

ORDINANCE No. ~~1101-A~~ 1101-A

Introduced by Commissioner: **Frank Orrell**

Amending the City of Warrenton Comprehensive Plan, and its (DLCD Order 001634 Objections to Periodic Review Task 5) Riparian Corridor Map designated as Units 1, 2, 6a (east and west), 6b, 6c, 6d, 12a and 12b attached as Exhibit 'A', and Adopting the Findings of Fact and Conclusions of Law, attached as Exhibit 'B'. The revisions shall be made to: (1) Comprehensive Plan, and (2) Riparian Corridor maps.

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Comprehensive Plan, and Riparian Corridor maps; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on October 24, 2006 and closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve this periodic review item and adopt the Findings of Fact and Conclusions of Law described in Exhibit "B", which will amend the Comprehensive Plan described in Exhibit "B", and Riparian Corridor Maps described in Exhibit "A" (all exhibits attached hereto and incorporated by reference).

NOW, THEREFORE, The City of Warrenton ordains as follows:

Section 1: The City of Warrenton's Comprehensive Plan (Exhibit "B") and Riparian Corridor Maps (Exhibit "A") are amended as described in the attached exhibits.

Section 2: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 3: This ordinance shall become effective thirty (30) days from the date of its adoption.

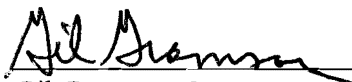
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

First Reading: 11/16/06

Second Reading: 11/28/06

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 28th day of

APPROVED



Gil Gramson, Mayor

ATTEST:


Linda Engbretson, City Recorder

Date the City mailed the Notice of Decision to parties with standing and to the Department of Land Conservation and Development on the required form:

**RESPONSE TO
DLCD ORDER 001634
OBJECTION #1**

RIPARIAN CORRIDOR - GOAL 17

DLCD Specific Response to Objection:

- A. Corridors 1 and 2 (E.H. Carruthers park, the aquatic conservation zone adjacent to Hammond Marina): Those areas zoned Open Space Institutional (OSI) and those areas directly associated with the adjacent Aquatic Conservation (A-2) Zone should be protected with a riparian setback which, is at a minimum, consistent with Goal 5 safe harbor provisions.

FINDINGS: Unit #1 (area adjacent to Hammond Marina) - This area of shoreline consists of approximately 500 linear feet on the Columbia River, adjacent to the Hammond Marina. This area (see attached photo) is undeveloped and undisturbed by man. There is evidence of natural erosion to the sandy beach caused by waves from the Columbia River and tidal influence of the Pacific Ocean. Inland, abutting the sandy beach area is overgrown vegetation consisting of brush and trees. This area shall be protected with a 75 foot riparian corridor setback to protect the natural vegetation in this location. The 75' setback shall be measured: starting at the point where the sandy beach recedes into brush, and going inland.

FINDINGS: Unit #2 (area adjacent to Carruthers Park) - This area is associated with Carruthers Park and consists of approximately 400 linear feet of shoreline on the Columbia River. The shoreline area has existing riprap (as shown on photos) placed on slope of the bank; plus an observation deck (as shown on photos), which extends slightly over the bank but not into the waters of the Columbia River. The observation deck footings (as shown on the photo) are on land, slightly back from the bank of the river. There is also a foot trail (as shown on photos) on the rise of the land, just back from the "bank" of the river going both east and west. The location of the observation deck bisects the foot trail. A 75 foot riparian setback is imposed to protect the remaining natural riparian vegetation. Repairs to the riprap and the observation deck shall be in compliance with the city's development code.

CONCLUSION: The above findings for Corridor Units 1 and 2 satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 75 feet along the bank of the Columbia River (as noted on the map and with the contexts of the findings).

- B. **Corridor 6** (the west shore of the Skipanon River mouth): Those upland areas (if any) on the west shore of the Skipanon River mouth adjacent to the Aquatic Conservation (A-2) Zone should be protected with a riparian setback which is, at minimum, consistent with Goal 5 safe harbor provisions. In addition, the east side of the Skipanon River mouth should be further studied to determine if riparian resources are present. If there are riparian resources present they need to be protected where they exist consistent with Goal 5 safe harbor provisions. The remainder of those areas at the Skipanon River mouth with a combination of I-2/A-1 Zoning do not require protection because of the designation of these areas for water-dependent uses.

FINDINGS: Unit #6(a) - East Bank Skipanon River -- This area of concern consists of natural riparian vegetation along this portion of the east bank of the Skipanon River. There is a gravel access road on top of an existing dike with natural vegetation on both sides of the dike. A 50' riparian setback is imposed, starting on the east edge of the gravel access road and measuring 50' eastward to protect the riparian vegetation in this location. Maintenance and repair of the existing dike and gravel access road are allowed and shall be in compliance with the city's development code.

CONCLUSION: The above findings for East Bank of Corridor Unit 6(a) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 50 feet along the bank of the Skipanon River (as noted on the map and with the contexts of the findings).

FINDINGS: Unit #6(a) - West Bank Skipanon River -- This area is located on the west bank of the Skipanon River channel before the bend of the river and the Warrenton Marina. Oregon Administrative Rules 660-023(5) & (8)(c) allows no riparian setbacks to be imposed where water-dependent/water-related uses and activities are adjacent to the shoreland vegetation. There is an existing water-dependent business on the west side of the river, which is in the city's water-dependent/water-related zone (I-2). No riparian setback is required for this area.

CONCLUSION: The above findings for West Bank of Corridor Unit 6(a) - satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023. Oregon Administrative Rules 660-023(5) & (8)(c) allows no riparian setbacks to be imposed where water-dependent/water-related uses and activities are adjacent to the shoreland vegetation. There is an existing water-dependent business on the west side of the river, which is in the city's water-dependent/water-related zone (I-2). Therefore, no riparian setback is required for this area of the Skipanon River (as noted on the map and with the contexts of the findings).

C. Corridor 6 (the city park lands between 2nd and 3rd Streets): This area is zoned Open Space Institutional (OSI) and is subject to riparian setbacks which would need to be, at minimum, consistent with Goal 5 safe harbor provisions. In addition, all areas north of the 8th Street dam that are not designated and zoned for water-dependent uses are subject to riparian setbacks that need to be, at minimum, consistent with Goal 5 safe harbor provisions.

FINDINGS: Unit #6(b) (Skipanon City Park and Trail) - This area is adjacent to the Skipanon City Park and trail (see photos). Riparian vegetation exists in this area at varying widths with a trail constructed of asphalt, (approximately 2 feet wide). This trail is bordered on both sides with natural vegetation. The trail starts at the city park and heads north to the Skipanon River Bridge. There is an aged, existing dock with a portable boat ramp (see photo) located approximately halfway between the city park and the bridge. The location of the dock and ramp rests on the riparian vegetation between the trail and the river. The riparian vegetation between the trail and the river shall have a 50' riparian setback to protect the natural vegetation.

CONCLUSION: The above findings for Corridor Unit 6(b) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 50 feet along the bank of the Skipanon River (as noted on the map and with the contexts of the findings).

FINDINGS: Unit #6(c) (islands) - These five (5) small islands (see photo) are zoned aquatic conservation (A-2), and are undeveloped. They are located in the Skipanon River, south of the Skipanon Bridge. The Skipanon River is affected by the tidal influence of the Pacific Ocean, which causes several of these islands to be under water during high tide. These five (5) islands shall have a 50' riparian setback to protect the natural riparian vegetation.

CONCLUSION: The above findings for Corridor Unit 6(c) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660- 023 by placing a riparian corridor setback of 50 feet along the bank of the Skipanon River (as noted on the map and with the contexts of the findings).

FINDINGS: Unit #6(d) - This area is in the same vicinity as Unit #6(b) above and shall be protected by placing a 50' riparian setback between the existing trail and the Skipanon River.

CONCLUSION: The above findings for Corridor Unit 6(b) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 50 feet along the bank of the Skipanon River (as noted on the map and with the contexts of the findings).

D. Corridor 12 (wetlands/riparian areas adjacent to Holbrook Slough): Significant wetland areas within the city's urban growth boundary (UGB) have been identified on the city's adopted Local Wetland Inventory map for this area and protected via city ordinance provisions that are consistent with OAR 660-023-0100(4)(b). In addition, the area is within the Goal 17 coastal shorelands boundary and appears to contain intact and functional riparian vegetation. Therefore, this area should be further studied for identification of resources and possible additional protection that, at minimum, need to be consistent with Goal 5 safe harbor provisions.

FINDINGS: Unit #12(a) - This area of Holbrook Slough (see photos) is directly behind Shilo Inn and Mulan Restaurant. There is undeveloped land on the west side of the slough, which contains natural vegetation, as well as having a dike and tidegate immediately north of the access roadway behind the Mulan Restaurant .

Riparian vegetation on both sides of the slough is dominated by invasive and non-invasive vegetation. In addition, a roadway (see photos) lies directly behind the Mulan Restaurant providing ingress and egress to the commercial activities and uses immediately adjacent to the slough.

A 50'foot riparian setback is imposed on the west side of the slough; however, maintenance and repair of a compensatory wetland mitigation area is allowed. Maintenance and repair of the existing dike and tidegate within the riparian area is allowed.

On the east side of the lower section of Holbrook Slough, riparian vegetation within the 50' buffer shall be protected with the following exceptions:

- * Maintenance and repair of existing buildings (Shilo Inn and Mulan Restaurant) is not restricted;
- * Maintenance and repair of an existing road is not restricted; and
- * Expansion and extension of an existing road is not restricted.

CONCLUSION: The above findings for Corridor Unit 12(a) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 50 feet along the area described above for this portion of Holbrook Slough (as noted on the map and with the contexts of the findings).

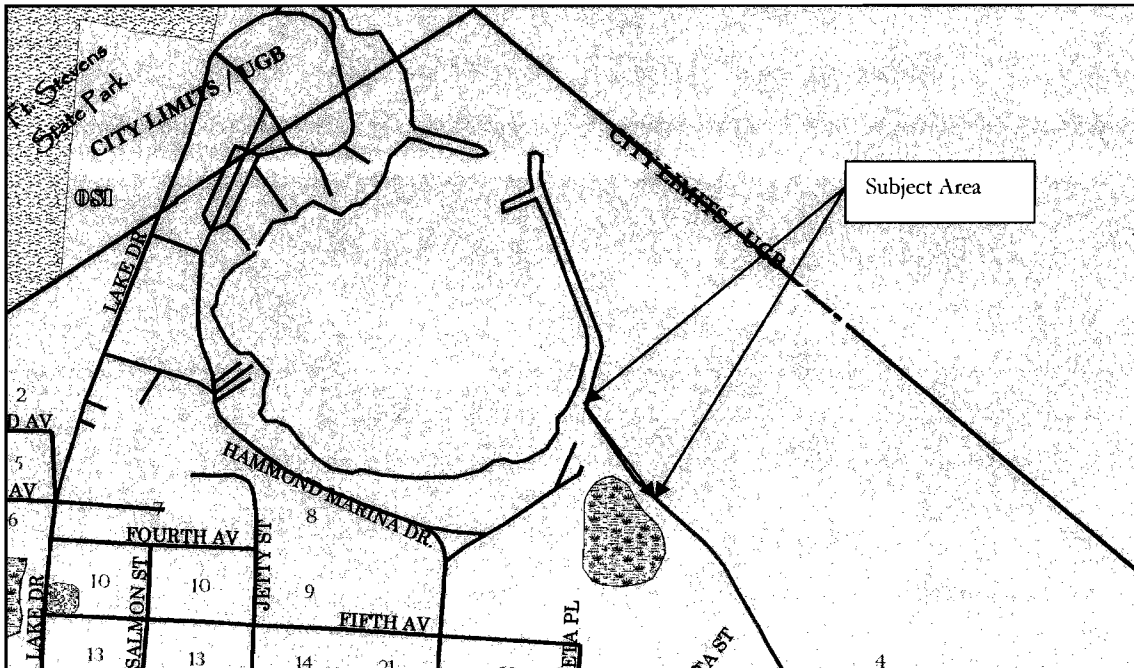
FINDINGS: Unit #12(b) - This portion (see photo) of Holbrook Slough is located behind the Youngs Bay Plaza shopping center and by compensatory wetland mitigation sites.

Riparian vegetation on the Youngs Bay Plaza (east side of the slough) side of the slough is in poor condition: dominated by invasive plants, subject to regular mowing, and adjoins a busy commercial area. The east side of the slough has existing riparian vegetation in a strip of varying width between the pavement and the high-water line of Holbrook Slough. On this side of the slough, riparian vegetation should be protected only between the edge of the existing pavement, as it currently exists (2006), and the slough shoreline for a 50 foot riparian setback to protect the remaining natural vegetation within this corridor.

Riparian vegetation on the west side of the slough exists in various compensatory wetland mitigation sites, stormwater detention ponds, and other undeveloped areas. Riparian vegetation in this section of Holbrook Slough will be protected with a 50 foot riparian corridor setback. Maintenance and repair is allowed for the compensatory wetland mitigation sites and stormwater detention or settling features, which exist within this riparian corridor.

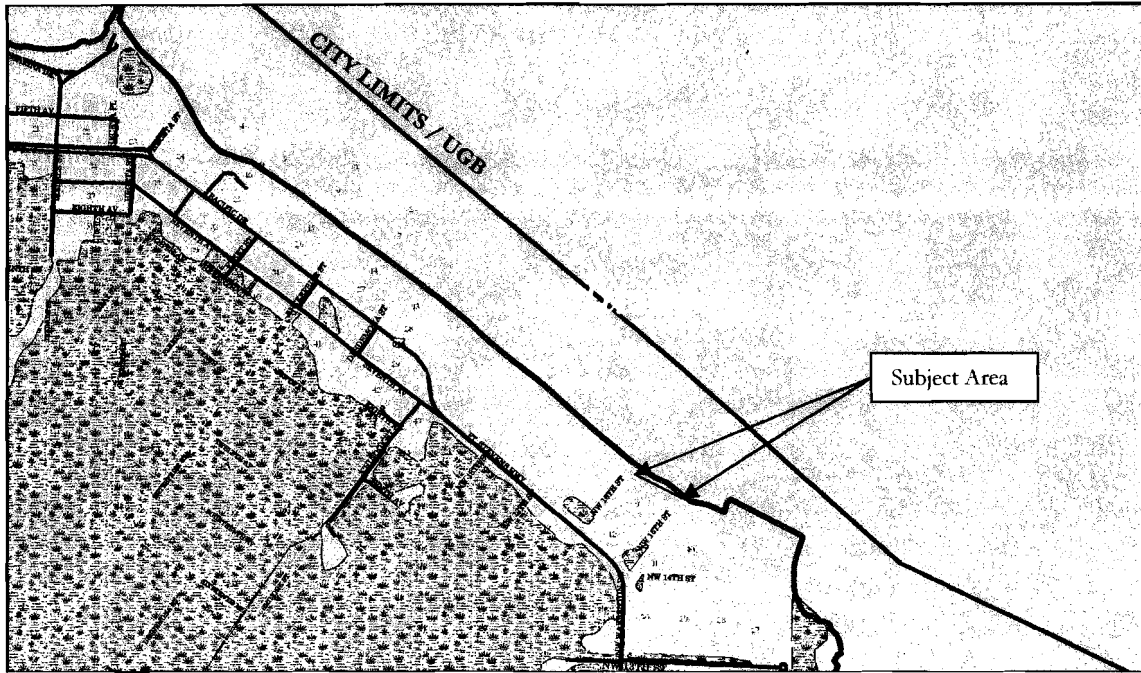
CONCLUSION: The above findings for Corridor Unit 12(b) satisfies the requirements of Statewide Planning Goals #5 and 17, and Oregon Administrative Rules 660-023 by placing a riparian corridor setback of 50 feet along the area described above for this portion of Holbrook Slough (as noted on the map and with the contexts of the findings).

Riparian Corridor Unit #1
Response to DLCD Order 001634 - Objection 1
Columbia River- Hammond Marina



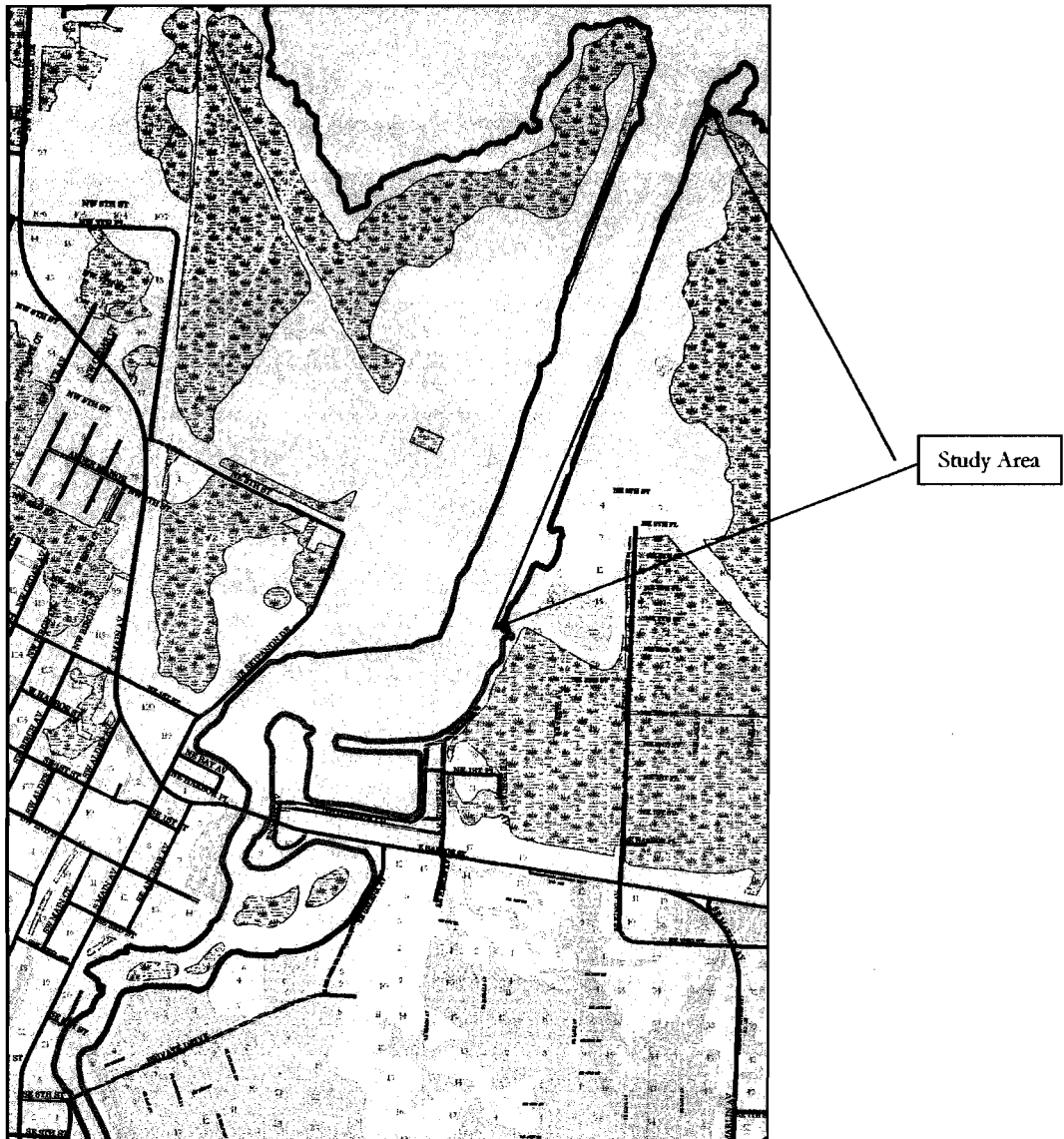
This area of shoreline consists of approximately 500 linear feet on the Columbia River, adjacent to the Hammond Marina. This area (see attached photo) is undeveloped and undisturbed by man. There is evidence of natural erosion to the sandy beach caused by waves from the Columbia River and tidal influence of the Pacific Ocean. Inland, abutting the sandy beach area is overgrown vegetation consisting of brush and trees. This area shall be protected with a 75 foot riparian corridor setback to protect the natural vegetation in this location. The 75' setback shall be measured: starting at the point where the sandy beach recedes into brush, and going inland.

Riparian Corridor Unit #2
Response to DLCDC Order 001634 - Objection 1
Columbia River - Carruthers Park



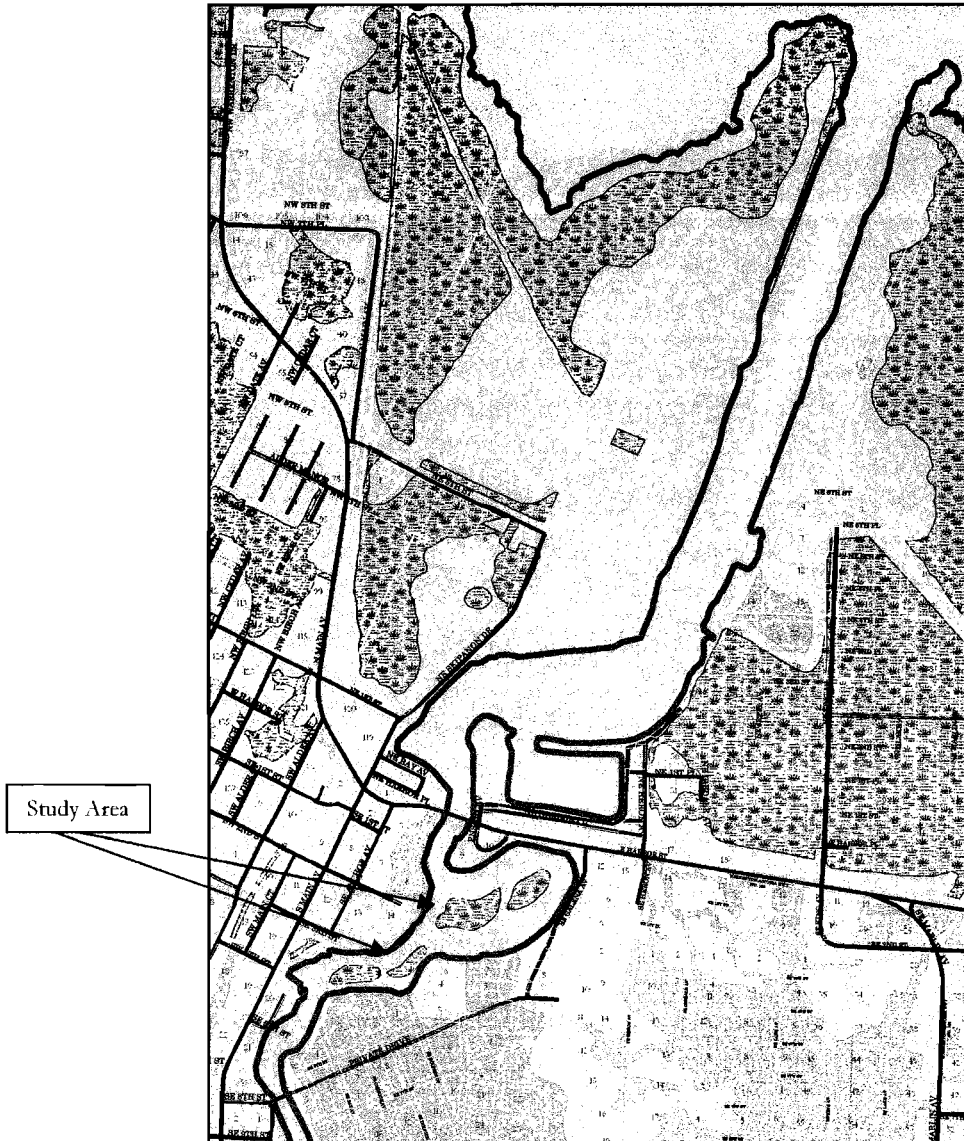
This area is associated with Carruthers Park and consists of approximately 400 linear feet of shoreline on the Columbia River. The shoreline area has existing riprap (see attached photos) placed on slope of the bank; plus an observation deck (see attached photos), which extends slightly over the bank but not into the waters of the Columbia River. The observation deck footings (see attached photo) are on land, slightly back from the bank of the river. There is also a foot trail (see attached photos) on the rise of the land, just back from the "bank" of the river going both east and west. The location of the observation deck bisects the foot trail. A 75 foot riparian setback is imposed to protect the remaining natural riparian vegetation. Repairs to the riprap and the observation deck shall be in compliance with the city's development code.

Riparian Corridor Unit #6(a)
Response to DLCD Order 001634 - Objection 1
Skipanon River Channel
East Bank



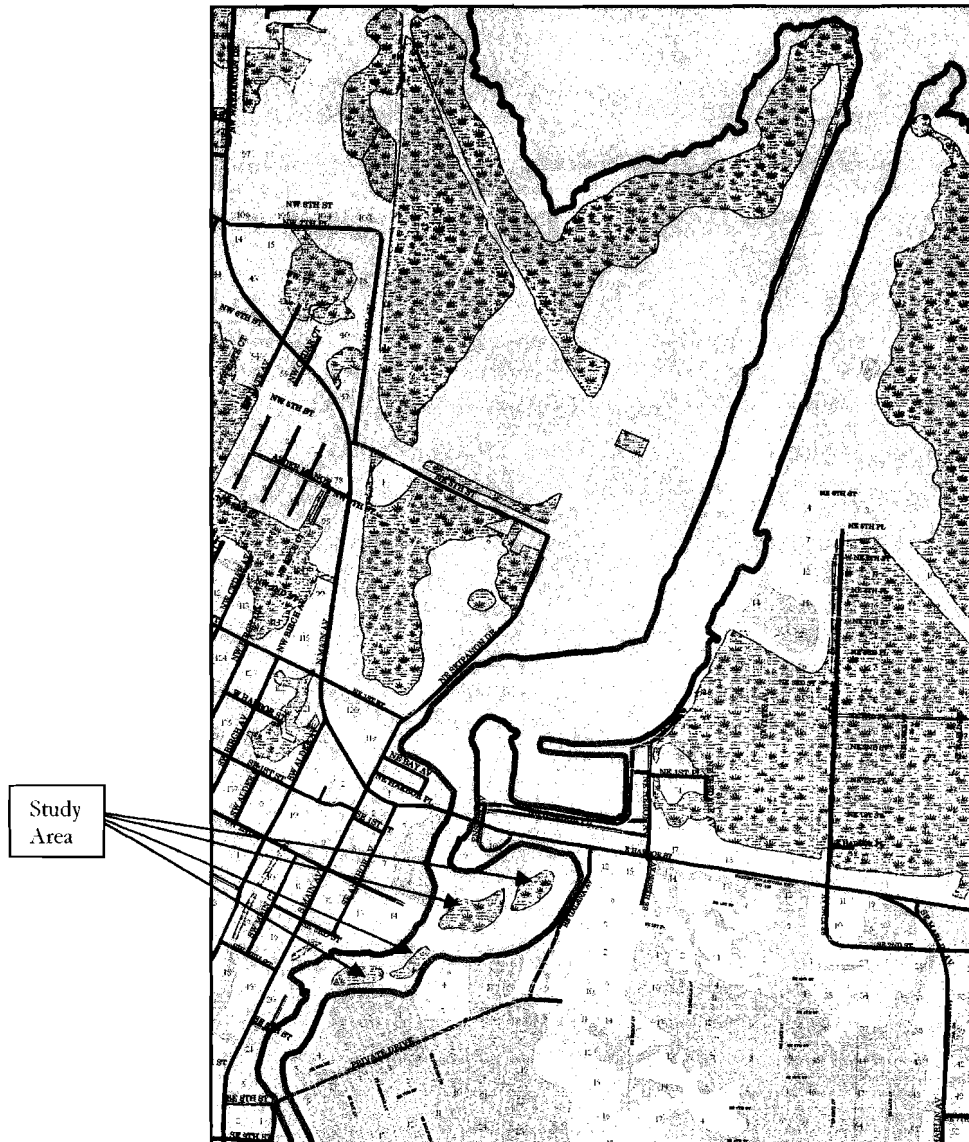
East Bank Skipanon River -- This area of concern consists of natural riparian vegetation along this portion of the east bank of the Skipanon River. There is a gravel access road on top of an existing dike with natural vegetation on both sides of the dike. A 50' riparian setback is imposed, starting on the east edge of the gravel access road and measuring 50' eastward to protect the riparian vegetation in this location. Maintenance and repair of the existing dike and gravel access road are allowed and shall be in compliance with the city's development code.

Riparian Corridor Unit #6(b)
Response to DLCDC Order 001634 - Objection 1
Skipanon City Park and Trail



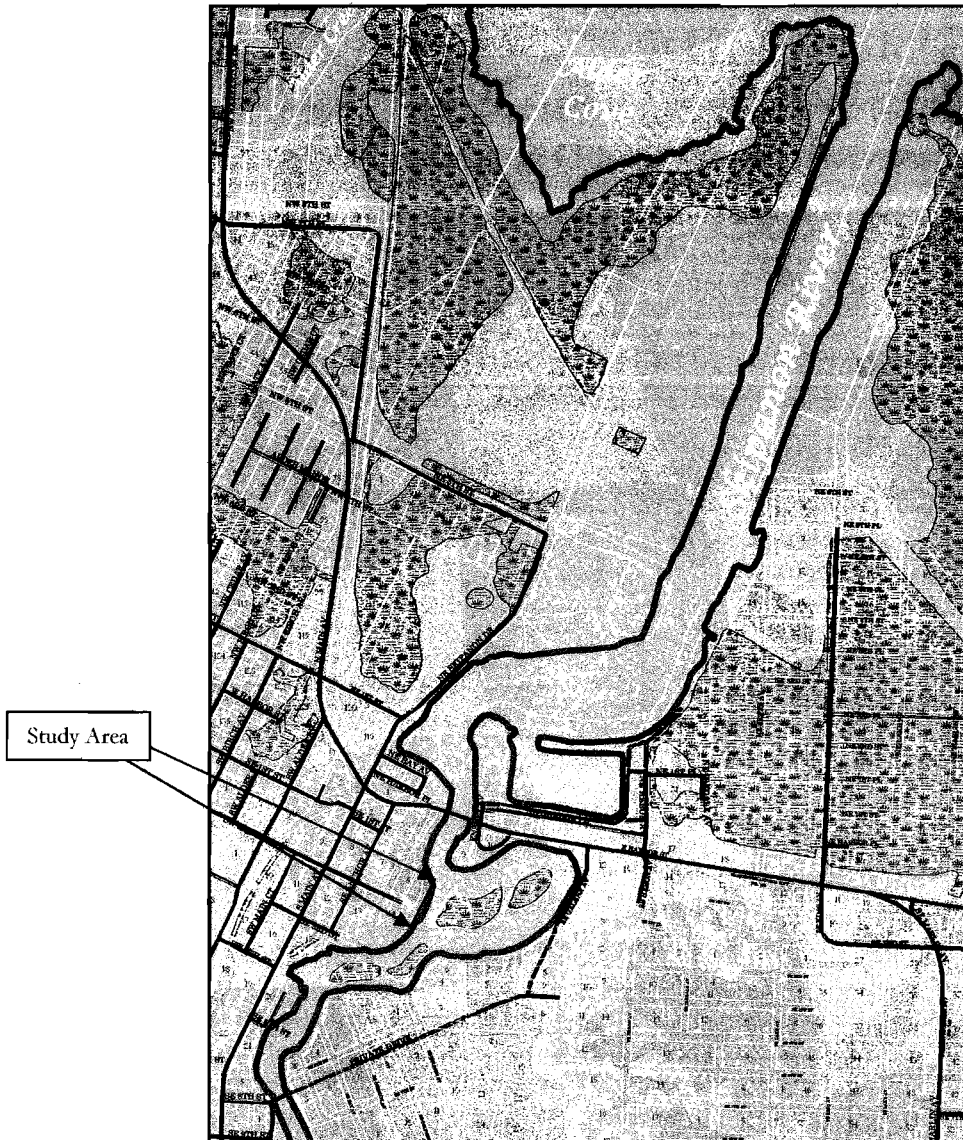
This area is adjacent to the Skipanon City Park and trail (see photos). Riparian vegetation exists in this area at varying widths with a trail constructed of asphalt, (approximately 2 feet wide). This trail is bordered on both sides with natural vegetation. The trail starts at the city park and heads north to the Skipanon River Bridge. There is an aged, existing dock with a portable boat ramp (see photo) located approximately halfway between the city park and the bridge. The location of the dock and ramp rests on the riparian vegetation between the trail and the river. The riparian vegetation between the trail and the river shall have a 50' riparian setback to protect the natural vegetation.

Riparian Corridor Unit #6(c)
Response to DLCD Order 001634 - Objection 1
Skipanon River Islands



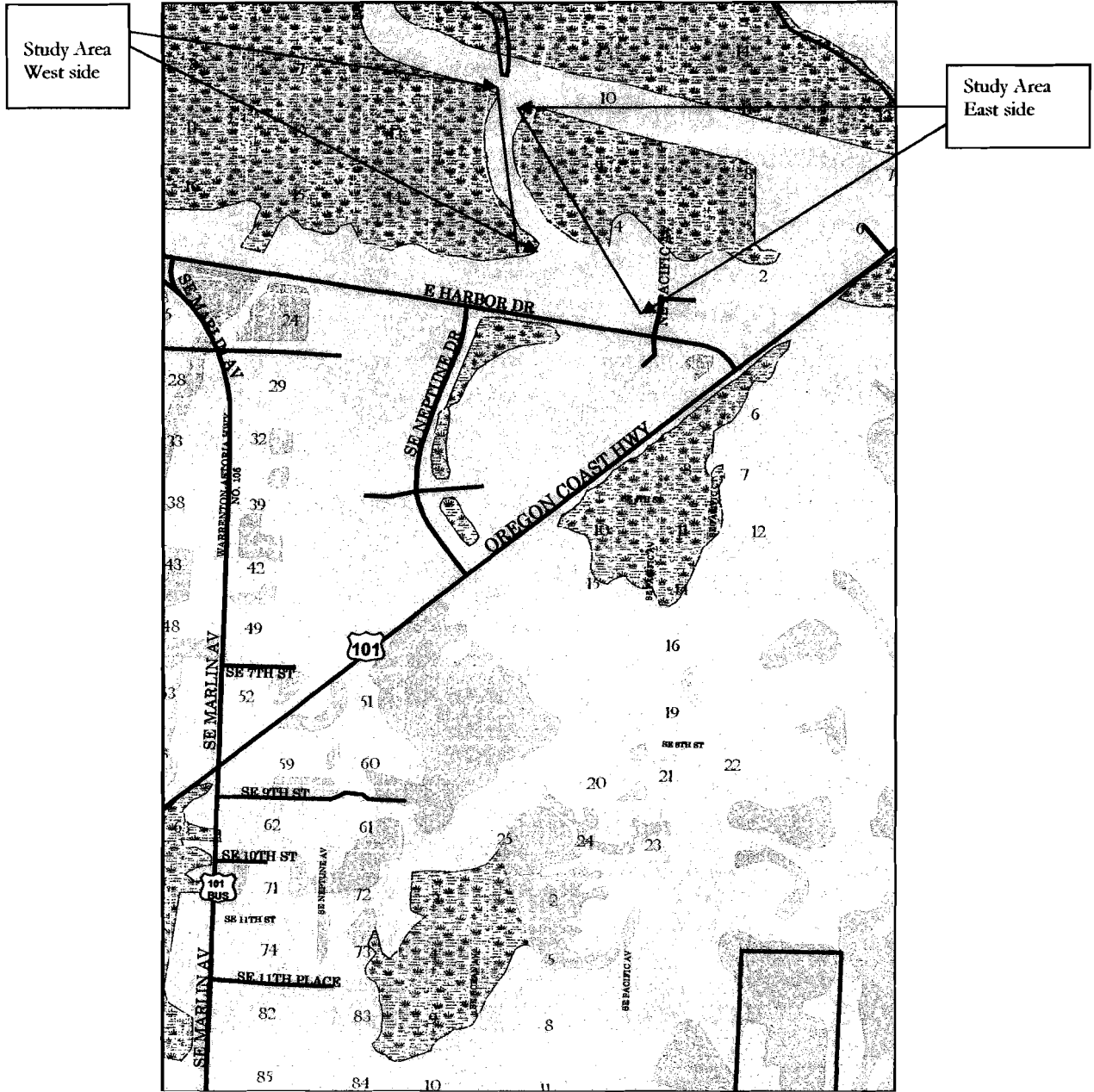
These five (5) small islands (see photo) are zoned aquatic conservation (A-2), and are undeveloped. They are located in the Skipanon River, south of the Skipanon Bridge. The Skipanon River is affected by the tidal influence of the Pacific Ocean, which causes several of these islands to be under water during high tide. These five (5) islands shall have a 50' riparian setback to protect the natural riparian vegetation.

Riparian Corridor Unit #6(d)
Response to DLCD Order 001634 - Objection 1
Skipanon City Park and Trail



This area is in the same vicinity as Unit #6(b) and shall be protected by placing a 50' riparian setback between the existing trail and the Skipanon River.

Riparian Corridor Unit #12(a)
Response to DLCD Order 001634 - Objection 1
Shilo Inn and Mulan Restaurant
Holbrook Slough - East and West



This area of Holbrook Slough (see photos) is directly behind Shilo Inn and Mulan Restaurant. There is undeveloped land on the west side of the slough, which contains natural vegetation, as well as having a dike and tidegate immediately north of the access roadway behind the Mulan Restaurant .

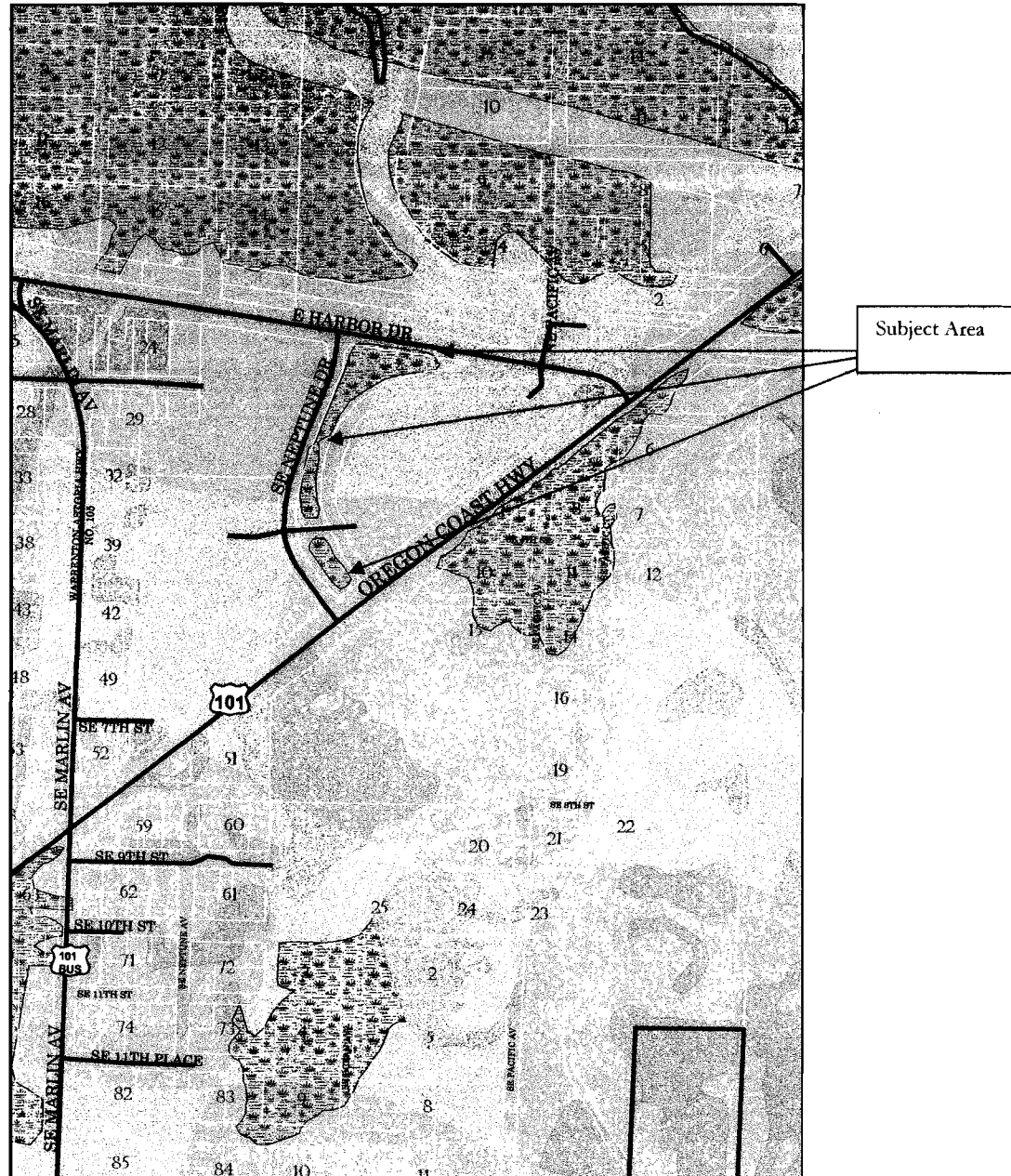
Riparian vegetation on both sides of the slough is dominated by invasive and non-invasive vegetation. In addition, a roadway (see photos) lies directly behind the Mulan Restaurant providing ingress and egress to the commercial activities and uses immediately adjacent to the slough.

A 50-foot riparian setback is imposed on the west side of the slough; however, maintenance and repair of a compensatory wetland mitigation area is allowed. Maintenance and repair of the existing dike and tidegate within the riparian area is allowed.

On the east side of the lower section of Holbrook Slough, riparian vegetation within the 50' buffer shall be protected with the following exceptions:

- * Maintenance and repair of existing buildings (Shilo Inn and Mulan Restaurant) is not restricted;
- * Maintenance and repair of an existing road is not restricted; and
- * Expansion and extension of an existing road is not restricted.

Riparian Corridor Unit #12(b)
Response to DLCD Order 001634 - Objection 1
Holbrook Slough - Youngs Bay Plaza



This portion (see photo) of Holbrook Slough is located behind the Youngs Bay Plaza shopping center and by compensatory wetland mitigation sites.

Riparian vegetation on the Youngs Bay Plaza (east side of the slough) side of the slough is in poor condition: dominated by invasive plants, subject to regular mowing, and adjoins a busy commercial area. The east side of the slough has existing riparian vegetation in a strip of varying width between the pavement and the high-water line of Holbrook Slough. On this

side of the slough, riparian vegetation should be protected only between the edge of the existing pavement, as it currently exists (2006), and the slough shoreline for a 50 foot riparian setback to protect the remaining natural vegetation within this corridor.

Riparian vegetation on the west side of the slough exists in various compensatory wetland mitigation sites, stormwater detention ponds, and other undeveloped areas. Riparian vegetation in this section of Holbrook Slough will be protected with a 50 foot riparian corridor setback. Maintenance and repair is allowed for the compensatory wetland mitigation sites and stormwater detention or settling features, which exist within this riparian corridor.