

SECTION 3.102: ESTUARY NATURAL ZONE (EN)

- (1) **PURPOSE AND AREAS INCLUDED:** The purpose of the EN Zone is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research or educational needs.

Except where a goal exception has been taken in the Tillamook County Comprehensive Plan, the EN Zone includes the following areas:

- (a) **Development and Conservation Estuaries:** Major tracts of tidal marsh, intertidal flats and seagrass and algae beds. The "major tract" determination is made through a consideration of all of the following four criteria: Size; habitat value; scarcity and degree of alteration.
 - (b) **Natural Estuaries:** The EN Zone includes all estuarine waters, intertidal areas, submerged or submersible lands and tidal wetland areas.
- (2) **USES PERMITTED WITH STANDARDS:** The following uses are permitted subject to the procedures of Section 3.120 and the standards in Section 3.140.
- (a) Maintenance and repair of existing structures or facilities involving a regulated activity.
 - (b) Navigational aids.
 - (c) Vegetative shoreline stabilization.
 - (d) Tidegate installation in existing functional dikes.
 - (e) Temporary dikes for emergency flood protection.
 - (f) Aquaculture facilities limited to temporary or easily removed bottom or in the water column structures (stakes, racks, trays, longlines, or rafts) or ground culture aquaculture.
 - (g) Bridge crossings and crossing support structures.
 - (h) Fill for boat launch parking lots shall be allowed where an exception to Goal 16 has been approved.
 - (i) Piling and docks in conjunction with public boat launches where an exception to Goal 16 has been approved.

- (3) **USES PERMITTED CONDITIONALLY:** The following uses may be permitted subject to the procedures of Section 3.120 and Article 6 and the standards in Section 3.140.
- (a) Aquaculture and water-dependent portions of aquaculture facilities which do not require dredging or fill.
 - (b) Water intake structures for out-bay aquaculture.
 - (c) Riprap to protect unique natural resources, historical and archaeological values, public facilities and uses existing as of October 7, 1977; and uses allowed by the zone.
 - (d) Electrical distribution lines and line support structures.
 - (e) Active restorations and estuarine enhancement.
 - (f) Temporary low water bridge.
 - (g) Temporary alterations.
 - (h) Boat ramps for public use where no dredging or fill for navigational access is needed.
- (4) **REGULATED ACTIVITIES:** The following Regulated Activities are permitted subject to the procedure of Section 3.120 and the standards of Section 3.140.
- (a) Regulated activities for the purpose of on-site maintenance and repair of existing structures or facilities, limited to:
 - (1) Dredging for on-site maintenance of:
 - a. Drainage tiles.
 - b. Drainage ditches.
 - c. Tidegates.
 - d. Bridge crossing support structures.
 - e. Water, sewer, gas or communication lines.
 - f. Electrical distribution lines.
 - g. Outfills.
 - (2) Fill or riprap for on-site maintenance of:

- a. Dikes.
 - b. Bridge crossing support structures or other land transportation facilities.
- (b) Riprap for structural shoreline stabilization or protection of utility lines allowed by this zone.
- (c) Piling installation for:
 - (1) Navigational aids.
 - (2) Aquaculture facilities.
 - (3) Public boat ramp.
 - (4) Bridge crossing support structures.
- (d) Dredging for installation of:
 - (1) Water, sewer, gas, or communication lines.
 - (2) Water intake facilities.
 - (3) Electrical distribution lines.
 - (4) Tidegates in existing functional dikes adjacent to EN zones.
- (e) Regulated Activities in conjunction with an approved Active Restoration Estuarine Enhancement project.
- (f) Regulated activities in conjunction with temporary alterations.
- (g) Fill for installation of public boat ramps or bridge crossing support structures.
- (h) Incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.