

ORDINANCE No. 798-A

Introduced by Commissioner Max BINGAMAN

AMENDING THE CITY OF WARRENTON COMPREHENSIVE PLAN,
MAP AND ZONING ORDINANCE No. 726-A

WHEREAS, certain changes are necessary to update and amend the City of Warrenton Comprehensive Plan, Zoning Ordinance and Map; and

WHEREAS, the City of Warrenton Planning Commission has reviewed the proposed changes and has recommended said changes to the Warrenton City Commission;

NOW, THEREFORE, the Warrenton City Commission does ordain as follows:

Section 1. The City of Warrenton Comprehensive Plan, Zoning Ordinance, and Map is hereby amended as set forth in Exhibit "A", and Exhibit "B", which are attached hereto and by this reference incorporated herein.

Section 2. If any article, section, subsection, subdivision, 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.

Revision #1: Section 3.062, CITY CENTER (C-1) COMMERCIAL ZONE: (adding to the conditional use section)

(9) Boat and marine equipment sales.

(10) Boat and marine equipment repair facilities.

First reading: 3/4/87

Second reading: 4/1/87

Passed by the Warrenton City Commission, this 1st day of April, 1987.

Approved by the Mayor of the City of Warrenton, Oregon, this 1st day of April, 1987.

Leslie Newton
Mayor

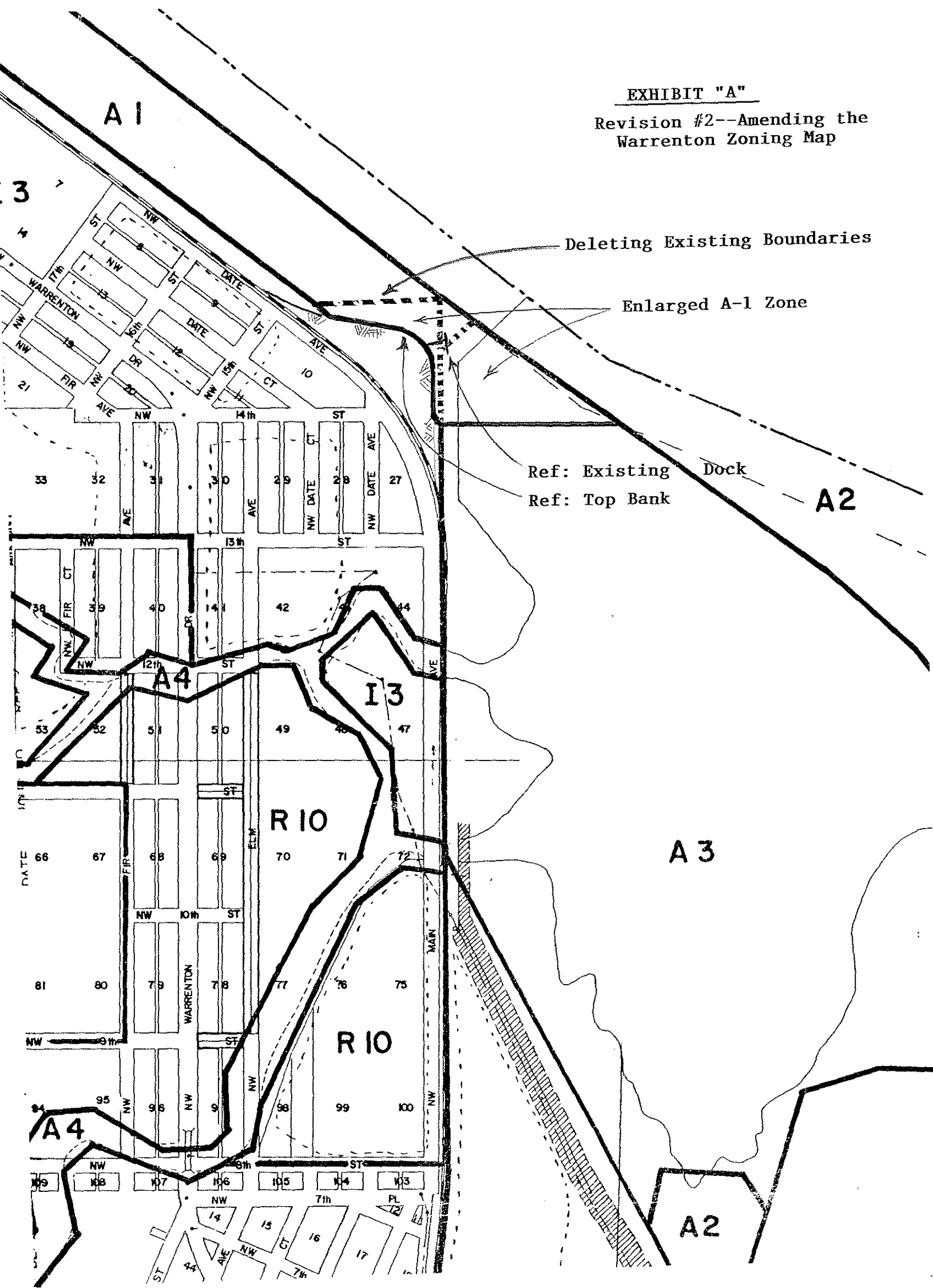
ATTEST:

Gilbert Johnson

City Manager/Auditor

EXHIBIT "A"

Revision #2--Amending the
Warrenton Zoning Map



Deleting Existing Boundaries

Enlarged A-1 Zone

Ref: Existing
Ref: Top Bank

Dock

A2

A3

A2

EXHIBIT "B"

AMENDING THE WARRENTON COMPREHENSIVE PLAN

REVISION #3 - ADDITIONS TO APPENDIX #1

EXCEPTION TO GOAL 16, PLACING A SMALL AREA NEAR TANSY POINT IN THE DEVELOPMENT MANAGEMENT UNIT.

BACKGROUND.

This exception to Goal 16 changes the designation of a small aquatic area near Tansy Point from Aquatic Conservation to Aquatic Development. The exception is to the Goal 16 management unit requirements for conservation management units, and to Goal 16 aquatic area designation criteria. It will allow dredging necessary for construction of a barge moorage in an intertidal and shallow subtidal area. The barge moorage is planned as part of a larger water-dependent industrial development at Tansy Point. The moorage is permitted in Warrenton's Aquatic Conservation Zone, but about 1/2 acre of new dredging needed for the moorage is not permitted in the Conservation management unit. The change to Aquatic Development will be limited to the area needed for barge moorage, including side slopes. The proposed Development designation will also be limited in scope: the only new activity allowed will be the necessary dredging.

Factors that must be addressed for the exception are described in Oregon Administrative Rules, Chapter 660, Division 4, Sections 020 and 022. The specific exception criteria are listed in the following paragraphs, followed by appropriate findings.

FINDINGS.

- A. "Reasons justify why the state policy embodied in the applicable goals should not apply" [OAR 660-04-020(2a)].

New dredging for a barge moorage is permitted in Development management units, but not in Conservation management units. This policy protects estuarine resources in Conservation management units from adverse impacts associated with major estuarine alterations. It should not apply in this situation because the planned dredging will not result in major alterations, nor will it result in substantial adverse impacts. Additionally, the project site lacks many of the characteristics protected by the Conservation management unit.

Barge moorage construction will not result in major estuarine alterations. The single largest identifiable alteration will be increasing water depths to about -10 feet MLLW. The moorage area itself will include less than 40,000 square feet.

The moorage's north end is already deep enough: dredging will only be needed at the south end. Estimated dredging, including 3:1 (horizontal to vertical) side slopes will remove between 5,000 and 10,000 cubic yards of material. Average annual maintenance dredging needs will probably range from 1,000 to 2,000 cubic yards. These volumes are relatively small compared to other dredging projects. For example, full water-dependent development at Tansy Point will probably require about 250,000 cubic yards of dredging initially. Water-dependent development on the east bank of the Skipanon River may generate about 500,000 cubic yards of new dredging. A barge slip at Tongue Point for oil module transport required about 40,000 cubic yards of initial dredging. The Corps remove about 500,000 cubic yards annually from Flavel Shoal, near Tansy Point. These projects, all in Development management units, are much larger, in terms of material removed, than the proposed dredging. Projects potentially requiring large amounts of dredging in the Conservation management unit include boat ramps and marinas.

Expected adverse impacts from the proposed dredging are not significant. Dredged material will be placed at an upland location, and used for site leveling. The moorage itself will consist of seven dolphins with a narrow connecting walkway, thus minimizing shading. Aquatic vegetation and intertidal habitat in Alder Cove is not expected to be affected by the project. The Tansy Point bankline adjacent to the moorage site is riprapped, and there is no riparian vegetation present. The project site has a sandy unvegetated bottom, and is subject to strong river currents and wakes from passing ships. The site is in an area that has been heavily impacted by development. It is immediately adjacent to upland industrial development on Tansy Point, and to a dock used by commercial fishing boats (the Pacific Shrimp dock).

Goal 16 describes areas appropriate for the Conservation management unit as:

"... areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in (Natural management units) ..."

The barge moorage site has not been the subject of any detailed biological studies. It is not known to have any recreational significance. There are no aquaculture facilities in the area, nor are there any site characteristics that suggest its

special suitability for aquaculture. Site characteristics suggest that it may have minimal habitat value, although shallow nearshore areas such as this one are often used by juvenile salmon for feeding and for shelter. Taking into account both the resources present at the project site, and the types of areas appropriate for the Conservation management unit, it appears that the site may not be suited for inclusion in the Conservation management unit. The area may have been excluded from the Tansy Point Development management unit because the Pacific Shrimp dock was seen as a convenient dividing line.

For these reasons, Warrenton concludes that the Goal 16 policy prohibiting dredging in Conservation management units should not apply in this case.

- B. "Areas which do not require a new exception cannot reasonably accommodate the proposed use" [OAR 660-04-020(2b)].

Several alternative sites and configurations were considered before settling on the proposed location. On-site alternatives not requiring an exception are:

- 1) Tansy Point, downstream from the Pacific Shrimp dock in the existing Aquatic Development area;
- 2) Tansy Point, downstream from the Pacific Shrimp dock, excavated out of the existing upland; or
- 3) Utilize the existing Pacific Shrimp dock.

Alternatives 1), 2) and 3) are shown on the attached site map.

Off-site alternatives not requiring an exception include:

- 4) Utilize existing nearby barge moorages (Port of Astoria, West bank of the Skipanon River);
- 5) Develop new off-site barge moorage in Develop Management Unit; or
- 6) Utilize truck or rail transport.

These alternatives and the reasons for their rejection are described below.

1) The Columbia River downstream from the Pacific Shrimp dock was considered as a potential site for the proposed barge moorage. It was rejected because swift nearshore currents in this area, coupled with strong winds, make barge handling difficult, and because this area is more appropriately reserved for deep draft vessels.

Average ebb tide currents in the main navigation channel near Tansy Point are about 2.5 knots, or about 4.2 feet per second. Peak ebb currents, especially during high river flow conditions, are considerably faster. Moving barges into and out of the slip would expose them to hazardous cross currents during strong ebb tides. The problem with currents is manifested in two different ways. Maneuvering barges into and out of the slip would be difficult and, at times, impossible when swift currents and strong winds are present. Chip barges are typically pushed rather than pulled up the river. Moving the barge from the moorage to the channel would require movement perpendicular to prevailing currents. The second current-related problem occurs during barge loading. Chips are not always evenly-distributed lengthwise in the barge during loading operations. The barge is slowly moved under the stationary hopper, filling the barge from one end to the other. The barge floats lower in the water at the heavy end. In strong currents, especially during choppy water conditions or with a standing wave, there is a chance that the barge could be swamped.

The aquatic area along the riverfront at Tansy Point is better reserved for deep draft vessel moorage than for barge moorage. Tansy Point is only ten river miles from the mouth of the Columbia River, making it an attractive location in terms of sailing time to west coast shipping lanes. Tansy Point also has close access to the main navigation channel -- as good as the access at the Port of Astoria. As channel maintenance costs rise, Tansy Point will become more and more competitive with upriver ports for deep draft vessel moorage. Development of the river frontage for deep draft vessel moorage would be the highest and best use of the sites.

2) This alternative -- an excavated barge slip -- does not completely avoid the current problems described in alternative 2) above. Barges would be protected while in the slip, thus avoiding the swamping problem described above. They would, however, be exposed to strong cross currents while entering and leaving. This arrangement would also preclude full use of the Tansy Point river frontage for deep draft development.

3) Use of the existing Pacific Shrimp dock as a barge moorage was investigated. This alternative was rejected because the dock is poorly configured and located for the proposed use. Major alterations would be needed to adopt this dock for the proposed use.

The Pacific Shrimp dock surface is at about +16 feet (MLLW). The equipment used to load wood chips typically consists of a large metal duct through which chips are blown. During low tides, when barges are low relative to the land, the ductwork mouth is lowered to the barge in order to prevent chip loss due to the wind. The relatively high Pacific Shrimp dock would require extensive modifications -- essentially a complete re-building -- to accommodate the chip-loading operation. The Pacific Shrimp dock location is not as sheltered from river currents as the proposed site.

4) Existing barge moorages exist at the Port of Astoria (Pier 3), and at the Cavenham Forest Products facility on the west bank of the Skipanon River. Both sites are relatively near Tansy Point: Pier 3 is about 6 miles distant by road, and the Cavenham site is less than 3 miles from Tansy Point. Chips would conceivably be moved from Tansy Point to one of these sites by truck, and then barged to upriver destinations. These two off-site alternatives were rejected because they both would entail double-handling of the chips. Because chips are, relatively speaking, a low value commodity, transportation costs become a large part of their delivered cost. Transportation costs must be minimized to remain competitive. Moving the chips to an off-site shipping location would raise the handling component of transportation costs by about fifty percent.

The west bank site is owned by Cavenham Forest Products, Inc., and is generally used only for shipment of their products. It probably would not be available to a competitor. The Port of Astoria barge moorage at Pier 3 is a specialized moorage -- actually a graving dock -- designed for loading oil modules onto barges. It would not be suitable for the proposed use.

5) Other potential off-site alternatives involving construction of a new moorage are more difficult to evaluate, as there are only a few sites in the vicinity that are not presently developed. One undeveloped site is on east bank of the Skipanon River. Cavenham Forest Products already has a similar facility on the west bank, thus demonstrating the apparent feasibility of such an option. This alternative was rejected because it would result in expensive double handling of the chips (see analysis

under Alternative 4).

6) Truck and rail transport have been investigated. Rail service is no longer available at Tansy Point. Truck transport is a viable option -- in fact, chips are presently moved by truck to upriver markets. For some destinations truck transport is the only option available; trucks will continue to be used to move chips to these markets. Other chip buyers have waterfront receiving facilities; chips can economically be shipped to these destinations by either barge or truck. Barge movement appears to be the least cost mode for sending chips from Tansy Point to paper mills at Wauna, Vancouver, and on the lower Willamette River. For wood products processing at Tansy Point to efficiently compete in these important markets, both truck and barge transport must be available.

The six alternative sites examined above would not require an exception, but their use does not appear to be feasible.

C. "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site ... are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception ..." [OAR 660-04-020(2c)].

1) Environmental Consequences. The major identifiable environmental consequences of the proposed dredging are the elimination of some intertidal benthic organisms; temporary, localized disruption of fauna in the water column; temporary, localized turbidity; and potential degradation of Alder Cove water quality resulting from the chip loading operation. Environmental consequences will be less significant at the proposed site than they would be at a location further in to Alder Cove.

Intertidal benthic organisms in the area to be dredged will be eliminated by the proposed dredging. This habitat will be replaced by the proposed mitigation area and, to a much lesser extent, by the newly-created subtidal area. The numbers and species of benthic fauna at the project site are not known. CREDDP data for similar sites (brackish salinity regime, scoured bottom conditions, medium grain sand) indicate that the following organisms might be expected:

Paraphoxus milleri

nemerteans
Eohaustorius estuaris
Eogammarus confervicolus
oligochaetes
Neanthes limnicola
Corophium salmonis

The project will have a negative impact on plants and animals living in the water column. This effect will be temporary, however. Water column organisms are expected to reestablish themselves after the initial dredging work is completed.

Turbidity will increase during the dredging operation in the immediate project vicinity. Existing background turbidity levels are not well documented for this area, but they are believed to be similar to other sites in the vicinity that would require an exception. Because the site is so well flushed relative to other potential sites, changes in turbidity resulting from the dredging are expected to be short-lived.

A concern has been raised that the proposed use of the barge moorage will result in some chips being blown into Alder Cove by the strong prevailing winds in this area, thus reducing water quality and possibly other habitat values in the Cove. Methods used for loading barges are designed to minimize chip loss. The chips being loaded are typically of a size and mass that would be largely unaffected by the winds. Despite these factors, some chips will probably be blown into Alder Cove. The Cove's configuration and profile is such that it is completely flushed by nearly every tide. There are no known water quality problems in Alder Cove because of its large flushing capacity. Alder Creek and Tansy Creek enter Alder Cove and carry potentially large amounts of urban runoff with no apparent negative water quality impacts. Warrenton's sewage treatment plant discharges treated wastewater into the Cove. A large lumber mill and log storage operation on the Cove's east side may also contribute run-offs to the Cove. Despite these inputs, Alder Cove has no significant documented water quality problems. Any incidental input of chips into the Cove would presumably have a negligible effect on water quality parameters.

The environmental consequences resulting from use of the proposed site are not substantially different from those that might be expected at other sites requiring an exception.

2) Economic Consequences. The major identifiable

economic consequences of using the proposed site are identified below:

Dredging costs are primarily a function of the volume of material to be removed, the method used to remove the material, and the distance the material is moved. The volume of material removed will be minimized at those areas with the greatest existing depths. The proposed moorage site should yield between 5,000 and 10,000 cubic yards initially. Shallower sites could have a dredging requirement as large as 20,000 cubic yards (same configuration as proposed, 3:1 side slopes, and initial depth at -3' MLLW). The project site can be dredged to a large extent from the shore, which is typically the least costly alternative for a small project such as this one. Other sites could also be dredged from the shore, if they were near enough and the shoreline was firm enough for heavy equipment. The dredged material from the proposed moorage would be utilized on site for leveling. Other sites might require the more expensive option of truck or barge transport to a designated dredged material disposal site.

Forest products processing at Tansy Point has increased heavy truck traffic on the State Highway used to reach the site. Development of on-site barge loading ability will tend to reduce truck traffic on the State Highway, thus decreasing maintenance costs. An off-site barge moorage for chips originating at Tansy Point would not reduce highway truck traffic, because of the double-hauling requirement. Highway maintenance costs are borne largely by users, in the form of fuel taxes.

Mitigation costs for this project are relatively small because of the availability of on-site mitigation. Alternative sites requiring dredging do not all have suitable on-site mitigation options. In the case of this project, the available on-site mitigation opportunity is less costly than other off-site mitigation.

Economic consequences arising from the use of this site as a barge moorage are not significantly different from the consequences expected from use of other sites requiring an exception.

3) Social Consequences. The social consequences of using the proposed site are difficult to identify. They are in many ways equivalent to the value of the social costs and benefits that might result from this site's use as a barge moorage. There do not appear to be any identifiable social benefits or costs associated with this site that could not also be found at

other sites in similar quantities. Some of these include aesthetic features associated with an undeveloped shoreline, noise associated with chip trucks, and recreational fishing opportunities. If the social consequences are equivalent to the loss or gain of any social benefits, and the avoidance or realization of any social costs, this site is similar to other sites with respect to social consequences.

4) Energy Consequences. The energy-related consequences of using this site are similar to those anticipated at other sites requiring an exception. The major energy expenses are associated with transportation. The fuel costs of barging chips from the site to upriver destinations, plus the fuel costs associated with trucking logs to Tansy Point for chipping, are not significantly higher for Tansy Point as opposed to other estuary moorage sites. Energy is consumed moving the log from the forest to upriver chip users. As long as the truck/barge transfer and the chipping operation occur at the same location, and as long as that location is generally between the forest and the chip user, fuel use associated with transportation is minimized.

The long term environmental, economic, social and energy consequences resulting from the project as proposed are not significantly more adverse at the proposed site than they would be at other possible project locations requiring an exception.

- D. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts" [OAR 660-04-020 (2d)]

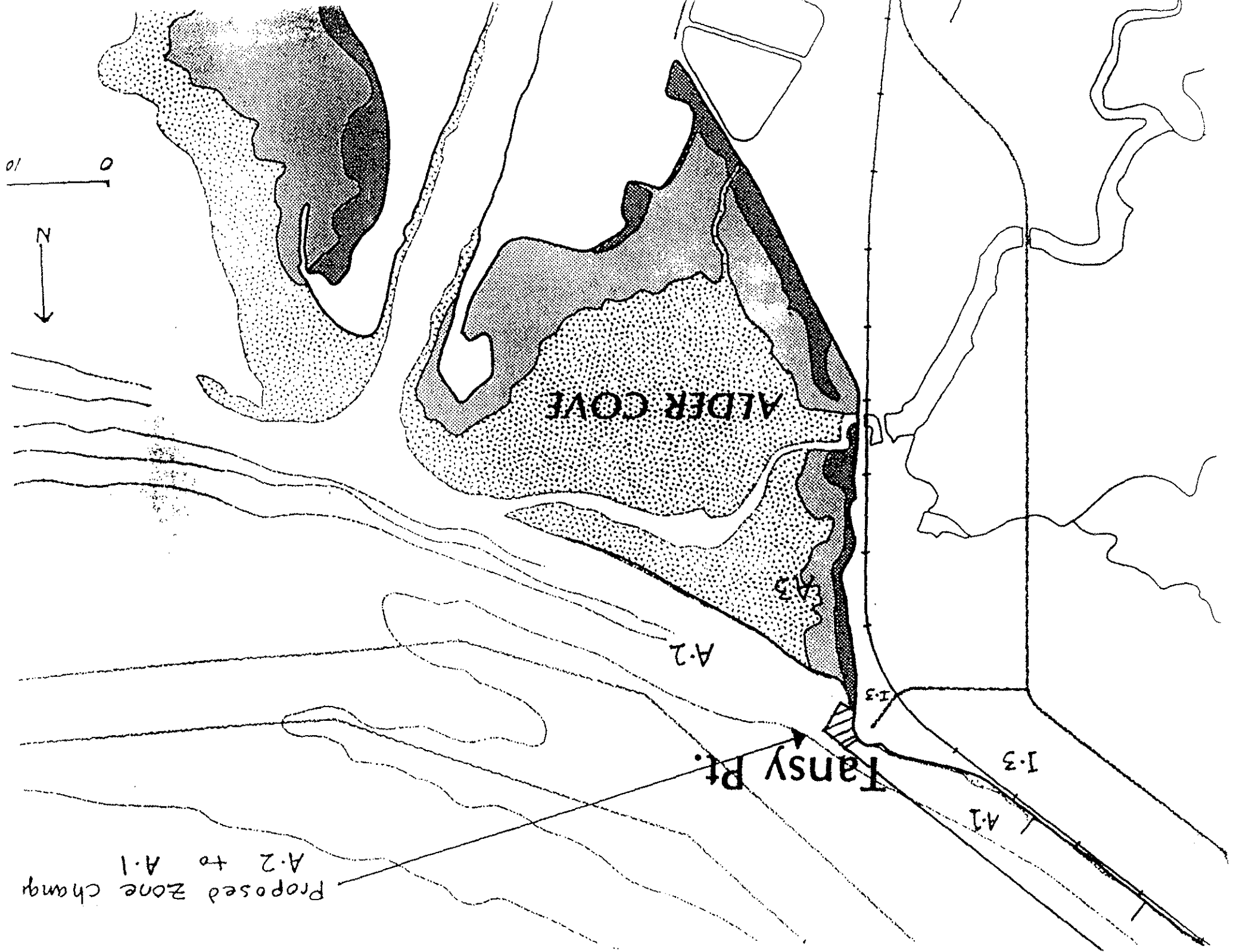
The proposed use of the exception area is for a barge moorage. Adjacent uses include a few residences and the Tansy Point Industrial Park on the shore, and the main navigation channel in the River.

There are no issues of compatibility between the moorage and the industrial park, as the moorage is planned as part of the industrial park. The nearby residences will be impacted by operations at the industrial park, such as noise and traffic. The proposed barge moorage may add slightly to these impacts: noise generated by tug boats will probably reach these residences. Tugboat traffic will replace some truck traffic in the Tansy

Point area. To the extent that increased tugboat movements in this area help reduce chip truck traffic around Tansy Point, there may be no net increase in noise associated with the moorage. Additionally, ordinance standards for conditional uses and for Industrial and Port facilities require that adverse impacts be minimized.

The Columbia River main navigation channel is near the exception area. River traffic in the Tansy Point area includes deep draft vessels, commercial and recreational fishing boats and tug/barge movement. The project site is not in the channel, and is far enough south of it to eliminate the possibility of interference with navigation. Channel markers at Tansy Point will not be blocked or shielded by the proposed moorage.

The proposed barge moorage is generally compatible with surrounding uses. Additional noise created by tug boats at the moorage will be offset by the reduction in truck traffic.



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ALDER COVE

A.2

Tansy Pt.

A.3

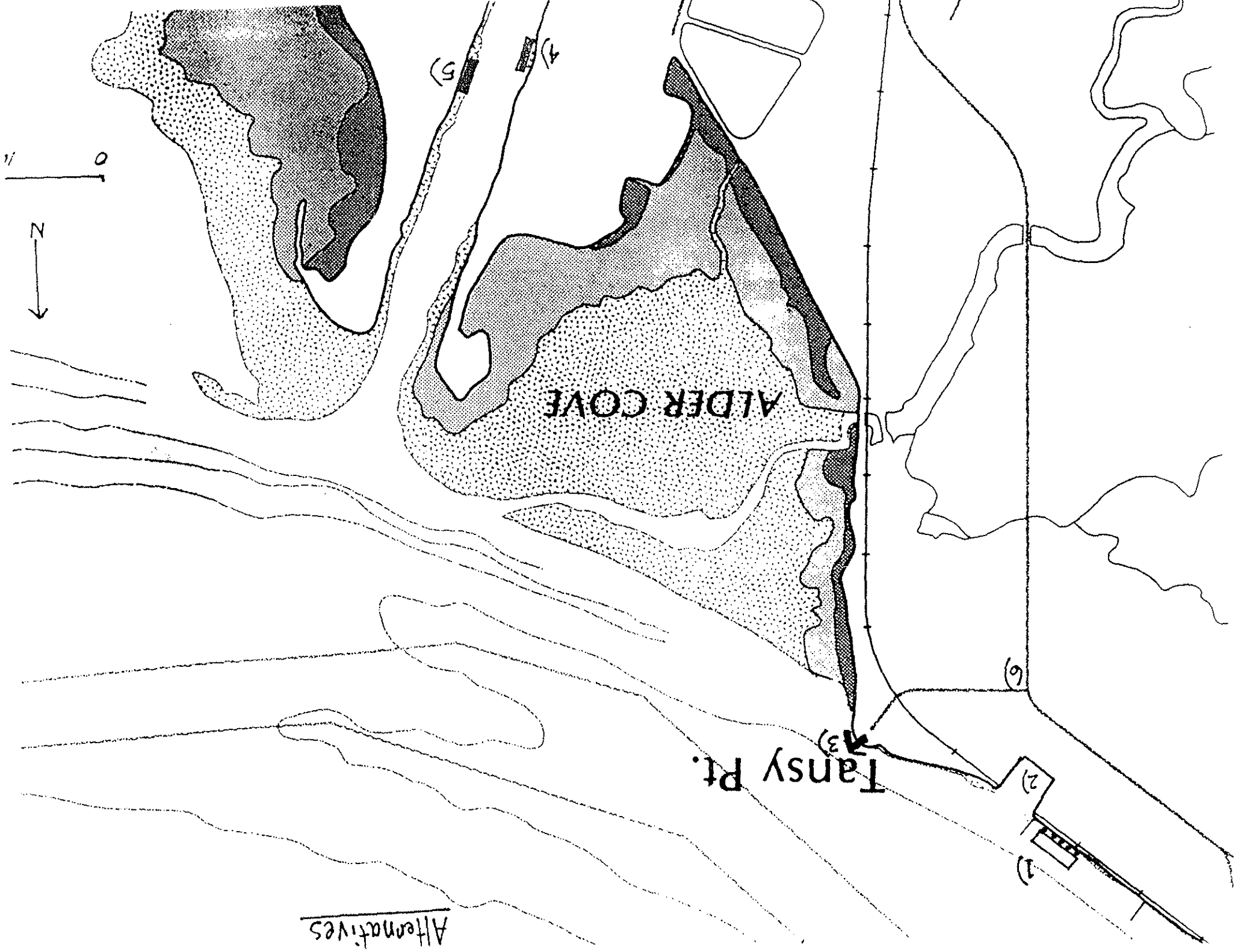
I.3

I.3

A.1

Proposed Zone change
A.2 to A.1

Alternatives



Tansy Pt.

ALDER COVE

0
1/2

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