

A G E N D A
ASTORIA PLANNING COMMISSION

<i>Astoria City Hall Council Chambers, 1095 Duane Street, Astoria</i>
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Tuesday, August 27, 2013

Immediately Following the Traffic Safety Committee Meeting at 7:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. July 23, 2013
4. PUBLIC HEARINGS
 - a. Conditional Use CU13-04 by Bill Johnston, Oregon Department of Transportation, to repair the existing Old Youngs Bay Bridge at Highway 101B and Olney Avenue (US Hwy 101B, Mile Post 6.89), Tax Maps 80919AA and 80918DD in the A-1, Aquatic One Development; A-3, Aquatic Conservation; A-4, Aquatic Natural; IN, Institutional; R-3, High Density Residential; FHO, Flood Hazard Overlay; and CRESO, Columbia River Estuary Shoreland Overlay zones. Staff recommends approval of the request with conditions.
5. REPORT OF OFFICERS
6. ADJOURNMENT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
July 23, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:16 p.m. and noted the agenda for this meeting incorrectly stated the meeting date.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Kera Huber, Al Tollefson, David Pearson, and Thor Norgaard

Commissioners Excused: Zetty Nemowill

Staff Present: Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a): June 25, 2013

President Innes called for additions or corrections to the minutes. Hearing none, she called for a motion to approve the minutes of the June 25, 2013 meeting. Vice-President Cary moved to approve the June 25, 2013 minutes as presented; seconded by Commissioner Pearson. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

ADJOURNMENT:

There being no further business, the regular meeting of the Planning Commission was adjourned at 7:17 p.m. to convene the work session.

WORK SESSION:

Solar Power Ordinance

Planner Johnson presented the Staff report, reviewing the history of developing the ordinance to date; some concerns from citizens and the Planning Commission that have been addressed; and items about which Staff sought direction from the Planning Commission. She briefly discussed the article provided by President Innes called *Solar for All* (January/February 2013 issue of *Sierra*) that discussed community solar facilities. Community solar facilities would have to be reviewed by the Planning Commission.

Planner Johnson posed the following questions and received feedback and comments from the Commissioners as follows:

- What should be the largest allowable size of a freestanding solar facility that can be approved by Staff with public review? These units can be ground mounted and installed at varying heights on one pole or on other structures. The draft currently states facilities over 200 square feet require a review by the Planning Commission. Planner Johnson suggested that facilities more than 100 square feet be reviewed by the Commission.
 - The Planning Commission agreed that 100 square feet should be maximum allowable size of freestanding units that can be approved with public review by Staff.
- What should be the maximum height allowed of freestanding solar facilities in residential zones?
 - The draft currently allows freestanding solar facilities up to 6 feet high as an outright use. Facilities 6 to 10 feet high would require public review and approval by Staff. No variance would be allowed.
 - The Planning Commission agreed to approve the height requirements as proposed in the draft. Keeping height requirements consistent with fencing requirements makes the process easier.

- Should variances be limited in residential zones or allowed if variance criteria are met? Criteria requirements include having to reduce reflectiveness or glare. Residential zones allow for 30 percent to 50 percent lot coverage, depending on the density of the zone. A solar facility's size will count towards lot coverage; however, coverage will be minimal. Height, visibility, and impact on neighbors need to be considered. Planner Johnson noted the current draft does not allow variances in residential zones. If problematic, the Code can be changed later. The variance criteria are very specific and there must be a hardship because the height can have a negative impact on neighbors. It can be difficult to prove a hardship to qualify for a variance to have a taller facility.
 - Applicants would need to have a compelling reason to apply for a variance. If the applicant wants to install a facility higher than 10 feet, why not put it on the roof.
 - The Planning Commission speculated about how likely it would be for a property owner to need a variance. They discussed several situations that could result in a hardship.
 - The Commission agreed to allow variances in residential zones.
- What should be the maximum height allowed of freestanding solar facilities in commercial zones? The draft Code currently allows freestanding facilities up to 20 feet high to be approved by Staff. Zones that have higher height limits will allow for a variance up to the height allowed within that zone. Roof installations cannot project more than 10 feet above the highest ridge of the roof, and must not exceed the height allowed within the zone.
 - The Planning Commission agreed to leave the draft code as is, allowing a variance for any freestanding solar facility in a commercial zone that exceeds 20 feet high. Comments regarded how the severity of the coastal weather could prevent having facilities at heights requiring a variance.
- Should a display ad be required when a height variance is requested in a residential zone in addition to the public notice? Planner Johnson suggested that a display ad not be required. Adjacent property owners within 250 feet of the Applicant's property will receive a public notice. The ad could reach more people than the public notice.
 - Not seeing notices is the biggest complaint from people; citizens want more public notice and often.
 - While variances may be rare, the City should pay for an ad. It is a shame that the newspaper is the City's only tool for publishing public notices. Many people chose not to read the newspaper.
 - Wireless communication installations require display ads because they are visible at greater distances.
 - The City should do its due diligence and pay for a display ad in an attempt to provide extra notification to the public; a 45-foot facility in the community is tall.
 - The Planning Commission debated about the pros and cons of publishing a display ad. Many people may not see the ad; however, the neighbors will receive the notice and talk about any height issues.
 - An informal vote revealed that the Commission was evenly divided on this issue.
 - Planner Johnson agreed publishing a display ad does show a good faith effort by the City to take extra steps to keep the public informed. She suggested that the APC leave the issue open for further discussion until Commissioner Nemowill is present. Staff will also review public comments for input on display ads.

President Innes appreciated that the process has been kept simple for applicants, which had been a key request in the public's feedback. She was originally concerned about the lack of rules regarding decommissioning or abandonment, which is addressed in the Code. It is good to have a clear system in place for disposing of unused equipment. Planner Johnson stated the Code includes a process for addressing failure to comply with decommissioning and abandonment. Staff is considering declaring abandoned facilities a nuisance, which would require changes to the draft code to process solar facility violations as a nuisance. She explained the details of the process required by the existing Nuisance Code. President Innes believed that was a good model.

President Innes said she was concerned about compliance testing, and asked who would do the testing and how often testing would be conducted. It seems like a new, large demand of Staff. Planner Johnson explained the testing is standard for the industry and is very similar to the testing of wireless communication installations. The Monitoring and Maintenance section of the Code allows Staff to require a solar installation to be tested if complaints are received or problems are noticed. The testing would be done at the expense of the property owner.

Commissioner Norgaard believed making a property owner pay for testing as a result of a complaint could cause a dispute between neighbors. Planner Johnson responded that all complaints are verified by Staff before action is taken.

Commissioner Tollefson asked if solar installations will be inspected to ensure they were installed correctly. Planner Johnson replied that building and electrical permits would be required to install a solar facility. The building inspector would verify that all solar facilities are installed in accordance with the Oregon Solar Specialty Code by reviewing the application, issuing building permits, and conducting an on-site inspection, which would include inspection of the height of the solar facility.

President Innes recalled that the Planning Commission previously agreed that requiring energy audits prior to solar installations makes the process inefficient. She asked why the referral to energy audits was in italics in the draft. Planner Johnson replied the italics just below Item 12 on Page 11 are an explanation as to why and how certain issues have been addressed in the draft as a reminder until the final document is adopted. She recalled that the Commission decided an energy audit should not be conducted by Staff. The City will not consider the cost-effectiveness of a solar installation.

Planner Johnson stated that the Solar Energy Ordinance will be discussed with the Historic Landmarks Commission in a work session in August 2013. In September, the Solar Energy Ordinance will be presented to the Planning Commission for a public hearing. Another public hearing will be conducted by City Council. Staff has an extensive list of people who have been tracking the development of the ordinance and these people have been sent notices of each meeting and a copy of the draft. Public notices will be published in the newspaper. The State Department of Land Conservation and Development will also review the Solar Energy Ordinance.

Drew Herzig, 628 Klaskanine Avenue, Astoria, stated that the City Council receives many complaints that the City is not communicating effectively with the public. He believed the City should err on the side of more communications and suggested that the Planning Commission require display ads for height variances in residential zones. Lack of communication is one of the biggest complaints in the City.

There being no further business, President Innes adjourned the work session at 8:07 p.m.

ATTEST:

APPROVED:

Secretary

Planner

August 7, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: RYAN E. CRATER, COASTAL PLANNER (CREST)

THROUGH: ROSEMARY JOHNSON, PLANNER (CITY OF ASTORIA)



SUBJECT: CONDITIONAL USE REQUEST (CU13-04) BY THE OREGON DEPARTMENT
OF TRANSPORTATION TO REPAIR AND UPGRADE THE OLD YOUNG'S
BAY BRIDGE (US HWY 101)

I. BACKGROUND SUMMARY

- A. Applicant: Oregon Department of Transportation
350 W. Marine Drive
Astoria OR 97103
- B. Owner: Oregon Department of State Lands (State Aquatic Bedlands)
775 Summer Street, Suite 100
Salem OR 97301

Oregon Department of Transportation (bridge structure)
350 W Marine Drive
Astoria OR 97103
- C. Location: Old Young's Bay Bridge US Hwy 101B, at Mile Post 6.89; Right-
of-way adjacent to Map T8N-R9W Section 18DD, Tax Lot 500,
and Section 17CC, Tax Lot 5000
- D. Proposal: Perform maintenance and repair work on the Old Young's Bay
Bridge.
- E. Zone(s): A-1 (Aquatic One Development)
A-3 (Aquatic Conservation)
A-4 (Aquatic Natural)
IN (Institutional)
R3 (High Density Residential)
CRESO (Columbia River Estuary Shorelands Overlay)
FHO (Flood Hazard Overlay)
- F. Attachments: (Attachment 1) Site Location
(Attachment 2) Impact Assessment and Resource
Capability Determination
Full application plans and supporting documentation is available
at City Hall and is available upon request

II. BACKGROUND

A. Project Site

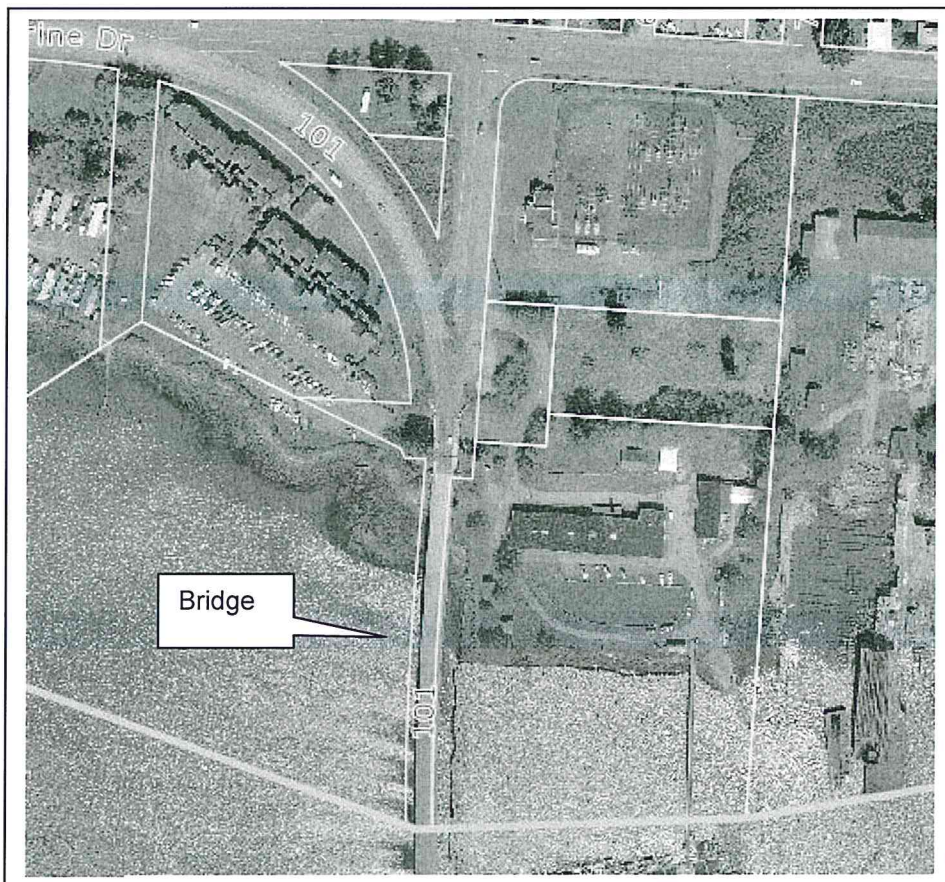
The Old Young's Bay Bridge is located along US Hwy 101B south of Astoria and spans the Young's River. The project site is located at approximately Mile Post 6.89. The bridge goes through several zoning districts, of which the A-4 Zone (Aquatic Natural) triggers this Conditional Use Permit review.



The site is located partially within the City limits, partially within the City's Urban Growth Boundary, and partially within Clatsop County.

B. Adjacent Neighborhood

The project site is located just south of the intersection of West Marine Drive and Warrenton-Astoria Hwy and is considered the north approach onto the bridge from Astoria. To the west is an apartment complex and to the east is the Yacht Club and City of Astoria Parks Shop. Just north of the project site are single family homes and small businesses.



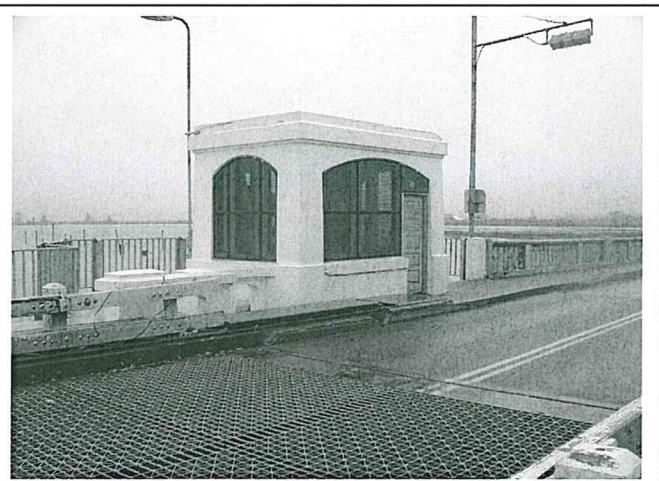
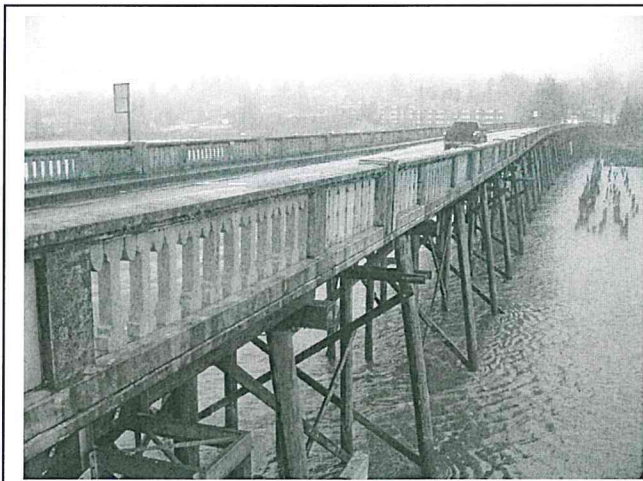
C. Proposed Use

The Oregon Department of Transportation (ODOT) is proposing to perform repair and maintenance work, which will include upgrading the existing Old Young's Bay Bridge. The Old Young's Bay Bridge was constructed in 1921 and is located within a harsh marine environment. The bridge is subjected to normal wear and tear from traffic and experiences daily tidal changes up to 12 feet. These combined wear and tear effects require ODOT to perform repair and maintenance to maintain the structural integrity of the structure for public safety.

The purpose of the project is to repair selected timber piles that have severely deteriorated and need repaired and/or replaced. Piles that can be repaired will be spliced and replaced with new steel support sections secured with steel collars injected with concrete grout. Other less severely deteriorated plies will be wrapped with a plastic casing and injected with resin. Timber bracing will also be repaired as necessary. For all other piles that are in serviceable condition, they will be wrapped with preservation materials.

Other repairs associated with this project include the following:

- Upgrade the control house, which includes installing new windows on the exterior.
- Replace all major electrical and mechanical components that operate the draw span.
- Install a new submarine electrical and mechanical components that operate the draw span.
- Repair and paint the steel draw span and replacing steel members that are no longer serviceable.



D. Jurisdiction

The Old Youngs Bay Bridge is located outside the City limits of Astoria but inside the Urban Growth Boundary. Through an Urban Growth Management Joint Management Agreement with Clatsop County, dated July 10, 1991. The Agreement Section 5, "Land Use Regulatory Procedures", states that

- “3. Permitted uses shall be processed according to the following procedure:
- a. The City shall be responsible for issuing development permits in the Urban Growth Area.
 - b. The City shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements, and water rights statements.
 - c. Notice of all permits and compatibility statements issued under this section shall be submitted to Clatsop County Department of Planning and Development within ten (10) working days of issuance.”

Through the agreement with Clatsop County, the City of Astoria would review the land use action for the bridge as it is within the Urban Growth Boundary (UGB) of the City. The City’s review will be provided to the County. The bridge and associated structures are eligible for consideration as a historic structure and require review under Section 106 regulations. Portions of the bridge are also located outside the UGB within the County. ODOT has submitted a separate application to Clatsop County for separate review of the portion outside of the City’s UGB area.

III. PUBLIC REVIEW AND COMMENT

- A. A public notice was mailed to all property owners within 100 feet pursuant to Section 9.020 on August 2, 2013. A notice of public hearing was published in the Daily Astorian on August 20, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. APPLICABLE REVIEW CRITERIA AND FINDING OF FACT

A. AQUATIC ONE DEVELOPMENT (A-1) REVIEW – ARTICLE 2

1. Section 2.500 concerning the Purpose for A-1 Zone (Aquatic One Development) states that *“The purpose of the Aquatic One Development Zone (A-1) is to provide for the maintenance, enhancement and expansion of areas, activities and structures needed for navigation and for water-dependent industrial, commercial and recreational uses.”*

Finding: The purpose of the proposed maintenance, repair and upgrade work is to maintain an existing bridge for the safety of the public. The proposed work includes maintenance to an existing draw bridge, which is in support of navigation within Young’s Bay. The project as proposed is consistent with the intent of the A-1 Zone purpose.

2. Section 2.505(11) concerning Permitted Uses in the A-1 Zone (Aquatic One Development) lists *“Maintenance and repair of existing structure or facility.”* as an allowed permitted use.

Section 2.505(15) concerning Permitted Uses in the A-1 Zone (Aquatic One Development) lists *"Piling and pile supported structures as necessary for any of the permitted uses 1-14 listed above, or as necessary for any use permitted in the adjacent shoreland."* as an allowed permitted use.

Finding: The proposed maintenance, repair and upgrade work of the existing bridge structure and its support piling are allowed as a permitted use within the A-1 Zone.

3. Section 2.515(1) concerning Development Standards and Procedural Requirements states that *"All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation, or other activities in conjunction with an industrial facility shall be subject to the respective standards for these uses)."*

Section 2.515(2) concerning Development Standards and Procedural Requirements states that *"When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure."*

Section 2.515(6) concerning Development Standards and Procedural Requirements states that *"Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration subject to the requirements of Section 5.010, Impact Assessment."*

Finding: See Section F of this staff report for Article 4 review and findings. See Section G of this staff report for Impact Assessment review and findings.

4. Section 2.515(11) concerning Development Standards and Procedural Requirements states that *"In the unincorporated UGB, uses and activities permitted under Sections 2.505 and 2.510 of this zone are subject to the public notice provisions of Section 9.020 if an impact assessment is required pursuant to Section 5.010, or if a determination of consistency with the purpose of the A-1 Zone is required pursuant to Section 5.020(5), or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgment."*

Finding: The proposed project is subject to Section 9.020 as an Impact Assessment is required pursuant to Section 5.010. The project is consistent with this standard.

5. Section 2.540(1) concerning Development Standards and Procedural Requirements of the A-1 Zone states that *“All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Areas Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g. dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).”*

Finding: See Section F of this staff report for review and findings for Article 4 standards. The proposed project complies with the above section.

6. Section 2.540. (6) concerning Development Standards and Procedural Requirements of the A-1 Zone states that *“Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration subject to the requirements of Section 5.010, Impact Assessment.”*

Finding: See Section G of this staff report for review and findings regarding the Impact Assessment. The proposed project complies with the above section.

B. AQUATIC CONSERVATION (A-3) REVIEW – ARTICLE 2

1. Section 2.575 concerning the Purpose for A-3 Zone (Aquatic Conservation) states that *“The purpose of the Aquatic Conservation Zone (A-3) is to assure the conservation of: fish and wildlife habitats; essential properties of the estuarine resource (e.g., dynamic geological processes, continued biological productivity, unique or endemic communities or organisms, maintenance of species diversity); and the long-term use and conservation or renewable estuarine resources. This designation provides for development of low to moderate intensity that does not require major alterations of the estuary, with emphasis on maintaining estuarine natural resources and benefits.”*

Finding: The proposed project is a maintenance and repair project of an existing structure. The proposed project does not require major alterations of the estuary. The project as described is consistent with the intent for the A-3 Zone.

2. Section 2.580(3) concerning Permitted Uses in the A-3 Zone (Aquatic Conservation) lists *“Maintenance and repair of existing structure or facility.”* as an allowed permitted use.

Section 2.580(18) concerning Permitted Uses in the A-3 Zone (Aquatic Conservation) lists *“Piling and pile supported structures in conjunction*

with any of the permitted uses 1 through 17 above.” as an allowed permitted use.

Finding: The proposed piling maintenance, repair, and upgrade work of the existing bridge structure are allowed as a permitted use within the A-3 Zone.

4. Section 2.590(1) concerning Development Standards and Procedural Requirements in the A-3 Zone (Aquatic Conservation) states that *“All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Areas Use and Activity Standards in Article 4. Where a proposal involves several uses the standards applicable to each use shall be satisfied (e.g. dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).”*

Finding: See Section F of this staff report for review and findings for Article 4 standards. The proposed project complies with the above section.

5. Section 2.590(2) concerning Development Standards and Procedural Requirements in the A-3 Zone (Aquatic Conservation) states that *“When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Conservation Zone, Section 2.57, when a Resource Capability Determination is required.”*

Finding: See Section H of this staff report for review and findings regarding the Resource Capability Determination. The proposed project complies with this section.

6. Section 2.590(3) concerning Development Standards and Procedural Requirements in the A-3 Zone (Aquatic Conservation) states that *“Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment.”*

Finding: See Section G of this staff report for Impact Assessment review and findings. The proposed project complies with this section.

7. Section 2.590(4) concerning Development Standards and Procedural Requirements in the A-3 Zone (Aquatic Conservation) states that *“No use shall be allowed in an Aquatic Conservation Zone (A-3) which would cause a major alteration of the estuary.”*

Finding: The proposed project activities do not represent a potential to cause a major alteration of the estuary. The proposed project as described complies with this section.

C. AQUATIC NATURAL (A-4) REVIEW – ARTICLE 2

1. Section 2.600 concerning the Purpose for A-4 Zone (Aquatic Natural) states that *“The purpose of the Aquatic Natural Zone (A-4) is to assure the preservation and protection of: 1) significant fish and wildlife habitats, 2) essential properties of the estuarine resource (e.g., dynamic geological processes, continued biological productivity, unique or endemic communities of organisms, species diversity), and 3) research and educational opportunities.”*

Finding: The proposed project is a maintenance and repair project necessary to maintain an existing State bridge for the safety of public and continued commerce activities. While the project is not specifically included in the purpose of the A-4 Zone, it is allowed as a “Conditional Use” as described below. The project is an allowed conditional use and activity necessary to maintain public infrastructure.

2. Section 2.610(1) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists *“Maintenance and repair of existing structures or facility.”* as an allowed conditional use.
3. Section 2.610(8) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists *“Bridge crossing support structure.”* as an allowed conditional use.
4. Section 2.610(9) concerning Conditional Uses in the A-4 Zone (Aquatic Natural) lists *“Piling as necessary for conditional uses 1 through 9, above.”* as an allowed conditional use.

Finding: The project is allowed as a Conditional Use within the A-4 Zone.

5. Section 2.615(1) concerning Development Standards and Procedural Requirements states that *“All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses.).”*

Finding: See Section F of this staff report for review and findings for Article 4 standards. The proposed project complies with the above section.

6. Section 2.615(2) concerning Development Standards and Procedural Requirements states that *"When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Natural Zone, Section 2.600, when a Resource Capability Determination is required."*

Finding: See Section H of this staff report for review and findings regarding the Resource Capability Determination. The proposed project complies with this section.

7. Section 2.615(3) concerning Development Standards and Procedural Requirements states that *"Uses and activities that would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 5.010, Impact Assessment."*

Finding: See Section G of this staff report for Impact Assessment review and findings. The proposed project complies with this section.

D. INSTITUTIONAL (IN) REVIEW – ARTICLE 2

1. Section 2.840 concerning the Purpose of the IN Zone (Institutional Zone). *"This zone is intended to facilitate uses such as parks, public works, schools, museums, open space, and similar activities on property which is presently committed to such uses."*

Finding: The Young's Bay Bridge is an existing public bridge located on an existing State highway. The proposed work is considered maintenance and repair of existing structure necessary to maintain public safety and access to adjacent shorelands. The project is considered a "Public Works" project as it relates to zoning for the IN Zone. The proposed maintenance and repair is consistent with all applicable standards and is consistent with the intent of Section 2.840.

E. HIGH DENSITY RESIDENTIAL (R-3) REVIEW – ARTICLE 2

1. Section 2.150 concerning the Purpose of the R-3 Zone (High Density Residential). *"The purpose of the R-3 Zone is to provide an area for high density residential development not exceeding an average density of 26 units per net acre, accessory uses, and certain public uses."*

Finding: The Young's Bay Bridge is an existing public bridge located on an existing State highway. A portion of the Young's Bay Bridge is located within the R-3 Zone and therefore subject to applicable permitted and conditional uses and development standards of the R-3 Zone. Maintenance and repair of existing public facilities and structures such as

State highways and bridges is not listed as a “Permitted Use” or a “Conditional Use” in Sections 2.155 or 2.160. All proposed work for the project within this zone are determined to be appropriate and allowed as an “accessory use” necessary to maintain public safety and access for permitted and conditional uses currently found adjacent to the project site within the R-3 Zone. The proposed maintenance and repair work to existing public infrastructure is consistent with the intent of the R-3 Zone.

F. CRESO REVIEW – ARTICLE 4

1. Section 2.750 concerning the Purpose of the CRESO (Columbia River Estuary Shoreland Overlay District) state that *“This overlay district establishes additional requirements for shoreland areas adjacent to the Columbia River Estuary to assure that estuary shorelands are managed in a way that is compatible with adjacent estuarine aquatic areas.”*

Section 2.755(1) concerning the CRESO overlay district lists “Areas within 50 feet of the estuary shoreline.” as being subject to the requirements and standards of the CRESO Zone.

Finding: The proposed project is subject to the development standards and procedural requirements for the CRESO overlay district.

2. Section 2.760(1) concerning Development Standards and Procedural Requirements states that *“All uses will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards in Article 4. Where a proposal involves several uses, the Standards applicable to each use shall be satisfied.”*

Finding: See review and findings for Article 4 standards below.

3. Section 4.010 concerning Columbia River Estuary and Shoreland Regional Standards states that *“Article 4 establishes use and activity standards for developments in Columbia River Estuary aquatic areas and shorelands. Some apply only to the estuary’s waters and tidal water wetlands: These are indicated by qualifying phrase “aquatic areas” or “aquatic designations”. Standards applicable only to estuary shorelands, including associated non-tidal wetland areas, are so indicated by the phrase “shoreland areas” or shoreland designations.”*

Finding: The proposed project is subject to the development standards and procedural requirements for the CRESO overlay district.

4. Section 4.060 concerning Estuarine Construction: Piling and Dolphin Installation, Shoreline Stabilization and Navigational Structures states that *“The standards in this subsection apply to over-the-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving*

installation of piling or placement of riprap in Columbia River Estuary aquatic areas.”

Finding: The proposed project is a repair and maintenance project of an existing over-the-water and in-water structure. Applicable standards for the proposed project are reviewed below.

5. Section 4.060. (5) concerning list *“Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:*
 - a. *A substantial public benefit is demonstrated; and*
 - b. *The proposed use does not unreasonably interfere with public trust.”*

Finding: The proposed project has demonstrated it is a benefit to the public, public safety and does not unreasonably interfere with public trust.

6. Section 4.080(1) concerning Fish and Wildlife Habitat states that *“Projects affecting endangered, threatened or sensitive species habitat, as identified by the USFWS or ODFW, shall be designed to minimize potential adverse impacts.”*

Finding: The proposed project will required both State and Federal permits associated with maintenance and repair work of an existing structure within an aquatic area. Applicant will submit State and Federal permits prior to the start of construction to show compliance with this section as conditioned below. As reviewed by staff, the project appears to be designed to minimize potential adverse impacts to fish and wildlife habitat and is consistent with this standard.

7. Section 4.080(2) concerning Fish and Wildlife Habitat states *“In water construction activity in aquatic areas shall follow the recommendations of State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.”*

Finding: The proposed project will require State and Federal permits prior to the start of construction and will be submitted to the City as a condition of approval.

8. Section 4.080(3) concerning Fish and Wildlife Habitat states *“ Uses and activities with the potential for adversely effecting fish and wildlife habitat may be approved only upon a demonstration that the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:*
 - a. *Avoiding the impact altogether by not taking a certain action or parts of an action;*

- b. *Minimizing impacts by limiting the degree of magnitude of an action and its implementation;*
- c. *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);*
- d. *Reducing or eliminating the impact over time by preservation and maintenance operations."*

Finding: The applicant has demonstrated that all proposed maintenance and repair work is the minimum necessary to complete the task. All anticipated impacts associated with this project will be minimized, reduced and eliminated where possible. The proposed project is consistent with this standard.

- 8. Section 4.080(4) concerning Fish and Wildlife Habitat state that *"Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with the Mitigation and Restoration Plan for the Columbia River Estuary."*

Finding: The project does not propose to fill or dredge aquatic areas within or around the project area.

- 9. Section 4.090(6) concerning Fisheries and Aquaculture states that *"In-water construction activity in aquatic areas shall follow the recommendations of the State and Federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish."*

Finding: The proposed project is subject to State and Federal permits, which will have specific "fish windows" for working within aquatic areas. Applicant will submit all outside agency permits to the City.

- 10. Section 4.100(2) concerning Land Transportation Systems states that *"Maintenance and repair of roads and railroads and maintenance and replacement of bridges shall be permitted regardless of the plan designation through which the road or railroad passes, provided:*
 - a. *The same alignment is maintained; and*
 - b. *The same width is maintained, except that minor enlargements to meet current safety and engineering standards may be permitted."*

Finding: The proposed project will be maintained within the original alignment. Any expansion of the structure during this project will be the minimum necessary to meet current safety and engineering standards that are applicable. The project is consistent with this standard.

- 11. Section 4.100(3) concerning Land Transportation Systems states that *"Fill supported causeways or bridge approach fills across aquatic areas*

or across significant nontidal wetlands in shoreland areas shall not be permitted; bridge abutments may, however, be approved.”

Finding: No fill is proposed as a part of this project. Minor repairs to bridge abutments may be performed as necessary to maintain the existing structure. The project as described is consistent with this standard.

12. Section 4.100(4) concerning Land Transportation Systems states that *“Removal of riparian vegetation along transportation right-of-ways may be permitted in order to maintain clear vision.”*

Finding: Minor riparian vegetation removal may be necessary for working within the right-of-way as well as staging of equipment. Minor riparian vegetation removal associated with this project is consistent with this standard.

13. Section 4.140(1) concerning Public Access to the Estuary and its Shoreline states that *“Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment.”*

Finding: The proposed project is consistent with this standard.

G. IMPACT ASSESSMENT REVIEW – ARTICLE 5

1. Section 5.010 concerning Impact Assessment Procedure states that *“The Purpose of this section is to provide an assessment process for development alterations which could potentially alter the estuarine ecosystem.”*

Finding: The applicant has submitted an Impact Assessment, which is attached and incorporated as part of these Findings. Briefly, the Impact Assessment came to the following conclusions:

- a) Temporary impacts associated with the maintenance work will not adversely impact aquatic life forms and their habitats. The design alternative for the project was selected in part to avoid the need to perform extensive work within environmentally sensitive areas.
- b) The maintenance work area is entirely within the subtidal and intertidal mud habitat. Proposed maintenance activities will not impact any wetland areas, either tidal or freshwater. There is no impact on the shoreline habitat as defined by the City.
- c) During construction, erosion and sediment control will be provided using standard best management practices (BMPs). Erosion control measures will be inspected and maintained daily to ensure

their continued effectiveness. No permanent impacts to water quality will result from maintenance activities other than those that are unavoidable and/or expected as a consequence of this project.

- d) The projects impact on the hydrology and hydraulics of Young's Bay is negligible. The project will not increase the amount of runoff entering the bay, or affect how water flows within the bay as it currently exists.
- e) The project will not have any negative effects on air quality as a result of this project.
- f) There will be no permanent impact/reduction in public access to shorelands as a result of this project. Temporary and unavoidable impacts/reductions may result from the projects activities.
- g) No impacts to navigation will result from the actions associated with the maintenance work on the bridge.
- h) All project components have been designed and stamped by ODOT registered professional engineers.
- i) The bridge repairs will ensure the continued operation of the bridge, which will maintain navigation and access to shoreland areas where water-dependent utilization of the area exists.
- j) The project does not conflict with existing or future water-dependent uses.
- k) Mitigations measures are described in detail in the Impact Assessment attached to this document and are considered within these findings.

The proposed project activities do not represent a potential degradation or reduction of estuarine resources. The attached Impact Assessment complies with this section.

H. RESOURCE CAPABILITY DETERMINATION REVIEW – ARTICLE 5

1. Section 5.020(A) concerning Purpose of the Resource Capability Determination states that *"Certain uses and activities in Aquatic Natural and Aquatic Conservation zones are allowed only if determined to meet the resource capability and purpose of the zone in which the use or activity occurs. Certain uses and activities in an Aquatic Development Zone are allowed only if determined to meet the purpose of the zone in which the use or activity occurs."*

Finding: The proposed project is consistent with the intent for permitted and conditionally permitted uses within Aquatic Natural and Aquatic Conservation Zones.

2. Section 5.020(B) concerning Definition of Resource Capability states that *“In a Natural Aquatic estuarine designation, a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or if the resources of the areas are able to assimilate the use and activity and their effects and continue to function in a manner which protects significant wildlife habitat, natural biological productivity, and values for scientific research and education.”*

“In a conservation aquatic estuarine designation, a use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or if the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.”

Finding: The proposed project will not result in significant impacts to aquatic resources and is consistent with the above standard.

3. Section 5.020(C) concerning the Purpose of Different Estuarine Zones states that

“1. Aquatic Conservation Zone: Conservation Aquatic areas are designated for long-term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the resources found in these areas. The Conservation Aquatic designation includes areas needed for the maintenance and enhancement of biological productivity, recreational resources, aesthetic feature and aquaculture. The Conservation Aquatic designation includes areas that are smaller or less biological importance than Natural Aquatic areas. Areas that are partially altered and adjacent to existing moderate intensity development which do not possess the resource characteristics of other aquatic areas are also included in the designation.”

“2. Aquatic Natural Zone: Natural aquatic areas designated to assure the protection of significant fish and wildlife habitats; of continued biological productivity with the estuary; and of scientific, research, and educational need. These areas are managed for preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all

major tidal marshes, tideflats, and seagrass and algae beds, The designation is intended to preserve those aquatic natural resource systems existing relatively free of human influence.”

Finding: The proposed project is an allowed permitted use and conditional use for maintenance and repair work to an existing structure. The proposed project will not negatively alter aquatic resources greater than that which is already effect by the existing structure. The proposed project is consistent with the above standard.

4. Section 5.020(D) concerning Resource Capability Procedure states that
 - “1. Identification of the affected area’s zone, and it purpose.”*
 - “2. Identification of the types and extent of estuarine resources present and expected adverse impacts. This information is included in the Impact Assessment, Section 5.010.”*
 - “3. A determination of whether the use or activity is consistent with the resource capabilities of the affected designation. A use or activity is consistent with the resource capabilities of the area when either:
 - a. Impacts on estuarine resources are not significant; or
 - b. Resources of the area will be able to assimilate the use and activity and their effects and continue to function in a manner which:
 - (1) In Natural Aquatic Zones, protects significant wildlife habitats, natural biological productivity, and values for scientific research and education; or
 - (2) In Conservation Aquatic Zones, conserved long-term use of renewable resources, natural biological productivity, recreation and aesthetic values and aquaculture.”*

Finding: The applicant has submitted an Impact Assessment, which is attached to this staff report and considered a part of these findings of fact. The City has accepted the Impact Assessment submitted to the County as meeting the requirements listed under Section 5.010. The proposed projects impacts to aquatic resources will not be significant and aquatic resources will be able to assimilate the activity. No long-term impacts will result from the proposed project and it is consistent with the above standard.

5. Section 5.020(D.4) concerning Resource Capability Procedure states that *“For temporary alteration, the Resource Capability Determination must also include:*
 - a. Determination that potential short-term damage to estuary and shoreland resources is consistent with the resource capabilities of the area; and*

- b. Determination that the area and affected resources can be restored to their original condition.”*

Finding: The proposed project will result in temporary alterations to aquatic resources. Any temporary alterations will be limited to the duration of the maintenance and repair work and will be restored to their original condition after the completion of the project. The proposed project is consistent with the above standard.

6. Section 5.020(E) concerning Determining Consistency with the Purpose of the Zone states that *“Certain uses in the Aquatic Development (A-1, A-2, A-2A), Aquatic Conservation (A-3), and Aquatic Natural (A-4) Zones may be permitted only if they are consistent with the purpose of the aquatic zone in which they occur. This determination is made as follows:*
 - 1. Identification of the affected zone, and its purpose.*
 - 2. Description of the proposals potential impact on the purposes of the affected zone.*
 - 3. Determination that the proposal is either:*
 - a. consistent with the purpose of the affected zone; or*
 - b. conditionally consistent with the purpose of the affected zone; or*
 - c. inconsistent with the purpose of the affected zone.”*

Finding: The proposed project is located within the following zones: A-1, A-3, and A-4. The proposed project will have limited temporary impacts to aquatic environments. The proposed project is consistent with the purpose of the affected aquatic zones and does not pose a threat to existing aquatic uses within the project area.

I. FLOOD HAZARD OVERLAY (FHO) REVIEW – ARTICLE 2

1. Section 2.800(A) concerning the Purpose of the FHO Zone (Flood Hazard Overlay) states that *“It is the purpose of this Flood Hazard Overlay to regulate the use of those areas subject to periodic flooding, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions.”*

Finding: The proposed project is located within an AE Zone of the 100 year floodplain as indicated on FIRM Panel 41007C0236E. The proposed project is a maintenance and repair project of an existing structure and does not constitute “Substantial Improvement”. The proposed project will not affect existing flood storage carrying capacity; alter the watercourse or floodways within Young’s Bay. The proposed project is consistent with the Flood Hazard Overlay standards.

J. COMPREHENSIVE PLAN REVIEW

1. Section 11.020 requires that *"The proposed use comply with applicable policies of the Comprehensive Plan."*

Section CP.140.A, Columbia River Estuary Aquatic and Shoreland Designations, Natural Aquatic, states that *"Natural Aquatic areas are designated to assure the protection of significant fish and wildlife habitats; of continued biological productivity within the estuary; and of scientific, research, and educational needs. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all major tidal marshes, tide flats, and seagrass and algae beds. The designation is intended to preserve those aquatic natural resources systems existing relatively free of human influence. These areas are in the Aquatic Natural Zone (A-4)."*

Finding: The proposed project is located within an A-4 Zone.

2. Section CP.140.B, Columbia River Estuary Aquatic and Shoreland Designations, Conservation Aquatic, states that *"Conservation Aquatic areas are designated for long-term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the resources found in these areas. The Conservation Aquatic designation includes areas needed for the maintenance and enhancement of biological productivity, recreational resources, aesthetic features and aquaculture. The Conservation Aquatic designation includes areas that are smaller or less biological importance than Natural Aquatic Areas. Areas that are partially altered and adjacent to existing moderate intensity development which do not possess the resource characteristics of other aquatic areas also included in the designation. These areas are in the Aquatic Conservation Zone (A-3)."*

Finding: The proposed project is located within an A-3 Zone.

3. Section CP.150.B.7 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-3 Zones (Natural Aquatic) list *"Maintenance and repair of existing structures of facilities."* as a permitted use.

Section CP.150.B.8 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-3 Zones (Natural Aquatic) list *"Bridge crossings."* as a permitted use.

Section CP.150.B.10 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations list *"Bridge crossing support structures."* as a permitted use.

Section CP.150.B.17 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-3 Zones (Natural Aquatic) lists *"Temporary alterations."* as a permitted use.

Finding: The proposed project is consistent with the above standards as an allowed use. Placement of new piling associated with this project is permitted in conjunction with the above listed permitted uses 7, 10 and 17.

4. Section CP.150.C.12 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-4 Zones (Conservation Aquatic) lists *"Bridge crossings."* as permitted use.

Section CP.150.C.16 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-4 Zones (Conservation Aquatic) lists *"Maintenance and repair of existing structures or facilities."* as a permitted use.

Section CP.150.C.26 concerning Permitted Uses in the Columbia River Estuary Aquatic and Shoreland Designations in A-4 Zones (Conservation Aquatic) lists *"Temporary alterations."* as a permitted use.

Finding: The proposed project is consistent with the above standards as a permitted use. Placement of new piling associated with this project is permitted in conjunction with the above listed permitted uses 16 and 26.

5. Section CP.160.G.2 concerning South Astoria Subarea Plan Subarea Policies states that *"Potential conflicts between new development and existing uses on the South Astoria Waterfront will be evaluated on a case-by-case basis during permit review."*

Finding: The proposed project is consistent with the subarea plan for South Astoria. No new conflicts will result as a result of this project being approved.

6. Section CP.185.E.4 concerning Regional Estuary and Shoreland Policies for Estuarine Construction states that *"Piling or dolphin installation, structural shoreland stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if the following criteria are met:*
 - a. *A substantial public benefit is demonstrated; and*
 - b. *The proposed use does not unreasonably interfere with public trust rights; and*
 - c. *Feasible alternative upland locations do not exist; and*
 - d. *Potential adverse impacts, as identified in the impact assessment, are minimized."*

Finding: The proposed project has a substantial benefit to public safety and does not interfere with public trust rights. No feasible alternative upland locations are feasible as this is an existing bridge crossing for a State highway. No adverse impacts will result from the project being approved. The proposed project meets the above criteria.

7. Section CP.185.I.2 concerning Regional Estuary and Shoreland Policies for Land Transportation Systems Policies states that *"Land transportation systems shall be maintained and improved to support existing urban areas, allow industrial site development and support rural and recreational uses."*

Finding: The proposed project will improve public safety and the structural integrity of the Old Young's Bay Bridge. The maintenance and repair work will allow the continued support of rural, recreational and industrial site development. The proposed project is consistent with this policy.

8. Section CP.185.I.6 concerning Regional Estuary and Shoreland Policies for Land Transportation Systems Policies states that *"Construction of new land transportation facilities and maintenance of existing land transportation facilities shall be undertaken in a manner that minimizes expected impacts on aquatic and shoreland estuarine resources."*

Finding: The proposed project has been designed to minimize and compensate for any short-term and long-term impacts to estuarine resources to the maximum extent possible. The proposed project is consistent with this policy.

9. Section CP.185.Q.1 concerning Regional Estuary and Shoreland Policies for Significant Area Policies states that *"Significant estuarine aquatic and shoreland resources shall be protected from degradation or destruction by conflicting uses and activities."*

Statewide Planning Goal 17, Coastal Shorelands, states the goal is *"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."*

Finding: The proposed project is not located within an area identified in the local subarea plan as being "Significant". The project is consistent with Statewide Planning Goal 17.

10. Section CP.185.Q.2 concerning Regional Estuary and Shoreland Policies for Significant Area Policies states that *“Major marshes, significant wildlife habitat, and exceptional aesthetic resources shall be protected. Uses in these areas shall be consistent with the protection of natural values and may include selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing harvesting, wild crops, and low-intensity water-dependent recreation.”*

Finding: The proposed project is not located within an area identified in the local subarea plan as being “Significant”. The project is consistent with Statewide Planning Goal 17.

11. Section CP.185.Q.3 concerning Regional Estuary and Shoreland Policies for Significant Area Policies states that *“Significant riparian vegetation shall be protected to the extent identified in local comprehensive plans, except as provided for in applicable standards.”*

Finding: The proposed project is not located within an area identified in the local subarea plan as being “Significant”. The project is consistent with Statewide Planning Goal 17.

12. Section CP.355.8 concerning the Transportation Goals states that *“The support of economic development activities through the improvement of the transportation system.”*

Finding: The project is consistent with this goal.

13. Section CP.355.9 concerning the Transportation Goals states that *“Cooperation with other agencies involved in transportation, including the Port of Astoria, the Oregon Department of Transportation, the State Highway Division, Clatsop County, and the Public Utility Commission.”*

Finding: The project is consistent with this goal.

14. Section CP.460.2 concerning Natural Resource Consideration Policies states that *“The biological productivity of the Columbia River Estuary will continue to be an important consideration because of its contribution to the City’s economy and quality of life.”*

Finding: The project is consistent with this policy.

K. CONDITIONAL USES REVIEW – ARTICLE 11

1. Section 11.030.A concerning Basic Conditional Use Standards requires that *“Before a conditional use is approved, findings will be made that the use will comply with the following standards.”*

Section 11.030.A.1 states that *"The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use."*

Finding: The proposed project is partially located within the A-4 Zone, which requires a conditional use approval. The proposed project is listed as a conditional use and is compatible with the intent of the A-4 Zone.

2. Section 11.030.A.2 states that *"An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements."*

Finding: The use will not require a site layout for transportation activities. The proposed project is to perform required maintenance and repair work to an existing bridge. All traffic control measures will be done in compliance with State of Oregon ODOT standards. The project meets the above criteria.

3. Section 11.030.A.3 states that *"The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities."*

Finding: The proposed project will not overburden or increase demands on City facilities and fire and police protection. The project meets the above criteria.

4. Section 11.030.A.4 states that *"The topography, soils and other physical characteristics of the site are adequate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction."*

Finding: The proposed project is to perform necessary maintenance and repair work to an existing structure. A geologic study by a qualified individual is not required for this project. The location is adequate for the use. The project meets the above criteria.

5. Section 11.030.A.5 states that *"The use contain an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses."*

Finding: The proposed project contains the appropriate amount of landscaping, buffers and berms from adjacent uses. No additional

measures are necessary to buffer the project location from adjacent uses. The proposed project meets the above criteria.

V. CONCLUSIONS AND RECOMMENDATIONS

The request meets all applicable review criteria, policies and standards reviewed above that are found in the Development Code and Comprehensive Plan. Staff recommends approval of the request based on the Findings of Fact above with the following conditions:

1. The applicant shall submit a copies of all approved State and Federal permits prior to initiating construction.

The applicant should be aware of the following requirements:

Significant changes or modifications to the proposed plans as described in this Staff Report shall be reviewed by the Astoria Planning Commission.

The applicant shall obtain all City, State, and Federal permits prior to the start of construction.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT



No. CU 13-04

Fee: \$250.00

CONDITIONAL USE APPLICATION

Property Address: U.S. Highway 101B, Mile Post 6.89

Old Youngs Bay Bridge - Hwy 101B
at Olney Ave. OK

Lot R.O.W. Block R.O.W. Subdivision None

Map 8.9.19AA Tax Lot R.O.W. Zone(s) A1 A3 A4 IN R3
18 DD FHO CRESO

Applicant Name: Bill Johnston, Oregon Department of Transportation

Mailing Address: 350 W. Marine Drive; Astoria, OR 97103-6206

Phone: 503.325.5281 Business Phone: 503.325.5281 Email: bill.johnston@odot.state.or.us

Property Owner's Name: Oregon Department of State Lands (they own the river bed)

Mailing Address: 775 Summer Street, Suite 100; Salem, OR 97301-1279

Business Name (if applicable): c/o Jim Paul Assistant Director

Signature of Applicant: Bill Johnston Date: 7.11.2013

Signature of Property Owner: (See application for permanent easement) Date:

Existing Use: existing draw bridge (Old Young's Bay Bridge)

Proposed Use: repairs to existing draw bridge

Square Footage of Building/Site: 1,750 foot existing bridge

Proposed Off-Street Parking Spaces: none 1

to repair the existing old Youngs Bay Bridge at Hwy 101B and
Olney Avenue (US Hwy 101B, mile Post 6.89) Maps

SITE PLAN: A Site Plan depicting property lines and the location of all existing and proposed structures, parking, landscaping, and/or signs is required. The Plan must include distances to all property lines and dimensions of all structures, parking areas, and/or signs. Scaled free-hand drawings are acceptable.

For office use only:

Application Complete:		Permit Info Into D-Base:	<u>7/12/13</u>
Labels Prepared:		Tentative APC Meeting Date:	<u>8/27/13</u>
120 Days:			

FILING INFORMATION: Planning Commission meets on the fourth Tuesday of each month. Completed applications must be received by the 13th of the month to be on the next month's agenda. A Pre-Application meeting with the Planner is required prior to acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission meeting is recommended.

Briefly address each of the following criteria: Use additional sheets if necessary.

- 11.030(A)(1) The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

The use is appropriate for the location. The supporting documentation demonstrates compliance with Clatsop County's zoning standards, which are similar to City standards. City staff indicated it would be sufficient to submit the application materials that were submitted to the County.

- 11.030(A)(2) An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

The site is suitable for the proposed use. This is a bridge maintenance project.

- 11.030(A)(3) The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

A new stormwater treatment facility will be constructed on the north end of the bridge.

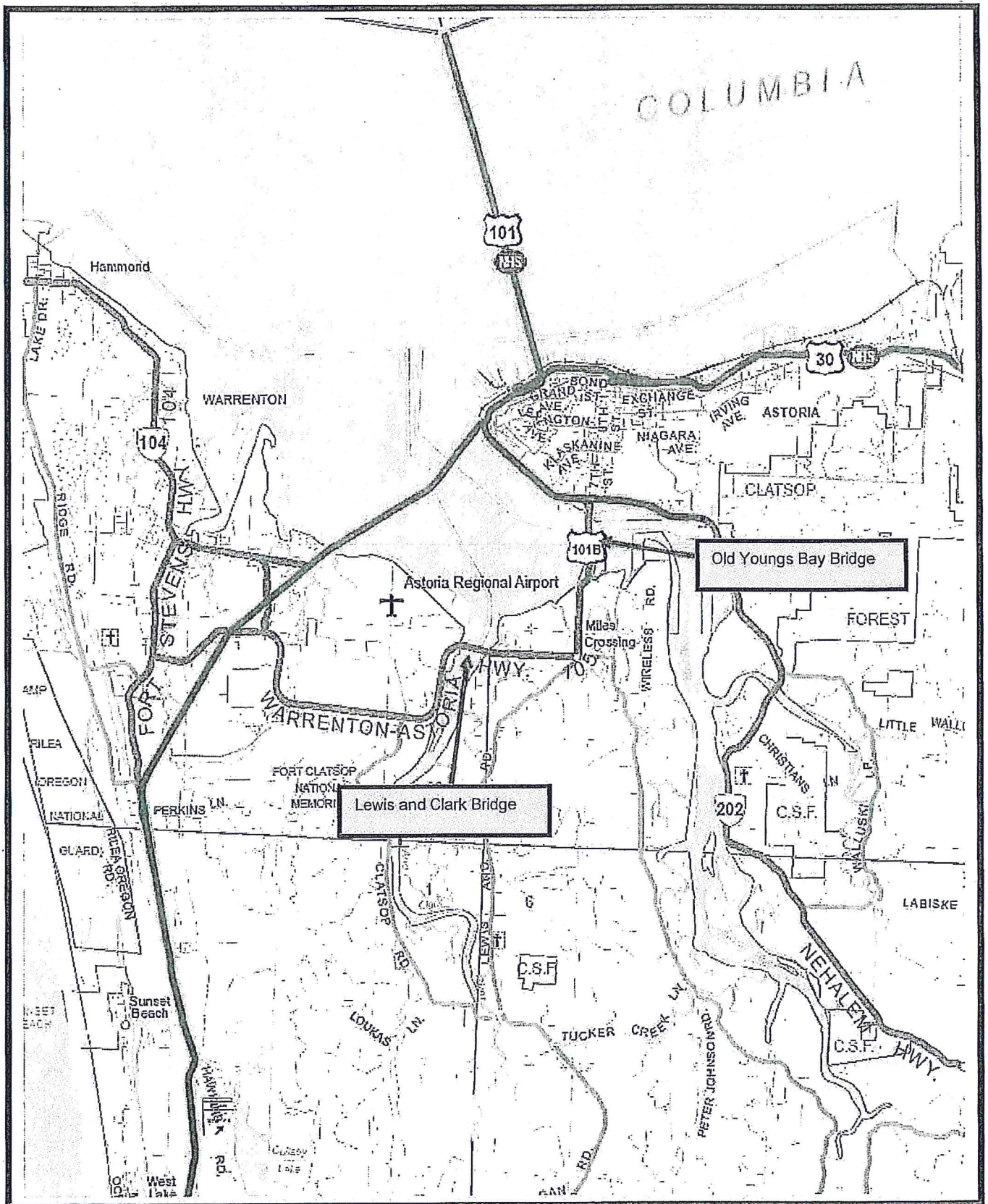
- 11.030(A)(4) The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

The bridge traverses Young's Bay (River). The bridge has been in existence for 90 years. The existing piles will be repaired, not replaced. The repairs have been designed by registered professional engineers.

- 11.030(A)(5) The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

The bridge repairs are entirely within existing right-of-way. A new stormwater treatment facility will be constructed on the north end of the bridge. This is also within existing ROW.

- 11.030(B) Housing developments will comply only with standards 2, 3, and 4 above.

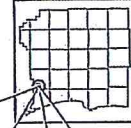
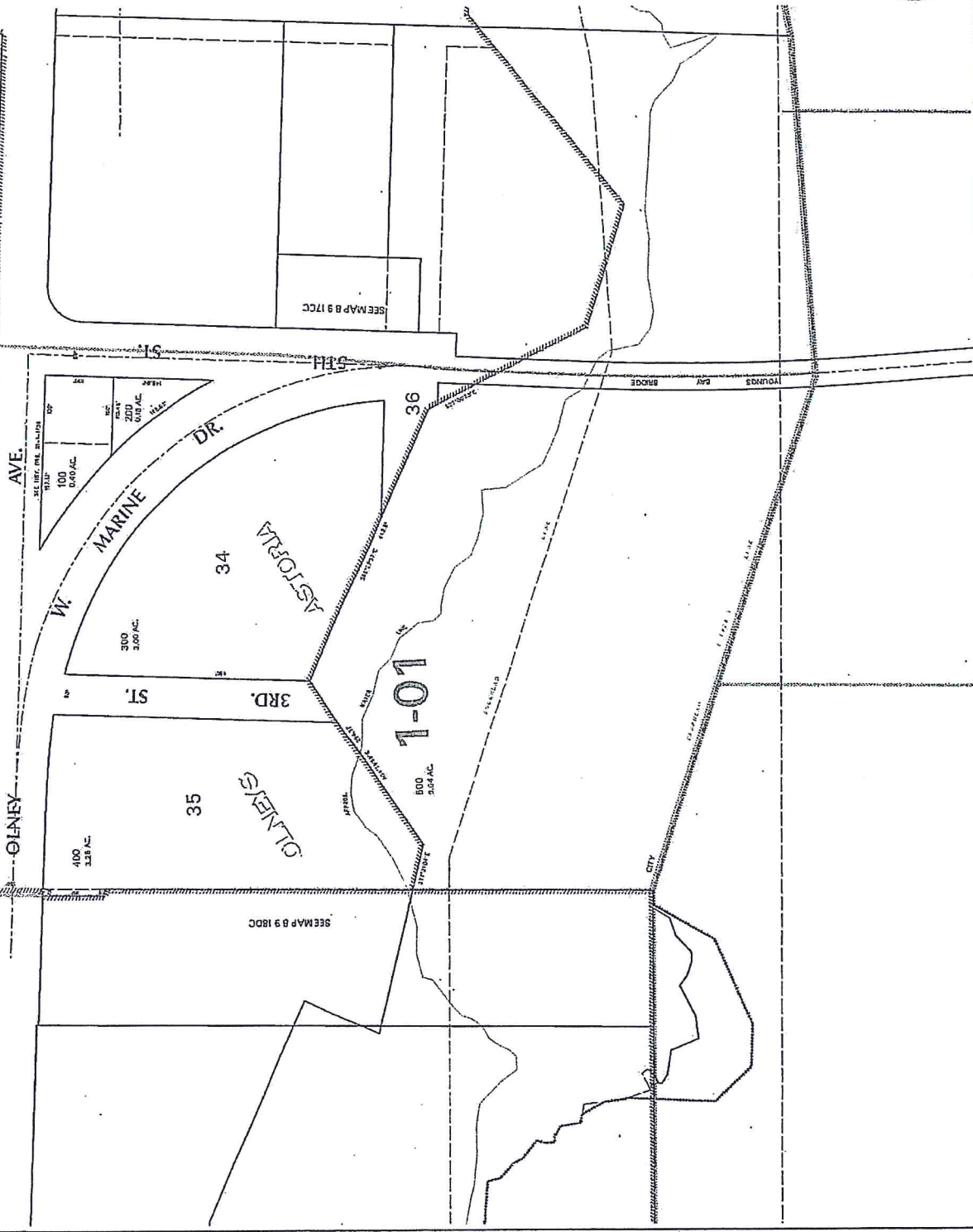
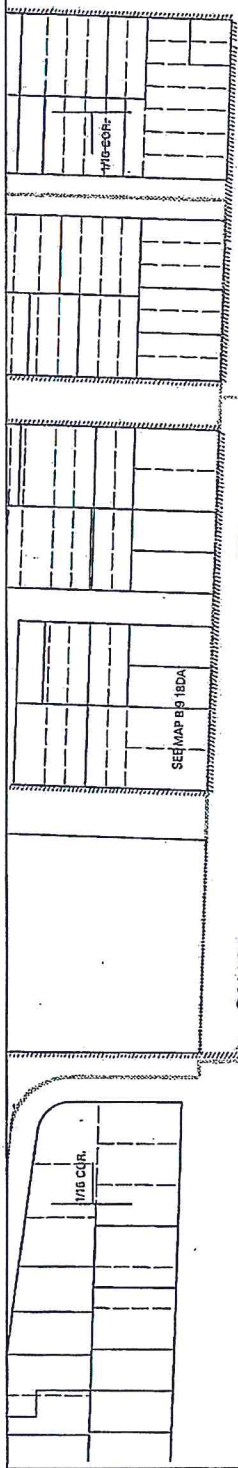


CLATSOP COUNTY BRIDGE LOCATION MAP

Highway 101B, Old Youngs Bay Bridge and Lewis and Clark Bridge

T8N R9W SEC 18DD WM
CLATSOP COUNTY

Scale 1:1200



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36



This map is a part of the 2013 Assessment of the Clatsop County Assessor's Office. It is not a legal document. It is for informational purposes only. It is not to be used for legal purposes. It is not to be used for legal purposes. It is not to be used for legal purposes.

May 16, 2013

8.9.18DD

L5.800 – Impact Assessment and Resource Capability Determination

A: Old Young's Bay Bridge

This section of ODOT's supporting documentation describes the anticipated environmental impacts to the Columbia River Estuary and the proposed mitigation measures. It constitutes the Impact Assessment and Resource Capability Determination required by Section 5.800 of the Clatsop County Land and Water Development and Use Ordinance. No other stand-alone document has been prepared. To simplify the County's review effort, the discussion follows the outline of topics presented in Section 5.800. Separate Impact Assessments and Resource Capability Determinations are provided for each bridge. This assessment focuses on the Old Young's Bay Bridge.

This project is in the process of being reviewed and permitted by several State and Federal agencies. Most of the data and analysis provided in this Impact Assessment is taken from documentation prepared by ODOT in conjunction with these permits. The following permits have been applied for and presumably will be issued for this project. (Some have already been issued.) Copies of these permit applications are provided in an appendix to this supporting documentation.

- US Army Corps of Engineers – Clean Water Act Section 404 permit
- Oregon Department of State Lands – General (removal/fill) permit. Permit # 53781-GP, was issued on June 5, 2013.
- US Coast Guard, Bridge Section – request for temporary navigation restriction

Other documentation that was used to prepare this assessment, which is also included in appendix:

- Stormwater Management Plan. This was prepared for the LCR portion of the project, but is not required for the OYB portion of the project. DEQ doesn't issue a formal permit for ODOT's stormwater management plan. ODOT essentially "self-certifies" according to the terms of an agreement with DEQ.

Draft CE Closeout Document. Because this is a Federally-funded project it is subject to the regulatory requirements of the National Environmental Policy Act (NEPA). The Federal Highway Administration (FHWA) has preliminarily determined that the impact of this project is "not significant." Consequently, it is categorized as a Class 2 action, also referred to as a Categorical Exclusion.

Section 5.810 – Impact Assessment

This section of the code outlines a process for assessing the impacts of development activities that could potentially alter the estuarine ecosystem. The process is being followed here. No response required.

Section 5.820 – Impact Assessment Requirements

This section lists the types of activities and structures that must be addressed in the Impact Assessment. The following is a description of the activities that apply to the OBY project. The impact of these activities and proposed mitigation measures are described later in Section 5.825.

- 1.) Dredging – Not applicable. Neither the OYB nor LCR projects involve any dredging.
- 2.) Aquatic area fill – RESPONSE: Earthwork will be limited to the isolated removal of sediment from the base of 23 piles so that preservation treatments can be applied where needed below the streambed. Some disturbance will also result from the installation of a submarine power cable into a narrow trench 325 feet long between the draw span piers. These disturbances are expected to fill with silt within a few tide cycles. Overall, 10 cubic yards (c.y.) of material will be removed and 25 c.y. will be filled. Included in the quantity of fill is 15 c.y. of new concrete collars and polymer wrapping materials that will be used to repair and preserve the existing piles.
- 3.) In-water structures – RESPONSE: No new in-water structures will be constructed. Activity will be limited to repairing existing wooden piles in the substructure of the bridge, and preserving undamaged piles. Specifically, there are 11 piles that will require sections to be removed so that new steel sections can be spliced in, 21 that require application of a fiber-reinforced polymer wrap with resin injected into underlying voids in the wood, and 280 piles that will be preserved with a high-density polyethylene wrap.
- 4.) Riprap – RESPONSE: Not applicable. The OYB portion of the project does not involve the use of any riprap. (Riprap will be installed on the LCR portion of the project.)
- 5.) New in-water log storage areas – Not applicable.
- 6.) Application of pesticides and herbicides – Not applicable.
7. Water intake pipes – Not applicable.
- 8.) Effluent discharge pipes – Not applicable.
- 9.) In-water dredged material disposal – Not applicable.
- 10.) Beach nourishment – Not applicable.
- 11.) Other activities which could affect estuarine physical or biological resources – None.
- 12.) Uses or activities that require a Resource Capability Determination – RESPONSE: Because a portion of the OYB Bridge is within the AN zone, both a resource capability

determination and use consistency determination is required. Refer to Section 5.860 for the required analysis of resource capability.

Section 5.825 – Use of Impact Assessment

This section describes how information contained in an Impact Assessment will be used by the County to evaluate the project's impacts on the estuarine ecosystem. No response required.

Section 5.830 – Information to be Provided in the Impact Assessment

This section of the code specifies the topics to be addressed in the Impact Assessment. The responses provided here (by ODOT), along with the supporting documentation cited, constitute the Impact Assessment for this project.

1.) Aquatic life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, sediments, and vegetation.

RESPONSE: Habitats within the work area consist entirely of subtidal and intertidal mud. The unvegetated substrate consists of a mud subclass composed primarily of silts and clays with a limited amount of organic matter and stone. Young's Bay at the location of the bridge is about 1,725 feet wide. This habitat will be impacted, slightly, by very limited removal of sediment around some piles.

Cowardin classifications of this habitat is E1UBL (Estuarine, Subtidal, Unconsolidated Bottom, Subtidal) and E2US3M (Estuarine, Intertidal, Unconsolidated Shore, Regularly Flooded). No vernal pools, bogs, fens, mature forested wetlands, seasonal mudflats, or native wet prairies are found in or near the project area.

The following listed species are potentially present within the project area: Lower Columbia River (LCR), Upper Willamette River (UWR), Upper Columbia River; (UCR) spring-run, Snake River (SR) spring/summer run, and SR fall-run Chinook salmon (*Oncorhynchus tshawytscha*); Columbia River (CR) chum salmon (*O. keta*); LCR coho salmon (*O. kisutch*); SR sockeye salmon (*O. nerka*); LCR, UWR, MCR, UCR, and Snake River Basin (SRB) steelhead (*O. mykiss*); Southern green sturgeon (*Acipenser medirostris*); and Eulachon (*Thaleichthys pacificus*).

Stellar sea lion and southern resident killer whale are not likely to be affected, but their potential presence within the project area cannot be entirely ruled out. Young's Bay is EFH for groundfish, Chinook salmon and coho Salmon. However, the lack of suitable habitat makes it unlikely any of these fish would linger and occupy the area surrounding the bridge for any significant period of time.

Throughout the project development period, ODOT has been in contact with its staff liaisons at National Marine Fisheries Service and Oregon Department of Fish and

Wildlife. These discussions have centered on design alternatives and recommended work schedules. The project has been designed to conform to all applicable avoidance and minimization measures in the Endangered Species Act Programmatic Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Response for the Federal-Aid Highway Program in the State of Oregon (NMFS #2011/02095; aka FAHP programmatic BO). The project will conform to all applicable requirements and avoidance and minimization measures of the FAHP programmatic BO.

The design alternative for this project was selected in part to avoid the need to perform extensive work within an environmentally sensitive estuary. The only modifications to the substructure of the bridge are the structural and preservation treatments that will be applied to the piles. These treatments will not significantly increase the diameter of the piles or cause any in any permanent adverse impact to the aquatic environment.

Temporary impacts have been minimized and are relatively minor. The minor excavation around 23 of the piles will naturally fill in over a short period of time as a result of sedimentation and shifting bay substrate. The submarine cable trench is expected to naturally fill in almost immediately.

Consequently, ODOT is not proposing any compensatory mitigation for adverse environmental impacts associated with the project.

Additional information about the aquatic environment can be found in ODOT's application to Oregon Department of State Lands for a General (removal/fill) permit. Refer also to the Draft CE Closeout Document that describes the programmatic agreements regulating ODOT's activities. (See ESA/T&E Species section).

2.) Shoreland life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, soil types and characteristics, and vegetation present.

RESPONSE: This project does not impact the shoreland environment.

The Clatsop County code defines shoreline (shoreland is not defined), in tidal environments, as the area between the water (defined by the Mean Higher High Water) and the boundary of aquatic vegetation (i.e., where aquatic vegetation is not present).

DSL defines shoreland geography differently. DSL differentiates between waters below Highest Measured Tide (which includes tidal wetlands) and freshwater wetlands (above HMT). Because MHHW is lower than the HMT, a portion of the shoreland as defined by the County is within the "intertidal zone." The remainder of the shoreland is what DSL refers to as freshwater wetlands (above HMT). In other words, the "shoreland" is the area defined by tidal wetlands and the adjacent freshwater wetlands.

The OYB work area is entirely within the subtidal and intertidal mud habitat. It does not impact any wetland areas, either tidal or freshwater. Consequently, there is no impact on the shoreland habitat as defined by the County.

3.) Water quality, including information on: sedimentation and turbidity, dissolved oxygen, biochemical oxygen demand, contaminated sediments, salinity, water temperatures, and expected changes due to the proposed use or activity.

RESPONSE:

Sediment and erosion control

During construction, erosion and sediment control will be provided using standard best management practices (BMPs). Erosion control measures will be inspected and maintained daily to ensure their continued effectiveness. The contractor will be required to submit an adequate Erosion & Sediment Control Plan and Pollution Control Plan prior to beginning construction. Sediment fence or similar devices will surround the limits of the construction area to prevent discharge into wetlands and waterways and to comply with Oregon's turbidity standards. As early as possible after each phase of construction is completed, the area disturbed will be permanently stabilized using methods such as seeding, mulching, structural surface coverings, and vegetative stabilization.

A pollution control plan will be implemented by the contractor to reduce the risk of spills and leaks into waterways of the state. Clean-up kits will be on site in the event of a spill. All equipment will be checked for fluid leaks, inspected and cleaned prior to operating within 45 m (150 feet) of the regulated work area. Untreated wash and rinse water will not be discharged within the regulated work area.

ODOT's contractor will comply with Section 00280 and related sections of ODOT's standard specifications, as well as project-specific specifications to be developed prior to the bid let phase of project development. ODOT's standard specifications and special provisions for erosion control and environmental protection will be provided upon request.

Work area isolation

To minimize the potential for contaminants to be discharged into the water, containment devices will be installed around timber piles to capture any liquids or solids generated by the repair operations. Potential contaminants include (1) concrete grout that will be injected into the closed-mold joints where piles are being spliced, and (2) plastic resin that will be injected at other locations where piles have been wrapped. Joint molds and wrapped sections are reasonably well-sealed and should effectively contain most of the unset grout and resin.

The timing of concrete and resin injections will be coordinated with tide cycles.

Injectons will be performed with full containment in place during low tide. Jackets will be sealed on top using a waterproof wrap to prevent high water from overtopping the jackets before the material is cured. Using these containment methods, at no time will uncured material be exposed to the water.

ODOT's contractor will comply with Section 00245 and related sections of ODOT's standard specifications, as well as project-specific specifications to be developed prior to the bid let phase of project development. ODOT's special provisions for temporary water management will be provided upon request.

4.) Hydraulic characteristics, including information on: water circulation, shoaling patterns, potential for erosion or accretion in adjacent areas, changes in flood levels, flushing capacity, and water flow rates.

RESPONSE: The project's impact on the hydrology and hydraulics of Young's Bay is negligible. The project will not increase the amount of runoff entering the bay, or affect how water flows within the bay.

5.) Air quality, including information on quantities of particulates and expected airborne pollutants.

RESPONSE: The project will not have any effect on air quality. During construction, a small amount of diesel exhaust will be generated by construction equipment. This will be offset by a reduction in emissions resulting from the bridge being closed. Because the project area is neither a non-attainment nor maintenance area for National Ambient Air Quality Standards pollutants, Clean Air Act conformity rules do not apply. An air quality analysis is not required. The project is considered to be in compliance.

6.) Public access to the estuary and shoreline, including information on: proximity to publicly-owned shorelands and public street ends; effect on public boat launches, marinas and docks; and impact on inventoried public access opportunities.

RESPONSE: None of the bridge repairs will result in any permanent impact to recreational navigation or fishing. However, there will be some temporary impacts. The area around the bridge is used by small fishing boats and other recreational watercraft such as kayaks and canoes. During the construction period, these small craft will be discouraged from entering hazardous areas. However, they will continue to have access to the navigation channel. No public boat launches in the area will be affected by the project.

7.) Navigation, including information on: distance from navigation channels, turning basins and anchorages; proximity to range markers.

RESPONSE: The portion of the project involves performing work on the draw span of the bridge. Only one bascule leaf will be closed and under containment at a time. ODOT has

determined there are no vessels which regularly use this channel that cannot traverse the bridge through the opening provided by raising a single bascule leaf. As a result, commercial navigation will not be hindered during construction. There will also not be any permanent modifications to the bridge that would impact commercial navigation.

8.) Demonstration that proposed structures or devices are properly engineered.

RESPONSE: All project components have been designed and stamped by ODOT registered professional engineers.

9.) Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.

RESPONSE: The bridge repairs will ensure the continued operation of the bridge, including the draw span, which will maintain navigation and access to shoreland areas where water-dependent uses either already exist or could be developed.

10.) Demonstration that non-water-dependent uses will not preempt existing or future water-dependent utilization of the area.

RESPONSE: This project does not conflict with existing or future water-dependent uses.

11.) Determination of methods for mitigation and accommodation of the proposed development, based on items 1 through 10 above, in order to avoid or minimize preventable adverse impacts.

RESPONSE: Mitigation measures were described in the responses above. Other mitigation measures include the following.

To minimize the potential for contaminants to be discharged into the water during construction, containment devices will be installed around timber piles to capture any liquids or solids generated by the repair operations. Potential contaminants include (1) concrete grout that will be injected into the closed-mold joints where piles are being spliced, and (2) plastic resin that will be injected at other locations where piles have been wrapped. Joint molds and wrapped sections are reasonably well-sealed and should effectively contain most of the unset grout and resin.

The timing of concrete and resin injections will be coordinated with tide cycles. Injections will be performed with full containment in place during low tide. Jackets will be sealed on top using a waterproof wrap to prevent high water from overtopping the jackets before the material is cured. Using these containment methods, at no time will uncured material be exposed to the water.

Section 5.840 – Impact Assessment Conclusion

The information provided above will be used by the County to reach one of the

conclusions listed below. No response required by ODOT.

1.) The proposed uses and activities do not represent a potential degradation or reduction of estuarine resource.

2.) The proposed uses and activities represent a potential degradation or reduction of estuarine resources. The impact assessment identifies reasonable alterations or conditions that will eliminate or minimize to an acceptable level expected adverse impacts.

3.) The proposed uses and activities will result in unacceptable losses. The proposed development represents irreversible changes and actions and unacceptable degradation or reduction of estuarine resource properties will result.

4.) Available information is insufficient for predicting and evaluating potential impacts.

RESPONSE: ODOT's preliminary conclusion is that proposed uses and activities do not represent a potential degradation or reduction of estuarine resource (Statement 1). Presumably the County will make the final determination.

Section 5.860 – Resource Capability Determination

This section of the code explains that uses within the Aquatic Natural (AN) and Aquatic Conservation (AC) zones are allowed only if it can be determined that (1) the use will not adversely impact the estuarine resources of the area, and (2) that the use is consistent with the purpose of the affected zone.

This section of the code also specifies that uses within the Aquatic Development (AD) zone are allowed only if it can be determined that the use is consistent with the purpose of the affected zone. In other words, the AN and AC zones require both a resource capability determination and use consistency determination. The AD zone only requires a use consistency determination.

Because a portion of the OYB Bridge is within the AN zone, both a resource capability determination and use consistency determination is required.

Section 5.870 – Resource Capability Procedure

This section of the code outlines the information required from the applicant and the procedure used to make the *resource capability* determination. The following information and preliminary determinations are provided by ODOT, following the outline provided in this section of the code. Presumably the County will make the final determination.

1.) Identification of the affected area's zone, and its purpose.

RESPONSE: The OYB Bridge traverses the RCC, AN, and AC-2 zones. The purpose

of those zones and the consistency of the OYB project with those zones is described elsewhere in this supporting documentation. (Refer to the sections describing those specific zones.) This bridge maintenance project is compatible with the purpose of all of these zones.

2.) Identification of the types and extent of estuarine resources present and expected adverse impacts. RESPONSE: Refer to the Impact Assessment, Section 5.830.

3.) A determination of whether the use or activity is consistent with the resource capabilities of the affected zone.

RESPONSE: The OYB bridge maintenance project is consistent with the resource capabilities of the area. Impacts on estuarine resources are not significant.

Section 5.880 – Determining Consistency with the Purpose of the Zone

This section of the code outlines the information required from the applicant and the procedure used to determine if the use is consistent with the purpose of the zone. (Section 5.870 determines consistency with resource capability.) The following information and preliminary determinations are provided by ODOT, following the outline provided in this section of the code. Presumably the County will make the final determination.

1.) Identification of the affected zone and its purpose.

RESPONSE: The OYB Bridge traverses the RCC, AN, and AC-2 zones. The purpose of those zones and the consistency of the OYB project with those zones is described elsewhere in this supporting documentation. (Refer to the sections describing those specific zones.) This bridge maintenance project is compatible with the purpose of all of these zones.

2.) Description of the proposed project's potential impact on the purposes of the affected zone.

RESPONSE: The project will not have any negative impact on the affected zones

3.) Determination that the proposal is either: (a) Consistent with the purpose of the affected zone; (b) Conditionally consistent with the purpose of the affected zone; or (c) Inconsistent with the purpose of the affected zone.

RESPONSE: The OYB bridge repair project is consistent with the purpose of the affected zones.