)

14.570. DEVELOPMENT STANDARDS.

A. Minimum Site Size.

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

B. Open Space.

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

C. Density.

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

D. Low and Moderate Income Housing.

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

E. Subdivision Lot Sizes.

Minimum area, width, depth, and frontage requirements for subdivision lots in a planned development may be less than the minimums set forth elsewhere in City

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Codes, provided that the overall density is in conformance, and that lots conform to the approved preliminary development plan.

F. Off-Street Parking.

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

G. Signs.

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

H. Height.

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

I. Streets and Roads.

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

J. Dedication and Maintenance of Facilities.

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

1. Recreation Facilities.

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

2. Common Area.

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

3. Easements.

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

K. Underground Utilities.

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

L. Approvals.

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

(Section 14.570 renumbered by Ord 14-09, 10-16-14)

14.575. PROCEDURE - PRELIMINARY DEVELOPMENT PLAN.

A. Content of Preliminary Development Plan.

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

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

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

B. Planning Commission Review.

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

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard Code requirements.
2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
3. The proposed development will be in substantial harmony with the surrounding area, including vegetation and topography and any important natural areas such as marshes or wildlife habitats.
4. The plan can be completed within a reasonable period of time.
5. Any proposed commercial development is intended to serve the neighborhood.

6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

C. Notification to Applicant.

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

D. Application for Amendment.

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

(Section 14.575 renumbered by Ord 14-09, 10-16-14)

14.580. PROCEDURE - FINAL APPROVAL.

A. Contents of Final Plan.

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

1. The final plat of the subdivision, if property is to be subdivided, or the final lot lines of the development as surveyed.
2. Location and dimensions of streets, roads, trails, common open space, recreation area and parks.
3. Location, dimensions, and arrangement of off-street parking including width of aisles, spaces, and other design criteria.
4. Planting and landscaping plan.
5. Architectural plans and elevations of typical structures.

6. The applicant will also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned development will be followed.

B. Planning Commission Review.

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

C. City Council Review.

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

(Section 14.580 renumbered by Ord 14-09, 10-16-14)

14.585. MAPPING.

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

(Section 14.585 renumbered by Ord 14-09, 10-16-14)

14.590. ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF.

A. Building Permits.

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

B. Performance Bond.

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

(Section 14.590 renumbered by Ord 14-09, 10-16-14)

SBHO: SENSITIVE BIRD HABITAT OVERLAY ZONE

14.600. PURPOSE AND AREA INCLUDED.

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

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

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

(Section 14.600 renumbered by Ord 14-09, 10-16-14; Section 14.600 formerly 2.930 added by Ordinance 94-11, 9-19-94)

14.605. GENERAL PROVISIONS.

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

(Section 14.605 renumbered by Ord 14-09, 10-16-14; Section 14.605 formerly 2.935 added by Ordinance 94-11, 9-19-94)

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14.610. USES PERMITTED OUTRIGHT AND CONDITIONAL USES.

- A. Uses and activities listed in the underlying zone are allowed subject to the procedures and requirements specified in the underlying zone and additionally to any Development Standards and Procedural Requirements which may be identified in the site specific management plan referred to in Section 14.605.
- B. The SBHO Zone does not regulate Forest Practices on forest lands outside the Urban Growth Boundary. Requirements of the Forest Practices Act will be applied to sensitive bird habitats located on forest lands outside the Urban Growth Boundary through the requirements of the Oregon Department of Forestry.

(Section 14.610 renumbered by Ord 14-09, 10-16-14; Section 14.610 formerly 2.940 added by Ordinance 94-11, 9-19-94)

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

14.620. **DEFINITIONS.**

As used in Sections 14.600 through 114.630, unless the context requires otherwise, the following words and phrases shall mean:

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

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

(Section 14.620 renumbered by Ord 14-09, 10-16-14; Section 14.620 formerly 2.950 added by Ordinance 94-11, 9-19-94)

14.625. **BACKGROUND SUMMARY.**

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

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

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

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

(Section 14.625 renumbered by Ord 14-09, 10-16-14; Section 14.625 formerly 2.955 added by Ordinance 94-11, 9-19-94)

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14.630. DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS.

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

(Section 14.630 renumbered by Ord 14-09, 10-16-14; Section 14.630 formerly 2.960 added by Ordinance 94-11, 9-19-94)

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