

3.100 ESTUARY ZONES

- (1) GENERAL USE PRIORITIES AND AREAS INCLUDED: General priorities, from highest to lowest, for uses within all ESTUARY ZONES shall be:
- (a) Uses which maintain the integrity of the estuarine ecosystem.
 - (b) Water-dependent uses requiring an estuarine location, as consistent with the overall Oregon Estuarine Classification.
 - (c) Water-related uses which do not degrade or reduce the natural estuarine resources and values.
 - (d) Non-dependent, non-related uses which do not alter, reduce or degrade the estuarine resources and values.

ESTUARY ZONES shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.

The application of a particular type of ESTUARY ZONE within a given estuary is dependent upon the classification of the estuary under L.C.D.C Rule No. OAR 660-17-010, and the criteria outlined in individual zone descriptions in Section 3.102 to 3.110. The Estuary Zones indicated on Tillamook County Zoning Maps are illustrative in nature and only approximate the zone boundaries.

Estuary Classification: Development. Estuaries: Nehalem, Tillamook. Permitted Zones: Estuary Development (ED), Estuary Conservation 2 (EC2), Estuary Conservation 1 (EC1), Estuary Conservation Aquaculture (ECA) and Estuary Natural (EN).

Estuary Classification: Conservation. Estuaries: Nestucca, Netarts, Neskowin Creek, Sutton Creek. Permitted Zones: Estuary Conservation 2 (EC2), Estuary Conservation 1 (EC1), Estuary Conservation Aquaculture (ECA) and Estuary Natural (EN).

- (2) USES PERMITTED OUTRIGHT (P): The following uses are permitted outright within all ESTUARY ZONES:
- (a) Maintenance and repair of existing structures or facilities not involving a regulated activity. (See Section 3.120). For the purpose of this ordinance, "existing structures or facilities" are defined as structures or facilities in current use or good repair as of the date of adoption of this ordinance (including structures or facilities which are in conformance with the requirements of this ordinance and non-conforming structures or facilities established prior to October 7, 1977).
 - (b) Dike maintenance and repair for:
 - (1) Existing serviceable dikes (including those that allow some seasonal inundation; and
 - (2) Dikes that have been damaged by flooding, erosion or tidegate failure where the property has not reverted to estuarine habitat; and

- (3) Dikes that have been damaged by flooding, erosion or tidegate failure where the property has reverted to estuarine habitat only if the property is in the Farm, F-1 zone and it has been in agricultural use for 3 of the last 5 years and reversion to estuarine habitat has not occurred more than 5 years prior.

Tillamook County will rely on the U. S. Army Corps of Engineers and the Division of State Lands to determine whether an area has reverted to estuarine habitat.

For the purpose of this Subsection, agricultural use means using the area for pasture several months of the year or harvesting this area once a year.

- (c) Low-intensity, water-dependent recreation, including but not limited to fishing, crabbing, clamming, wildlife observation, swimming and hunting.
- (d) Research and educational observation.
- (e) Grazing of livestock.
- (f) Fencing, provided that it is not placed across publicly-owned intertidal areas so as to restrict public access to, or recreational boating access across said lands and intertidal areas.
- (g) Passive restoration.