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ORDINANCE NO. 1283  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING THE CITY OF WARRENTON COMPREHENSIVE  
PLAN AND WARRENTON MUNICIPAL CODE TO ADOPT AN EXCEPTION TO  
STATEWIDE PLANNING GOAL 16 AND MODIFY STANDARDS REGARDING  
FLOWLANE DISPOSAL IN THE COLUMBIA RIVER**

**WHEREAS**, the United States Army Corps of Engineers (USACE) is federally mandated to maintain the Federal Navigation Channel of the Columbia River, which includes dredging and disposal of dredged material to maintain the deep draft channel; and

**WHEREAS**, in 2002, the Columbia River Estuary Study Taskforce (CREST) completed the *Columbia River Estuary Dredged Material Management Plan*, which refined the dredging and disposal policies in the City of Warrenton's Comprehensive Plan and inventoried an adequate number of disposal sites with sufficient capacity to accommodate projected disposal needs for at least a five-year period; and

**WHEREAS**, the City of Warrenton adopted the necessary provisions from the *Columbia River Estuary Dredged Material Management Plan* in Article 5 of the City of Warrenton Comprehensive Plan and Section 16.160 of the Warrenton Municipal Code; and

**WHEREAS**, Section 16.160 of the Warrenton Municipal Code currently allows flow lane disposal in areas designated aquatic development; and

**WHEREAS**, in approximately 2010, the United States Army Corps of Engineers (USACE) altered its dredge material disposal practices to include the river thalweg within contour depths of 20 feet or greater as part of its flowlane disposal area; and

**WHEREAS**, the expanded flowlane/thalweg area encompasses in-water areas that are designated Conservation Aquatic, which does not allow flowlane disposal; and

**WHEREAS**, this discrepancy between USACE practices and City of Warrenton policies was identified in 2023; and

**WHEREAS**, it has been demonstrated that the use of the expanded flowlane/thalweg is required to maintain the river's sediment budget and to reduce shoaling and that no other alternatives are available that would meet these requirements; and

WHEREAS, in September 2024, the Oregon Department of State Lands (DSL) submitted an application for an exception to Goal 16: Estuarine Resources, to allow the disposal of dredged materials in water areas designated Conservation Aquatic; and

**WHEREAS**, the application meets the criteria outlined in the City of Warrenton Comprehensive Plan and Warrenton Municipal Code and it is in the public's best interest to adopt this exception to Goal 16: Estuarine Resources; and

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** Section 5.110 of the City of Warrenton Comprehensive Plan is amended to read as follows:

#### **Section 5.110 Estuary Channels Subarea Findings**

(1) General Description - This subarea includes the deep water portions of the estuary from Jetty A (RM 3) to the upper end of Rice Island (RM 22.5). The subarea contains the authorized navigation channel. The subarea boundary generally follows the 20-foot bathymetric contour; however, it varies from this contour in the vicinity of cities and other subareas containing deep channels. There are no intertidal wetland or shoreland areas. Portions of Clatsop, Pacific and Wahkiakum Counties, and Astoria and Warrenton are within this subarea. The Warrenton portion comprises only a small portion of this 16,500 acre subarea.

(2) Aquatic Designations - All aquatic areas in the Estuary Channels Subarea in Warrenton are designated Conservation except:

(a) The main navigational channel and a flowlane disposal area on each side of the channel (either 600 feet wide or extending to the 20 foot bathymetric contour, whichever is narrower) is designated Aquatic Development.

(b) Dredged material disposal sites CC-E-8.5 and CC-E-2LO, listed in the *Columbia River Estuary Dredged Material Management Plan*, are designated Aquatic Development.

(3) Goal Exception - 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 Conservation Aquatic areas, was approved by Ordinance 1283 on January 28, 2024.

**Section 2.** Section 5.120 of the City of Warrenton Comprehensive Plan is amended to read as follows:

**Section 5.120 Tansy Point/Alder Cove Subarea Findings**

(1) General Description - This subarea includes aquatic areas in Alder Cove and the Columbia River out to the pierhead line, and shorelands between the waterward extension of Railroad Drive (the old Warrenton/Hammond boundary) and the mouth of Alder Creek. This subarea contains about 600 acres of both shorelands and aquatic areas within the City of Warrenton.

(2) Aquatic and Shoreland Designations

(a) Development Aquatic:

- The aquatic area bounded by the shoreline on the South, the pierhead line to the North, the waterward extension of Railroad Drive on the West and Tansy Point on the East.
- The barge moorage area on the East side of Tansy Point.
- The flowlane disposal area south of the main channel (600 feet wide or to the 20-foot bathymetric contour, whichever is narrower).

(b) Conservation Aquatic:

- The area at the southern end of Alder Cove where effluent from the Warrenton sewage ponds is discharged.
- The mouth of Alder Cove from the 3-foot bathymetric contour north to the flowlane disposal area.

(c) Natural Aquatic:

- Remaining aquatic area within Alder Cove.

(d) Water-Dependent Development Shorelands:

- All shoreland areas are designated Water-Dependent Development Shorelands, except for a portion of dredged material disposal site Wa-S-9.4, which is designated Development Shorelands.

(e) The regulatory shoreland boundary is 50 feet from the Columbia River Estuary shoreline, or from the landward toe of dikes and associated toe drains, whichever is greatest, except where it extends further inland to include the following features:

- Shoreland areas designated Water-Dependent Development Shorelands.
- Mitigation site M3 from the *Mitigation and Restoration Plan for the Columbia River Estuary*.
- Dredged material disposal site Wa-S-9.4 from the *Columbia River Estuary Dredged Material Management Plan*.
- A wetland at Tansy Creek identified as significant under Oregon Statewide Planning Goal 17.

(3) Goal Exception - 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 Conservation Aquatic areas, was approved by Ordinance 1283 on January 28, 2024.

**Section 3.** Section 5.150 of the City of Warrenton Comprehensive Plan is amended to read as follows:

### **Section 5.150 Mouth of the Skipanon River Subarea Findings**

(1) General Description - This subarea contains filled and diked shorelands north of Harbor Drive and east of Skipanon Drive; the Skipanon River from the Harbor Drive Bridge to its mouth; the East and West Skipanon Peninsulas; and adjacent Columbia River waters out to the navigation channel. Parts of downtown Warrenton are also included.

(2) Aquatic and Shoreland Designations

(a) Development Aquatic:

- The Skipanon waterway between the Harbor Drive Bridge and the main navigation channel.
  - Approximately 7.8 acres of tidal marsh and flats on the west side of the West Peninsula.
  - The flowlane disposal area south of the main channel (600 feet wide or to the 20-foot bathymetric contour, whichever is narrower).
  - The area from the Skipanon Channel to the eastern boundary of the Subarea and from the line of aquatic vegetation on the East Peninsula north to the Columbia River navigation channel.
- (b) Conservation Aquatic:
- The aquatic area between the shoreline and the flowlane disposal area west of the Skipanon Channel.
- (c) Development Shoreland:
- The area adjacent to the mooring basin east to N.E. Iredale Avenue.
  - The area north of Harbor Drive on the east side of the Skipanon waterway.
  - An area on the south side of the West Peninsula.
  - The area east of Holbrook Slough.
- (d) Water-Dependent Development Shorelands:
- All other shorelands are designated Water-Dependent Development.
- (e) The regulatory shoreland boundary is 50 feet from the Columbia River Estuary shoreline, or from the landward toe of dikes and associated toe drains, whichever is greatest, except where it extends further inland to include the following features:
- The East Skipanon Peninsula including all shoreland areas on the northern 96 acres of the East Skipanon Peninsula.

- The West Skipanon Peninsula including all upland adjacent to Alder Cove and east of N. E. Skipanon Drive, with the exception of the area designated commercial by the City of Warrenton Zoning Ordinance; dredged material disposal site Wa-S-10.7 from the Columbia River Estuary Dredged Material Management Plan; and The Holbrook Slough wetland, classified as significant under Oregon Statewide Planning Goal 17.

(3) Goal Exception - 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 Conservation Aquatic areas, was approved by Ordinance 1283 on January 28, 2024.

**Section 4.** Section 5.305(10) of the City of Warrenton Comprehensive Plan is amended to read as follows:

**Section 5.305 Dredging and Dredged Material Disposal**

(10) Flowlane disposal sites shall only be allowed in Development Aquatic areas within or adjacent to a channel or where an exception to Goal 16 has been approved. The Development Aquatic 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. Flowlane disposal within this area 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 or deeper.
- (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 Conservation Aquatic or Natural Aquatic areas, has been approved.

**Section 5.** Section 16.76.030 of the Warrenton Municipal Code is amended to read as follows:

- A. High-intensity water-dependent recreation including boat ramps, marinas, and individual docks.
- B. Aquaculture and water-dependent portions of aquaculture facilities.
- C. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- D. Temporary alterations.
- E. Filling in conjunction with listed conditional uses, pursuant to the applicable standards in Section 16.160.060.
- F. Minor navigational improvement.
- G. Mining and mineral extraction.
- H. Dredging in conjunction with any of the listed conditional uses pursuant to the applicable standards in Section 16.160.040.
- I. Low-intensity water-dependent commercial or industrial uses requiring occupation of water-surface area by means other than fill.
- J. In-water log storage.
- K. Communication facilities subject to the standards of Chapter 16.148.
- L. Piling in conjunction with any of the listed conditional uses.
- M. Flow lane disposal of dredged material where an exception to Statewide Goal 16 has been approved.
- N. Similar uses to those listed in this section.

**Section 6.** Section 16.160.050(E) of the Warrenton Municipal Code is amended to read as follows:

- E. Flow lane disposal shall be in aquatic development areas, or areas where an exception to Goal 16 has allowed in-water disposal of dredged material in depths greater than 20 feet and contiguous to the Federal Navigation Channel which encroach into designated Conservation Aquatic areas, that have been identified as low in benthic productivity and use of these areas shall not have adverse hydraulic effects. Use of flow lane disposal areas in the estuary shall be allowed only when no feasible alternative land or ocean disposal sites with less damaging environmental impacts can be identified and the biological and physical impacts of flow lane disposal are demonstrated to be insignificant. The feasibility and desirability of alternative sites shall take into account, at a minimum:
  - 1. Operational constraints such as distance to the alternative sites;
  - 2. Sediment characteristics at the dredging site;
  - 3. Timing of the operation;

4. Environmental Protection Agency constraints on the use of designated ocean disposal sites;
5. The desirability of reserving some upland sites for potentially contaminated material only. Long term use of a flow lane disposal area may only be allowed if monitoring confirms that the impacts are not significant. Flow lane disposal is contingent upon demonstration that:
  - a. Significant adverse effects due to changes in biological and physical estuarine properties will not result; and
  - b. Flow lane disposal areas shall be shown able to transport sediment downstream without excessive shoaling, interference with recreational and commercial fishing operations, including the removal of snags from gillnet drifts, undesirable hydraulic effects, or adverse effects on estuarine resources (fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).
6. When determining whether a proposal is within the expanded flowlane/thalweg disposal area covered by an approved Goal 16 exception, the Columbia River Estuary Thalweg map adopted by Ordinance 1283 shall be consulted. It is important to note that the text description of "expanded flowlane/thalweg disposal" are the regulating boundaries of this exception area. Maps and GIS data layers used by the City are a representation of those boundaries. In cases of any doubt, the text description should be used to resolve any boundary confusion.

**Section 7.** The Columbia River Thalweg map shown in Exhibit 1 is hereby adopted and incorporated into the Warrenton Comprehensive Plan as Appendix III.

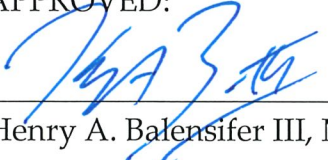
**Section 8.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** April 8, 2025

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this 22 day of April, 2025.

APPROVED:

  
Henry A. Balensifer III, Mayor

ATTEST:

  
Dawne Shaw, CMC, City Recorder



# Exhibit 1

