

ARTICLE 25

(EC) Estuarine Conservation

SECTION 3.25.000 Purpose

The Estuarine Conservation classification is intended to establish and protect areas of the estuary for the long term use of renewable resources. The classification is intended to apply to an area designated in the Comprehensive Plan as a conservation management unit and to be managed for uses of low to moderate intensity that do not require a major alteration of the estuary. Areas included in the classification have less biological significance than areas classified as Estuarine Natural.

SECTION 3.25.050 Permitted Uses

In the EC zone, the following uses and activities and their accessory buildings and uses are permitted subject to the applicable standards and provisions set forth in this Ordinance.

1. With the exception of temporary alterations and other alterations all uses and activities permitted outright and permitted with standards in the EN zone.
2. Active restoration of sites identified for such use in the Comprehensive Plan.
3. Agricultural irrigation pumps.
4. Aquaculture.
5. Live bait storage.
6. Log transport.
7. Maintenance and rehabilitation of existing dikes and fishing piers not including dredging.
8. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges.
9. Structures for research and educational observation.
10. Temporary low-water bridges.
11. Commercial harvest of benthic organisms (clams, oysters, shrimp, etc.) without the use of permanent structures or harvest by dredging.

SECTION 3.25.100 Uses Permitted With Standards

The following uses and activities and their accessory buildings and uses are permitted in the EC zone consistent with procedures set forth in §2.060.1 of this Ordinance and subject to conformance with applicable standards and criteria set forth in §3.25.200 and Article 36 SUPPLEMENTARY PROVISIONS of this Chapter.

1. Dredging for maintenance and rehabilitation of dikes.
2. Fill when required to establish a permitted or conditionally permitted use.
3. High intensity, water-dependent recreation including:
 - marinas and moorages;
 - boat charter services;
 - boat ramps and hoists; and
 - fishing piers and associated dredging.
4. Individual or community docks.
5. Piling and mooring dolphins for the purpose of mooring craft, barges and log rafts.
6. Maintenance dredging of existing facilities and future marinas/moorages.
7. Minor navigational improvements including maintenance dredging of recognized channels and construction of wing dams.
8. Riprap and other erosion protective measures.
9. Sanitary waste outfalls.
10. Utilities and their support structures.
11. Dredge harvest of clams and other benthic organisms.
12. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
13. Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.
14. Aquaculture requiring dredge or fill or other alteration of the estuary.
15. Temporary alterations in support of uses permitted outright or conditionally permitted in Article 25.
16. Other alterations limited to uses consistent with the purpose of the management unit.

SECTION 3.25.150 Buildings and Uses Permitted Conditionally

In the EC zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 of the Ordinance, and applicable standards and criteria set forth in §3.25.200 and Article 36 SUPPLEMENTARY PROVISIONS of this Chapter.

1. Mining and mineral extraction, including sand and gravel.

SECTION 3.25.200 Standards and Criteria

In an EC zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved:

1. The use is found to be consistent with the provisions of Article 36 SUPPLEMENTARY PROVISIONS, including:
 - a. Resource capabilities of the area;
 - b. Purpose of the resource management unit, as explained in §3.25.000 of this zone classification;
 - c. Other Alterations in §3.36.040; and
 - d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
 - a. High intensity water-dependent recreation, maintenance dredging of existing facilities, minor navigational improvements, mining and mineral extraction, utilities, sanitary waste outfalls, water-dependent uses requiring occupation of water surface area by means other than fill and bridge crossings shall be permitted if found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources that do not require major alteration of the estuary.
 - b. Riprap and other bank protective measures shall be permitted to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
 - c. Fills may be allowed in an EC zone only as part of the following uses or activities:
 - (1) Maintenance and protection of man-made structures existing as of October 7, 1977;

- (2) Active restoration of the estuarine area if a public need is demonstrated;
 - (3) Temporary low-water bridges if an estuarine location is required, if there are no alternative locations within a "development" management unit and if adverse impacts are minimized as much as feasible;
 - (4) Aquaculture;
 - (5) High intensity water-dependent recreation and minor navigational improvements if no alternative upland locations exist for the portion of the use requiring fill, and allowing the use is found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources;
 - (6) Flood and erosion control structures, if required to protect water-dependent uses allowed in the management unit and if land use management practices and nonstructural solutions are inadequate to protect the use; and
 - (7). Bridge crossing support structures if there are no alternative locations in an ED zone and if findings required in (5) above are made.
- d. Dredging for material for dike repair/maintenance may be allowed in subtidal areas within EC zones on Smith River and Scholfield Creek if no alternative source of suitable material is available or the cost of obtaining and placing the material is prohibitive (cost of using alternative sources is 200% or more of the cost of dredging for material). An application for a permit to dredge for dike repair/maintenance shall include an evaluation of the availability and suitability of alternative sources of material including specific upland and dredged material stockpile sites and a cost comparison of using alternative sources.
- e. Dredging for dike repair/maintenance shall be carried out in such a manner that the impact on aquatic life and disruption of tide flats and marshes is minimized.
- f. Active restoration of sites not identified in the Comprehensive Plan shall be consistent with the definition contained in Chapter 1 of this Ordinance. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored.