

Section 3.130 A-2 AQUATIC CONSERVATION

Section 3.131 Purpose. To provide for aquatic areas which can withstand limited amounts of adjacent development or alteration, consistent with the intent of the overall goals and policies of the Estuary Section of the Comprehensive Plan. Uses and activities within this zone must be non-consumptive, in that the area is to be managed for resource protection. Aquatic Conservation areas shall include water areas of the estuary and salt marshes and tidal flats of lesser biological significance than those in the A-1 Zone, and partially altered areas adjacent to existing development which do not qualify for inclusion in the A-2 Zone.

Section 3.132 Uses and Activities Permitted With Review. In an A-2 Zone, the following uses and their accessory uses and activities are permitted if no major alterations of the estuary are necessary and the Planning Commission determines that the development plans comply with the provisions of Section 3.135 through 3.139.

1. Navigation Aids.
2. Research and Education Observation.
3. Passive restoration measures.
4. Dredging or fill necessary for on-site maintenance of existing structures and facilities.
5. Riprap
6. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
7. Communication facilities.
8. Pipelines, cables and utility crossings.
9. Bridge crossings and bridge crossing support structures.
10. Undeveloped low-intensity, water-dependent recreation.
11. Vegetative shoreline stabilization.
12. Tidegate installation in existing functional dikes.
13. Dredging, fill or piling installation in conjunction with uses listed above.
14. Fill in conjunction with the widening of US 101, including fill in conjunction with bridge approaches. (*Ordinance No. 2003-09*)

Section 3.133 Conditional Uses and Activities Permitted. In an A-2 Zone, the following uses and their accessory uses and activities are permitted subject to the provisions of Article 6. It must also be determined if these uses and activities meet the resource capability of the Aquatic Conservation area in which the uses or activities occur and if the uses and activities are consistent with the purpose of the Aquatic Conservation Zone, as stated above. The procedures of Section 6.180, Resource Capability Determination, will be used to make this determination.

1. High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas.
2. Active restoration for purposes other than those listed in 3.132(7).
3. Temporary alterations.
4. Storm water outfall.

5. Sanitary sewer outfall.
6. Minor navigational improvements.
7. Dredging, fill, or piling installation in conjunction with the uses listed above, excluding fill for minor navigational improvements.

Section 3.134 Height of Buildings. Maximum height of a building shall be 20 feet above water level at Mean Higher High Water.

Section 3.135 Review Uses and Activities

Section 3.136 Purpose. The purpose of the review use process is to provide the Planning Commission with an opportunity to insure that the use conforms with the policies and standards for conservation aquatic areas, and that the development plans overcome any locational limitations resulting from an estuarine location. Unlike conditional uses, no public hearing is required.

Section 3.137 Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with alterations, or disapprove Review Uses in accordance with Sections 3.138 and 3.139.

Section 3.138 Review Uses. Review Uses shall be reviewed and administered using the same procedures as set forth in Sections 6.032 through 6.050, excepting Section 6.034 and 6.042.

Section 3.139 Standards for Aquatic Conservation.

1. Evidence will be presented to the City through the state or federal permit processes that the structure(s) will not negatively affect currents, flushing characteristics, adjacent shoreline, marshes, or fish habitat. Aesthetic factors shall be considered.
2. Applicants for in-water structures will present evidence why other means of addressing the problem are not feasible; such as rip rap on the shoreline, or floating structures.
3. All structures shall be of minor scale, and shall make no major alteration to the estuarine ecosystem.
4. Structures, parking lots, roads, fills, utilities or other uses or activities except decks, walkways and bridges (in areas without riparian vegetation) shall be setback from the estuary boundary a distance of at least 15 feet.

Where dredging is proposed, the applicant shall develop a dredged material disposal plan for expected life of the project in accordance with the Standards of Section 6.1535.