ORDINANCE NO. 25-03

AN ORDINANCE AMENDING THE ASTORIA COMPREHENSIVE PLAN PERTAINING TO FLOWLANE DISPOSAL OF DREDGED MATERIAL

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

SECTION 1: AMENDMENT "CP.150 Permitted Uses In Columbia River Estuary Aquatic And Shoreland Designations" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

CP.150 Permitted Uses In Columbia River Estuary Aquatic And Shoreland Designations

C. Conservation Aquatic.

1. Navigation.
2. Undeveloped low-intensity, water-dependent recreation.
3. Research and educational observation.
4. Navigation aids.
5. Estuarine enhancement.
6. Projects for protection of habitat, nutrient, fish, wildlife and aesthetic resources, as designated in this plan.
7. Passive restoration measures.
8. Active restoration of fish habitat, wildlife habitat, or water quality.
9. Communication facilities, including necessary foundation or support structures.
10. Pipelines, cables and utility crossings.
11. Shoreline stabilization.
12. Bridge crossings.
13. Water-dependent part of an aquaculture facility which do not involve dredge or fill or other estuarine alternation other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
14. Boat ramps for public use where no fill or dredging is needed for navigational access.
15. Beach nourishment at sites designated in this plan.
16. Maintenance and repair of existing structures or facilities.
17. Bridge crossing support structures.
18. Storm water and waste water outfalls.
19. Tidegate installation and maintenance in functional dikes.
20. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources. *
21. The water-dependent parts of an aquaculture facility requiring dredge or fill or other alteration of the estuary. *
22. High-intensity water-dependent recreation, including boat ramps, marinas and individual docks, and new dredging for these uses. *
23. Minor navigational improvements. *
24. Mining and mineral extraction. *
25. Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill. *
26. Temporary alterations. *
27. Temporary dikes.
28. Temporary uses involving an existing structure or involving new facilities requiring minimal capital investment and no permanent structures. *
29. In pile supported buildings existing as of October 1, 2002, non-water dependent and non-water related uses.

(Section CP.150.B.29 added by Ordinance 02-15, 12-2-02)

30. Uses accessory to the above uses.

(Section CP.150.B.30 renumbered by Ordinance 02-15, 12-2-02)

31. Flowlane disposal of dredged material, only where an exception to the requirements of the Estuarine Resources Goal has been adopted as an amendment to the City's Comprehensive Plan.*

(CP.150 was amended by an approved exception to Goal 16 -Ordinance 25-02 on 01/21/2025)

* Resource Capability Determination and Impact Assessment required.
A use which requires dredging, fill, in-water structures, riprap, log storage, water intake, flow lane disposal of dredged material, or other activities which could affect the estuary's physical processes or biological resources must be subject to an Impact Assessment.
Placement of new piling in Conservation Aquatic areas may be permitted in conjunction with numbers 3, 4, 5, 6, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, and 29.
Dredging in Conservation Aquatic areas may be approved in conjunction with numbers 4, 5, 6, 8, 9, 10, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, and 29.
Fill in Conservation Aquatic area may be permitted in conjunction with numbers 5, 6, 9, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, and 29.

SECTION 2: <u>AMENDMENT</u> "CP.155 Youngs Bay Subarea Plan" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

<u>CP.155 Youngs Bay Subarea Plan</u>

E. Aquatic Designations. The authorized navigation channels are designated Development Aquatic. The mud flats, tidal flats, and fringing marshes are designated Natural Aquatic, except for areas adjacent to the old PP&L facility, the site of a former net storage building south of the new Youngs Bay Bridge, and the existing structure at the Columbia Boatworks, which are designated Conservation Aquatic. All other water areas are designated Conservation Aquatic. An exception to Goal 16 to allow in-water disposal of dredged material in the expanded flowlane/thalweg in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, was approved by Ordinance 25-02 on 01/21/2025.

F. Subarea Policies.
    1. Proposed developments shall be evaluated for their impact on existing aquaculture operations. Aquatic sites that are especially suitable for aquaculture development shall be reserved for that use whenever possible.
    2. Development of the aquatic area adjacent to the old Pacific Power and Light facility shall be evaluated for its impacts related to contaminated sediments buried onsite. Potential exposure of coal tar pollutants from disturbance of contaminated sediments shall be avoided.

(CP.155 Amended by Ordinance 90-33, dated 9-17-90)

SECTION 3: <u>AMENDMENT</u> "CP.165 Port of Astoria Subarea Plan" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

CP.165 Port Of Astoria Subarea Plan

A. General Description. This subarea includes shorelands and aquatic areas along the Astoria waterfront between the Astoria-Megler Bridge and the Youngs Bay Bridge causeway. The Port of Astoria piers, the Federally-authorized turning basin, the West End Mooring Basin, the Red Lion Inn complex and the Union Cannery are included.
B. Aquatic Features.
The aquatic portions of this subarea include shallow flats west of Pier 3, deep water off the Port piers, and waters between the piers and east of Pier 1. Aquatic features on the shallow flats west of Pier 3 are similar to those in Youngs Bay (see Youngs Bay Subarea Plan). Benthic infauna densities are very high on these flats. The aquatic characteristics of the waters off of the Port piers are similar to those in the adjacent channel (see Estuary Channels Subarea Plan).
Much of the aquatic habitat between the finger piers, within the mooring basin, and east of the basin, is somewhat degraded because of Port and mooring basin use and past cannery use. Sediments in these areas consist primarily of very fine sand, silt, and clay. Benthic infauna have been sampled on the tidal flat east of the mooring basin. Infauna densities in that area are moderate.
C. Shoreland Features.
The shorelands of the subarea are flat and consist largely of fill material obtained from the Columbia River. The subarea is almost entirely developed for port facilities. The only shoreland vegetation consists of upland grasses, scotch broom, and other shrubs located on and adjacent to Pier 3. The subarea has little wildlife value.
D. Human Use.
The Port of Astoria, the West End Mooring Basin, and the Red Lion Inn are the major facilities in this subarea. The Port of Astoria facilities contain 3 piers, a port office building, warehouses, open dock and storage areas, a barge slip, and a marina for small commercial and recreational vessels. There are also several warehouses and a tank farm located on Port-owned property. The railroad and Highway 101 are adjacent to this subarea.
Pier 3 was used for assembly of oil well modules for use in outer-continental shelf and nearshore waters in Alaska. The project demonstrated the feasibility of assembling these modules in the estuary. Declining petroleum prices resulted in the closure of the Pier 3 facility in 1986.
E. Issues.
Additional Port lands might be obtained by filling one or both of the pier slips or by filling west of Pier 3 or east of Pier 1. Extensive filling has been strongly opposed by resource agencies. A permit for an 80-acre fill west of Pier 3 was denied in 1976. Future Port of Astoria development plans involve extending the face of Pier 1 to the east to accommodate larger cargo vessels. Additional plans include building bulkheads around the piers, other structural repairs to the piers, and construction of new warehouse, office, and restaurant buildings (Port of Astoria Marine Terminals Development Plan, 1985).
Cargoes at the Port of Astoria have consisted almost entirely of logs in recent years. The Port has carried out a major rehabilitation of Pier 1 with the establishment of a new berth presently used principally for log exports.
A Mediation Panel Agreement between State and local governments and resource agencies on potential development of several sites along the Lower Columbia River in Oregon was reached in 1981. This agreement designated aquatic and shoreland areas for development as well as resource protection. The agreement's policies and designations for the Port of Astoria are included in the applicable sections of this subarea plan.
It is important to note that the 1985 Port of Astoria development plan does not include future filling between the finger piers, although the Mediation Panel Agreement did address it.

Instead, port plans now call for expansion of the dock face at Pier 1 to the east. This would involve fill of approximately 4 acres to the west of the existing mooring basin in the first stage, fill of approximately 10 acres east of the mooring basin in the second stage, and fill of the area in between now occupied by the West End Mooring Basin in the final stage. This potential fill area was not included in the Mediation Panel Agreement.

The tidal flats west of Pier 3 are a valuable natural resource. Benthic animals are abundant and the area used by salmon migrating downstream and by other fishes. This is discussed in the Youngs Bay Subarea Plan. These tidal flats are also an attractive development site, being adjacent to both the main ship channel and existing Port facilities.

F. Aquatic and Shoreland Designations.
    1. The following aquatic areas are designated Development:
        a. The aquatic area between the eastern tip of the port piers and a point 220 feet west of the end of Pier 3 and lying South of the pierhead line. This area includes 19.4 acres within the finger piers and 2.1 acres of aquatic area lying 220 feet West of the East tip of Pier 3 and South of the pierhead line (Mediation Panel Agreement).
        b. A 10-acre subtidal area West of the 2.1-acre area described above (Mediation Panel Agreement), to be developed using piling to the maximum extent feasible.
        c. The aquatic area between the east side of Pier 1 and the Columbia River bridge, south of the pierhead line, including the mooring basin and the Union Cannery.
        d. The turning basin, and the area between the piers and the turning basin.
    2. The following aquatic areas are designated Conservation:
        a. The aquatic area between 3 feet below MLLW and the Navigation channel, excluding the aquatic area designated Development by the Mediation Panel Agreement, and excluding the designated turning basin.

           An exception to Goal 16 to allow in-water disposal of dredged material in the expanded flowlane/thalweg in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, was approved by Ordinance 25-02 on 01/21/2025.
    3. The following aquatic areas are designated Natural:
        a. The remainder of the aquatic area west of Pier 3.
    4. All shorelands are designated Water-Dependent Development, except those south of the railroad right-of-way in a Development designation, and those north of the railroad right-of-way lying east of the mooring basin and west of the Astoria-Megler Bridge, also in a Development designation. (Section CP.165.F.4 amended by Ordinance 96-13, dated 12-2-96)
    5. The regulatory shoreland boundary in this subarea includes areas designated Water-Dependent Development shorelands and areas designation Development shorelands.

G. Subarea Policies.
    1. Filling of slips 1 and 2 and the 2.1-acre site north of Pier 3 may occur as required to meet specific development proposals.
    2. The 10-acre aquatic development parcel west of Pier 3 may be developed as part of a specific proposal to fully utilize the filled area inclusive of slip 2, the 2.1-acre fill, Pier 3, and the existing filled area adjacent to Pier 3.
    3. The 10-acre aquatic development area shall be developed using piling to the maximum extent feasible.
    4. Filling shall only be allowed for water-dependent uses. Specific proposals for the extent of fill or pile in the area west of Pier 3 must be justified at the time of permit application, specifically addressing physical and biological effects on the area west of Pier 3.

(CP.165 Amended by Ordinance 90-33, dated 9-17-90)

SECTION 4: AMENDMENT "CP.170 Downtown Astoria Subarea Plan" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

CP.170 Downtown Astoria Subarea Plan

A. General Description. This subarea includes shorelands and aquatic areas within the City of Astoria between the Astoria-Megler Bridge and 29th Street. The waterward boundary is the 20-foot bathymetric contour, or the pierhead line, whichever is farther waterward. The upland boundary is Marine Drive.
B. Aquatic Features. With the exception of nearshore areas, the aquatic physical and biological characteristics in this subarea are similar to those in the adjacent channel (see Estuary Channels Subarea Plan). Near the shoreline sediments become finer and benthic infauna densities higher than in the adjacent channel. Subyearling fall Chinook salmon migrate along the shallow nearshore areas.
C. Shoreland Features. Virtually all of the shorelands in this subarea are former aquatic areas filled with sandy dredged material. There is little vegetation and no wildlife habitat. The shorelands are not in the floodplain.
D. Human Use. This is an industrial and commercial area with few residences. Many uses are water-dependent or water-related, including fish unloading and processing, boat and tug moorage, bar and river pilot offices, the Astoria Plywood Mill, petroleum off-loading, marine equipment suppliers, and the Columbia River Maritime Museum. The Pier 11 complex of shops and a restaurant is focused on the water. The Elmore Cannery, the Bonded Warehouse and the Kinney Cannery (#1 Sixth Street) are listed on the National Register of Historic Places. These sites are protected through provisions of the City of Astoria's Zoning Ordinance. Rail, road and water access are available. All utilities are avoided by the City of Astoria. Several street ends are popular public water access points. The view of the Columbia River and the waterfront from the higher areas of Astoria is scenic.
E. Issues. The development potential of this area for maritime commerce is limited, despite the adjacent shipping channel and deep water, because there is little undeveloped backup land. An increasing number of stores, offices and light industrial concerns that are not water-oriented have located in this subarea in recent years. Although there are some waterfront areas which presently contain strictly water-dependent uses, there is a general desire by the City to permit a mixture of uses. Tourist facilities, redevelopment of old canneries and fish processing facilities are the most likely new water-oriented uses. Other large-scale water-dependent and industrial uses may conflict with tourist-oriented businesses because of public safety, security, road and rail traffic, and aesthetic concerns. Public access to the waterfront is presently available via numerous publicly-owned street ends and some vacant waterfront lands. Development of publicly-owned sites to provide good public access to the waterfront is a high priority and will require a considerable investment. The Astoria Waterfront Revitalization Plan calls for mixed-use tourist-oriented development and increased public access. A public pier has been developed at the foot of Sixth Street, and additional public pier is planned for the foot of 14th Street.
F. Aquatic and Shoreland Designations. The aquatic area is designated Development out to the pierhead line. The main navigation channel and a flow lane disposal strip on each side (either 600 feet wide or extending up to the 20-foot bathymetric contour, whichever is narrowest) is designated Development. The area between the pierhead line and the flow lane is in a Conservation designation. The shoreland area from the Astoria-Megler Bridge to the eastern boundary of the former Astoria Plywood Mill Site (29th Street) is designated Development. The regulatory shoreland boundary in this subarea is 50 feet from the Columbia River shoreline.

An exception to Goal 16 to allow in-water disposal of dredged material in the expanded flowlane/thalweg in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, was approved by Ordinance 25-02 on 01/21/2025.
(CP.170.F Amended by Ordinance 98-04, dated 5-4-98)

G. Subarea Policies.
    1. Public access to this area of the Astoria waterfront is strongly encouraged at street ends, at areas designated in the Astoria Waterfront Revitalization Plan.
    2. The historic character of the Elmore Cannery, the Kinney Warehouse and the Bonded Warehouse will be protected through application of the Historic District element of the City of Astoria's Zoning Ordinance.
    3. A walking/jogging path along the waterfront is needed. Use of the Burlington Northern railroad right-of-way should be explored.

(CP.170 Amended by Ordinance 90-33, dated 9-17-90)

SECTION 5: **<u>AMENDMENT</u>** "CP.180 Tongue Point Subarea Plan" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

<u>CP.180 Tongue Point Subarea Plan</u>

F. Aquatic and Shoreland Designations.
    1. The following aquatic areas are designated Development (A-1):
        a. The aquatic area between the shoreline of the old naval station and the waterward end of the finger piers.
        b. A channel 500 feet in width from the main navigation channel to the finger piers and out 700 feet from the end of the finger piers.
        c. A turning basin 1,000 feet in radius lying immediately waterward of the end of the southerly four finger piers.
        d. The aquatic area within the Coast Guard base.
        e. Tidal flats, marshes, and wetlands on the east side of South Tongue Point lying between a line approximately 700 feet north of the Corps of Engineers dock and a line 100 feet south of the southerly line of T8N, R9W, Section 12, and extending eastward to the subtidal conservation Aquatic Area. (Section CP.180.F.1.e Amended by Ordinance 91-22 , dated 9-3-91)
    2. The following aquatic areas are designated Natural (A-4):
        a. The subtidal and intertidal areas between the southern most finger pier and the South Tongue Point Peninsula.
        b. Intertidal areas at the north end and south end of the South Tongue Point peninsula, with the exception of the intertidal area on the east side designated Development Aquatic. (Section CP.180.F.2.b Added by Ordinance 91-22 , dated 9-3-91)
    3. The following aquatic areas are designated Conservation (A-3):
        a. The aquatic area between the shoreline of the North Tongue Point peninsula, the navigation channel to the north, and the access channel to the east. An exception to Goal 16 to allow in-water disposal of dredged material in the expanded flowlane/thalweg in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, was approved by Ordinance 25-02 on 01/21/2025
        b. Subtidal areas to the east of South Tongue Point. (Section CP.180.F.3.b Added

by Ordinance 91-22, dated 9-3-91)

4. The following shoreland areas are designated Water-Dependent Development (S-1):
    a. The US Coast Guard base.
    b. The shorelands between Mill Creek and the Job Corps Center.
    c. The South Tongue Point peninsula shorelands, except for those portions designated General Development (Section CP.180.F.4.c Amended by Ordinance 91-22, dated 9-3-91)
5. The following shoreland area is designated Development (S-2):
    a. The Federal Job Corps Center.
    b. Portions of South Tongue Point. (Section CP.180.F.5.b Added by Ordinance 91-22, dated 9-3-91)
6. The following shoreland area is designated Rural:
    a. The potentially unstable slope area waterward of Oregon Highway 30 between Mill Creek and the entrance to South Tongue Point, outside of the Astoria City limits.
7. The following shorelands are designated Natural (S-5):
    a. The Tongue Point peninsula north of the Job Corps Center, with the exception of the Coast Guard Base.
8. The regulatory shoreland boundary is 50 feet from the Columbia River Estuary shoreland except where it extends farther inland to include the following features:
    a. The Tongue Point peninsula, because of its significant shoreland habitat.
    b. Balk eagle roosting trees in the Mill Creek area and south of Mill Creek to the South Tongue Point peninsula (waterward of Highway 30)
    c. The steeply sloping potentially unstable area waterward of Oregon Highway 30 between Mill Creek and the entrance to the South Tongue Point peninsula.
    d. Water-Dependent Development sites at the South Tongue Point peninsula; a designated dredged material disposal site (AsS-18.7); the upland area between the railroad right-of-way and the finger piers north of Mill Creek.

G. Exceptions. Six Goal 16 exceptions were taken by the City for the South Tongue Point Subarea. The exceptions are for:
    1. A pile-supported access structure in the Natural Aquatic area between North and South Tongue Point.
    2. A shoreline (fill) access structure between North and South Tongue Point.
    3. Spur railroad trestle access to South Tongue Point across a Natural Aquatic area.
    4. Development Aquatic designation of about six (6) acres of emergent marsh at South Tongue Point.
    5. Development Aquatic designation of about four (4) acres of scrub/shrub wetland at South Tongue Point.
    6. Construction of T-docks across Natural Aquatic areas at South Tongue Point. The text of those exceptions is in the background document “Astoria Comprehensive Plan: Exceptions to Statewide Planning Goals”, and incorporated here by reference. (Section CP.180.G added by Ordinance 91-18 dated 7-1-91)

H. Subarea Policies - General.
    1. Development proposals for the area between the railroad right-of-way and Oregon Highway 30 south of Mill Creek shall demonstrate through such measures as a soils engineering analysis that surface alteration will not result in slope failure.
    2. The USFWS and the ODFW shall be contacted prior to any development to assess the potential for impacts on bald eagle habitat.
    3. The design and construction of new access roads to the finger pier area shall take into account potential impacts on residences and slope stability.
    4. These Comprehensive Plan Sub-Area Policies implement and amend the 1981 Mediation Panel Agreement as it relates to South Tongue Point. Compliance with the specific policies of the Mediation Panel Agreement as they relate to South Tongue

Point are no longer required. (Section CP.180.H.1 to 4 Amended by Ordinance 91-22 dated 9-3-91) (Section CP.180.H.5 to 17 Renumbered by Ordinance 10-07, dated 7-19-10)

SECTION 6: **AMENDMENT** "CP.185 Regional Estuary And Shoreland Policies" of the Astoria Comprehensive Plan is hereby *amended* as follows:

AMENDMENT

CP.185 Regional Estuary And Shoreland Policies

For the purpose of this Subsection the following definitions shall apply: Deep Water: Water deeper than -22 feet MLLW. (Section CP.185 definition added by Ordinance 91-22 dated 9-3-91)

A. Deep Water Navigation, Port and Industrial Development. Policies in this subsection apply to port and industrial development occurring in and over Columbia River Estuary waters, and on adjacent shorelands. This section also applies to navigation projects related to deep draft maritime activities, such as channel, anchorage and turning basin development or expansion.
    1. Shorelands with adjacent deepwater access, adequate rail or road access, and sufficient backup land shall be reserved for water-dependent recreational, commercial, industrial, or port development.
    2. Federally designated channels, anchorages and turning basins, including necessary side slopes, shall be in Development Aquatic designations.
    3. Development, improvement and expansion of existing port sites is preferred prior to designation of new port sites.
    4. Aides to navigation, including range markers, buoys, channel markers and beacons, shall be protected from development impacts that would render them ineffective. This policy does not preclude development subject to U.S. Coast Guard approved reorientation or relocation of navigation aides.
    5. Evaluation of proposals involving treated or untreated wastewater discharge into the estuary will rely on the point source water pollution control programs administered by the Oregon Department of Environmental Quality and the Washington Department of Ecology.
    6. A few sites in Astoria and throughout the Columbia River Estuary are suitable for development and expansion of marine terminal facilities. The City will periodically consider amending its Comprehensive Plan as needed to provide sufficient sites for needed port development. The City will rely on information in periodic updates of the Columbia River Estuary Regional Management Plan pertaining to port development in the estuary.
B. Diking. Policies in this subsection apply to the construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas. These policies do not apply to dredged material containment dikes.
    1. Dike breaching or removal may be permitted as part of a restoration or mitigation project subject to the applicable Mitigation and Restoration Policies.
    2. New dike alignment or configuration shall not cause an increase in erosion or shoaling in adjacent areas, or an appreciable increase in seasonal water levels behind dikes. Waterway channelization shall be avoided.
    3. New dikes shall be placed on shorelands rather than in aquatic areas unless part of an approved fill project, as a temporary flood protection measure, or subject to an exception to the Statewide Planning Goal 16.
    4. The effects of limited intertidal dredging along fringing marshes for the purposes of dike maintenance are not fully understood. A small pilot project to determine these impacts should be undertaken.

C. Dredging and Dredged Material Disposal. Policies in this subsection are applicable to all estuarine dredging operations and to both estuarine shoreland and aquatic dredged material disposal in the Columbia River Estuary.
    1. New and maintenance dredging shall be allowed only:
        a. If required for navigation or other water-dependent uses that require an estuarine location or if specifically allowed by the applicable designation unit requirements; and
        b. If a need (i.e., a substantial public benefit) is demonstrated; and
        c. If the use or alteration does not unreasonably interfere with public trust rights; and
        d. If no feasible alternative upland locations exist; and
        e. If adverse impacts are minimized.
    2. Dredging and dredged material disposal shall not disturb more than the minimum area necessary for the project and shall be conducted and timed so as to minimize impacts on wetlands and other estuarine resources. Loss or disruption of fish and wildlife habitat and damage to essential properties of the estuarine resource shall be minimized by careful location, design, and construction of:
        a. Facilities requiring dredging; and
        b. Sites designated to receive dredged material; and
        c. Dredging operation staging areas and equipment marshalling yards. Dredged materials shall not be placed in intertidal or tidal marsh habitats or in other areas that local, State, or Federal regulatory agencies determine to be unsuitable for dredged material disposal. Exceptions to the requirement concerning disposal in an intertidal or tidal marsh area include use of dredged material as a fill associated with an approved fill project or placement of dredged materials in the sandy intertidal area of a designated beach nourishment site. Land disposal shall enhance or be compatible with the final use of the site area.
    3. The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshalling and staging, shall be considered prior to approval of new projects or expansion of existing projects. Projects shall not be approved unless disposal sites with adequate capacity to meet initial excavation dredging and at least five (5) years of expected maintenance dredging requirements are available.
    4. Dredging subtidal areas to obtain fill material for dike maintenance may be allowed subject to applicable standards. Some dikes in the estuary are not accessible by barge-mounted dredges or land-based equipment. Dredging intertidal areas to obtain fill material may be the only option for maintaining these dikes. Approval of intertidal dredging will require an exception to Statewide Planning Goal 16.
    5. Where a dredged material disposal site is vegetated, disposal should occur on the smallest land area consistent with sound disposal methods (e.g., providing for adequate dewatering of dredged sediments, and avoiding degradation of receiving waters). Clearing of land should occur in stages and only as needed. It may, however, be desirable to clear and fill an entire site at one time, if the site will be used for development immediately after dredged material disposal. Reuse of existing disposal sites is preferred to the creation of new sites provided that the dikes surrounding the site are adequate or can be made adequate to contain the dredged materials. (CP.185.C.6 to 11 Renumbered by Ordinance10-07, dated 7-19-10)

D. Dredged Material Disposal Site Selection and Site Reservation Policies.
    1. When identifying land dredged material disposal sites, emphasis shall be placed on sites where (not in priority order):
        a. The local designation is Development provided that the disposal does not preclude future development at the site;
        b. The potential for the site's final use will benefit from deposition of dredged

materials;
   c. Material may be stockpiled for future use;
   d. Dredged spoils containing organic, chemical, and/or other potentially toxic or polluted materials will be properly contained, presenting minimal health and environmental hazards due to leaching or other redistribution of contaminated materials;
   e. Placement of dredged material will help restore degraded habitat; or where
   f. Wetlands would not be impacted.
   Important fish and wildlife habitat, or areas with scenic, recreational, archaeological, or historical values that would not benefit from dredged material disposal and sites where the present intensity or type of use is inconsistent with dredged material disposal shall be avoided. The use of agricultural or forest lands for dredged material disposal shall occur only when the project sponsor can demonstrate that the soils can be restored to agricultural or forest productivity after disposal use is completed. In cases where this demonstration cannot be made, an exception to the Oregon Statewide Planning Goal 3 or 4 must be approved prior to the use of the site for dredged material disposal. The use of shoreland water-dependent development sites for dredged material disposal shall occur only when the project sponsor can demonstrate that the dredged material placed on the site will be compatible with current and future water-dependent development. Dredged material disposal shall not occur in major marshes, significant wildlife habitat and exceptional aesthetic resources designated under Oregon Statewide Planning Goal 17. Engineering factors to be considered in site selection shall include: size and capacity of the site; dredging method; composition of the dredged materials; distance from dredging operation; control of drainage from the site; elevation; and the costs of site acquisition, preparation and revegetation.

2. Estuarine in-water disposal sites shall be in Development Aquatic designated areas identified as low in benthic productivity, unless the disposal is to provide fill material for an approved fill project, and where disposal at the site will not have significant adverse hydraulic effects. Estuarine in-water disposal sites shall only be designated and used when it is demonstrated that no feasible land or ocean disposal sites with less damaging environmental impacts can be identified and biological and physical impacts are minimal. An in-water disposal site shall not be used if sufficient sediment type and benthic data are not available to characterize the site.
   a. <u>In-water disposal of dredged material in the expanded flowlane in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, is allowed where an exception to Goal 16 has been approved in the Astoria Comprehensive Plan.</u>
3. Flow lane disposal sites shall only be allowed in Development designated areas within or adjacent to a channel. The Development designated area adjacent to the channel shall be defined by a line 600 feet from either side of the channel or the 20-foot bathymetric contour, whichever is closer to the channel. Flow lane disposal shall only be allowed where:
   a. Sediments can reasonably be expected to be transported downstream without excessive shoaling,
   b. Interference with recreational and commercial fishing operations, including snag removal from gillnet drifts, will be minimal or can be minimized by applying specific restrictions on timing or disposal techniques,
   c. Adverse hydraulic effects will be minimal,
   d. Adverse effects on estuarine resources will be minimal, and
   e. The disposal site depth is 20 feet below MLLW <u>or deeper</u>.
   f. An exception to Goal 16 to allow in-water disposal of dredged material in the

expanded flowlane in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, has been approved in the Astoria Comprehensive Plan.

4. Beach nourishment sites shall only be designated on sandy beaches currently experiencing active erosion. Dredged material disposal at beach nourishment sites shall only be used to offset the erosion and not to create new beach or land areas. Beach nourishment sites shall not be designated in areas where placement or subsequent erosion of the dredged materials would adversely impact tidal marshes or productive intertidal or shallow subtidal areas. Designation of new beach nourishment sites shall require an exception to Statewide Planning Goal 16.
5. Dredged material disposal sites with adequate capacity to accommodate anticipated dredging needs for at least a five-year period shall be identified and designated.
    a. An exception to Goal 16 to allow in-water disposal of dredged material in the expanded flowlane in depths greater than 20 feet and contiguous to the Federal Navigation Channel, which encroach into designated aquatic Conservation areas, is allowed where an exception to Goal 16 has been approved in the Astoria Comprehensive Plan.

SECTION 3: 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 21 DAY OF January, 2025.

APPROVED BY THE MAYOR THIS 21 DAY OF January, 2025.

Sean Fitzpatrick, Mayor

ATTEST:

Scott Spence, City Manager

ROLL CALL ON ADOPTION:	YEA	NAY	ABSENT
City Councilor			
Adams	X		
Mazzarella	X		
Lump	X		
Davis	X		
Mayor Fitzpatrick	X		