

SECTION 3.110: ESTUARY DEVELOPMENT ZONE (ED)

- (1) **PURPOSE AND AREAS INCLUDED:** The purpose of the ED Zone is to:
 - (a) Provide for long-term maintenance, enhancement, expansion or creation of structures or facilities for navigational and other water-dependent commercial, industrial or recreation uses.
 - (b) Provide for the expansion or creation of other commercial, industrial or recreational facilities, subject to the general use priorities outlined in Section 3.110.
 - (c) Areas which contain public facilities which are utilized for shipping, handling or storage of water-borne commerce, or for moorage or fueling of marine craft.
 - (d) Subtitle channel areas adjacent or in proximity to the shoreline which are currently used or needed for shallow-draft navigation (including authorized maintained channels and turning basins).
 - (e) Areas of minimum biologic significance needed for uses requiring alteration of the estuary not included in EN, ECA, EC1, or EC2 zones.
 - (f) Where an acknowledged Goal 16 exception has been taken, areas of biologic significance which are potentially suitable for commercial, recreational or industrial development due to their proximity to subtidal channels, developed or developable shorelands or developed estuarine areas, and to the availability of services.

- (2) **USES PERMITTED WITH STANDARDS:** The following uses are permitted subject to the procedure of Section 3.120 and standards in Section 3.140.
 - (a) Maintenance and repair of existing structures or facilities involving a regulated activity.
 - (b) Navigational structures and navigational aids.
 - (c) Water-dependent commercial uses, including docks, moorages and marinas for commercial marine craft (including seaplanes).
 - (d) Water-dependent industrial uses, including:
 - (1) Piers, wharves and other terminal and transfer facilities for passengers or water-borne commerce such as fish, shellfish, timber or timber products.
 - (2) Water intake and discharge structures.

- (3) Water access structures or facilities which require access to a water body as part of the manufacturing, assembly or fabrication or repair of marine craft or marine equipment.
- (e) Water-dependent public recreational facilities, including:
 - (1) Boat ramps.
 - (2) Docks, moorages and marinas for recreational marine craft (including seaplanes).
- (f) Aquaculture and water-dependent portions of aquaculture facilities.
- (g) Other water-dependent uses. A use is determined to be water-dependent when it can only be carried out on, in or adjacent to water, and the location or access is needed for:
 - (1) Water-borne transportation.
 - (2) Recreation.
 - (3) A source of water (such as energy production, cooling of industrial equipment or waste water, or other industrial processes).
- (h) Accessory uses or accessory structures in conjunction with a Permitted with Standards use listed in c-g above, limited in size to a maximum of 10 percent of the lot or parcel size.
- (i) Vegetative shoreline stabilization.
- (j) Structural shoreline stabilization.
- (k) Tidegate installation in existing functional dikes adjacent to ED Zones.
- (l) Water, sewer, gas or communication lines.
- (m) Electrical distribution lines and line support structures.
- (n) Temporary dikes for emergency flood protection.
- (o) New dike construction if:
 - (1) Required for a water-dependent use for which a substantial public benefit is demonstrated by, the use or alteration does not unreasonably interfere with

public trust rights and for which no practicable upland locations exist.

- (2) Adverse impacts are avoided or minimized to be consistent with the purposes of the area.
 - (p) Temporary low water bridges.
 - (q) Signs subject to Section 4.020.
 - (r) Temporary alterations.
 - (s) Active restoration or estuarine enhancement.
 - (t) Bridge crossing support structures.
- (3) **USES PERMITTED CONDITIONALLY:** The following uses may be permitted subject to the procedures of Section 3.120 and Article 6, the standards in Section 3.140 and only after a finding that the proposed facility does not preclude or unduly conflict with water-dependent use on the site or in adjacent water-dependent development shorelands, and is consistent with the purposes of the area.
- (a) Water-related uses not requiring the use of fill. A use is determined to be water-related when the use:
 - (1) Provides goods and/or services that are directly associated with water-dependent uses (supplying materials to ,or using products of, water-dependent uses); and
 - (2) If not located near the water, would experience a public loss of quality in the goods and services offered. Evaluation of public loss of quality will involve a subjective consideration of economic, social and environmental consequences of the use. Water-related uses can include, but are not limited to, the following:
 - (1) Water-related industrial uses such as:
 - a. Fish or shellfish processing plants; or
 - b. Warehousing and/or other storage areas for marine equipment or water-borne commerce.
 - (2) Water-related commercial uses, such as:
 - a. Fish or shellfish retail or wholesale outlet;

- b. Marine craft or marine equipment sales establishments;
 - c. Charter fishing offices;
 - d. Sport fish cleaning, smoking or canning establishments;
 - e. Retail trade facilities in which the majority of products are products such as ice, bait, tackle, nautical charts, gasoline, or other products incidental to or used in conjunction with a water-dependent use;
 - f. Restaurants which provide a view of the waterfront, and which are in conjunction with a water-dependent or other water-related uses, such as a seafood processing plant or a charter office.
- (b) Non-water-dependent and non-water-related uses not requiring the use of fill.
 - (c) In-water sorting, storage and handling of logs in association with water-borne transportation of logs.
 - (d) Accessory uses or accessory structures in conjunction with a Conditional Use listed in a-c above, limited in size to a maximum of 10 percent of the lot or parcel size.
 - (e) Mining and mineral extraction.
 - (f) Storm water and sewer outfalls.
 - (g) Water-related or non-dependent, non-related uses requiring the use of fill, provided that a Goal 16 exception has been approved and included as an amendment to the Tillamook County Comprehensive Plan.
- (4) **REGULATED ACTIVITIES:** The following Regulated Activities are permitted subject to the procedure of Section 3.120 and the standards in Section 3.140.
- (a) Regulated activities in association with on-site maintenance and repair of existing structures or facilities.
 - (b) Dredging for:
 - (1) Navigational improvements.
 - (2) Maintenance dredging of existing facilities.

- (3) Water-dependent uses.
 - (4) Water-dependent portions of aquaculture facilities or aquaculture operations.
 - (5) Mining and mineral extraction.
 - (6) Bridge crossing support structure installation.
 - (7) Water, sewer, gas or communication line installation.
 - (8) Outfall installation.
 - (9) Electrical distribution line installation.
 - (10) Tidegate installation in existing functional dikes adjacent to ED Zones.
- (c) Fill for:
- (1) Water-dependent uses.
 - (2) Water-dependent portions of aquaculture facilities.
 - (3) Navigational structures or navigational improvements.
 - (4) Structural shoreline stabilization.
 - (5) Bridge crossing support structures.
 - (6) Water-related or non-water-dependent uses in areas where Goal 16 exceptions have been taken and approved as part of the Tillamook County Comprehensive Plan.
 - (7) New dike construction.
- (d) Piling and dolphin installation in conjunction with a Permitted with Standards or Conditional Use within this zone.
- (e) Riprap for structural shoreline stabilization or protection of utility lines allowed by this zone.
- (f) Dredged material disposal in an approved DMD site or in conjunction with an approved fill project, subject to State and Federal permit requirements for dredged material disposal.

- (g) Flow-lane disposal of dredged material, subject to State and Federal permit requirements.
- (h) Regulated activities in conjunction with an approved active restoration (project) or estuarine enhancement project.
- (i) Incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
- (j) Regulated activities in conjunction with temporary alterations.