

## ARTICLE 26

### (ED) Estuarine Development

#### SECTION 3.26.000 Purpose

The Estuarine Development classification is intended to establish and preserve adequate area for navigation and other public, commercial and industrial water dependent uses. This classification is intended to apply to an area designated in the Comprehensive Plan as a Development Management Unit and to be managed for uses of high intensity which may significantly alter the estuarine resource.

#### SECTION 3.26.050 Permitted Uses

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

1. Commercial water-dependent uses including:
  - boat launch or moorage facility, marina, and boat charter services; and
  - facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
2. Developed, high-intensity, water-dependent recreation uses including:
  - marinas and moorages;
  - boat charter services;
  - boat ramps and hoists; and
  - fishing piers.
3. Industrial water-dependent uses including:
  - wharves, docks and piers;
  - loading and unloading facilities; and
  - marine ways and drydock facilities for boat, barge and ship repair and maintenance.
4. Interim, temporary uses and activities which do not preclude or interfere with the future development of water-dependent uses and activities.
5. Log transport.
6. Maintenance dredging of water-dependent and other existing uses.
7. Maintenance of existing facilities and structures.

8. Navigation channels and improvements including:
  - maintenance dredging of authorized channels;
  - extension of channels and turning basins to authorized depth and width; and
  - maintenance of jetties.
9. Public water-dependent uses including:
  - aids to navigation such as beacons and buoys;
  - laboratory for research of physical and biological characteristics of the estuary; and
  - sanitary waste outfalls.
10. Utilities.

### **SECTION 3.26.100 Uses Permitted with Standards**

The following uses and activities and their accessory buildings and uses are permitted subject to the procedures set forth in §2.060.1 of this ordinance and conformance with applicable standards and criteria set forth in §3.26.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. In-water (subtidal) disposal of dredged materials. (2b)
2. Laboratory for commercial research on marine/estuarine products and resources.
3. Riprap and other erosion protective measures. (2c)
4. Storage of products and materials transported by means of estuarine waters (including logs). (2d)
5. Uses permitted in natural and conservation management units but not listed as permitted in development management units. (2e)
6. Active restoration. (2g)
7. Uses shown to be water-dependent by an applicant. (2f)
8. Flow-lane disposal of dredged material. (2h)
9. Dredge or fill. (2b & 2i)
10. Other alterations limited to uses consistent with the purpose of the management unit. (2i)

### **SECTION 3.26.150 Uses Permitted Conditionally**

In the ED 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 and applicable standards and criteria set forth in §3.26.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Mining and mineral extraction, including sand and gravel. (2a)
2. Where consistent with the purpose of this management unit water related uses and nondependent, nonrelated uses not requiring dredging or fill and activities listed in the Estuarine Natural and Conservation Zones, including the following, shall also be appropriate:
  - storage of marine/estuarine products, fishing gear and marine equipment;
  - wholesale and retail market for marine/estuarine sea products;
  - marine supplies and equipment store;
  - bait and tackle shop;
  - grocery store;
  - restaurant;
  - marine-related gift or specialty shop;
  - houseboat;
  - dwelling for caretaker; and
  - single-family dwelling attached to a permitted or conditionally permitted use. (2a)

### **SECTION 3.26.200 Approval Standards and Criteria**

In an ED 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 §3.26.000 of this zone classification;
  - c. Other Alterations in §3.36.040; and
  - d. Special policies for specific uses.
2. The use is found to be consistent with any of the following applicable special standards:

- a. Water-related, nondependent and nonrelated uses may be allowed only if:
  - i. The site has minimum biological or recreational significance;
  - ii. The site and adjacent shorelands are not suitable or needed for water-dependent uses;
  - iii. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses; and
  - iv. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.
- b. In-water disposal of dredged materials shall be permitted, if found to be consistent with the dredge and fill requirements of Article 36 and the objective of providing for and maintaining navigational and other public, commercial and industrial water-dependent uses and state and federal laws.
- c. Riprap and other bank protective measures shall be permitted in ED zones 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.
- d. Water storage of materials or products shall be permitted in ED zones if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing facility; if there are no feasible upland alternatives; if adverse impacts are minimized as much as possible and if consistent with the objective of providing for and maintaining navigational and other water-dependent uses.
- e. Uses permitted in natural and conservation management units, bridge crossings and mining and mineral extraction may be allowed in an ED zone if found to be consistent with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.
- f. Uses not listed as water dependent in the plan or this ordinance may be allowed in an ED zone if the applicant demonstrates that the uses meet the criteria for water-dependency contained within the definition.
- g. Active restoration shall be consistent with the definition contained in Chapter 1 of this ordinance. Proposals for active restoration shall identify the historical existence and causes of the lost or degraded estuarine resource being restored.

- h. Flow-lane disposal of dredged material must be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.
- i. Other uses and activities which could alter the estuary shall only be allowed once an impact assessment is completed (as required in §3.36.040) and once the following requirements are satisfied:
  - i. if a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
  - ii. if no feasible alternative upland locations exist; and
  - iii. if adverse impacts are minimized.