



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/01/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Garibaldi Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 14, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jay Sennewald, City of Garibaldi
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

FEB 22 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: CITY OF GARIBALDI

Local file number: # ORD 319

Date of Adoption: 1/22/13

Date Mailed: 2/19/13

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☒ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☒ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

REPLACED PREVIOUS WATER-DEPENDENT ZONING (WD-1) AND BACKUP ZONE (WD-2) WITH NEW WATER-DEPENDENT DEVELOPMENT ZONE (WD) AND WATERFRONT MIXED-USE (WM) ZONE. COMPREHENSIVE PLAN AMENDMENT ESTABLISHES THE MINIMUM INVENTORY OF LANDS ESPECIALLY SUITED FOR WATER-DEPENDENT USES. ZONE MAP AMENDMENT REFLECTS RE-DISTRIBUTION OF MINIMUM INVENTORY OF WATER-DEPENDENT ZONING

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from:

to:

Zone Map Changed from: WD-1 & WD-2

to: WD & WM

Location: GARIBALDI PENINSULA INCLUDING PORT-OWNED LAND

Acres Involved: 49.65

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-12 (19516) [17367]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

PORT OF GARIBALDI

Local Contact: JAY SENNEWALD, CITY PLANNER Phone: (503)322-3327 Extension:
Address: PO BOX 708 Fax Number: (503)-322-3737
City: GARIBALDI Zip: 97118 E-mail Address: PLANNER@ci.garibaldi.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

CITY OF GARIBALDI ZONING

Adopted by the City Council on January 22, 2013.

Mayor: Suzanne M. Cook
Manager: [Signature]

ADOPTION (Ord. 107) 15 April 1982 AM NDFO
(Ord. 120) 13 August 1984, (Ord. 122) 14 January 1985, (Ord. 129) 13 January 1986, (Ord. 133) 10 March 1986, (Ord. 134, 135) 14 April 1986, (Ord. 142) 24 November 1986, 27 October 1986, (Ord. 148) 11 May 1987, (Ord. 154) 16 November 1987, (Ord. 157) 13 June 1988, (Ord. 159) 11 July 1988, (Ord. 163) 13 March 1990, 27 June 1989, (Ord. 170) 13 February 1990, (Ord. 178) 11 February 1991, (Ord. 185) 9 September 1991, (Ord. 190) 13 April 1992, (Ord. 195) 14 September 1992, 12 October 1992, (Ord. 200) 14 December 1992, (Ord. 209) 14 February 1994, (Ord. 211) 9 October 1995, (Ord. 219) 13 November 1995, (Ord. 220) 11 March 1996, (Ord. 223) 9 September 1996, (Ord. 228) 11 August 1997, (Ord. 234) 9 February 1998, (Ord. 241) 21 August 2000, (Ord. 251A) 17 September 2001, (Ord. 252) 20 August 2001, (Ord. 259) 18 March 2002, (Ord. 264/265) 17 June 2002, (Ord. 272) 27 October 2003, (Ord. 290) 21 June 2006, (Ord. 303) 22 January 2008, (Ord. 304) 19 February 2008, (Ord. 319) 22 January 2013.

ZONING

- City Limits
- Urban Growth Boundary
- DMD Districtal Map of Disposal Tax Lots
- Commercial (C-1)
- Development (D-1)
- Industrial (I-1)
- Residential (R-1)
- Recreation/Open Space (RO)
- Waterfront Development (WD)
- Waterfront Mixed Use (WMU)
- Estuary Conservation I (EC-I)
- Estuary Conservation II (EC-II)
- Estuary Development (ED)
- Estuary Natural (EN)

1 inch = 250 feet

0 300 600 1,200 1,800 2,400 3,000 Feet

Disclaimer: This map is provided for informational purposes only. It does not constitute a warranty or guarantee of accuracy. The information contained herein is subject to change without notice. The user assumes all responsibility for the use of this information. The City of Garibaldi is not responsible for any errors or omissions. This map is intended for general reference only and should not be used for legal or financial decisions. For more information, please contact the City of Garibaldi Planning Department.

Mayor: 
Manager: 

ADDITION (Ded. 107) 15 April 1990 (Am. Mus. NHD)
(Ded. 120) 14 August 1984, (Ded. 122) 14
January 1985, (Ded. 129) 13 January 1986, (Ded.
133) 10 March 1966, (Ded. 134, 135) 14 April
1986, (Ded. 142) 24 November 1966, 27
October 1986, (Ded. 148) 11 May 1987, (Ded.
154) 16 November 1987, (Ded. 157) 13 June
1988, (Ded. 159) 11 July 1988, (Ded. 163) 13
March 1990, (Ded. 165) 2 June 1989, (Ded. 170
171) 19 August 1988, (Ded. 178) 13 July 1991, (Ded.
185) 5 September 1991, (Ded. 190) 13
April 1992, (Ded. 195) 14 September 1992, 12
October 1992, (Ded. 200) 14 December 1992,
(Ded. 209) 14 February 1994, (Ded. 211) 9
October 1995, (Ded. 219) 13 November 1995,
(Ded. 220) 11 March 1996, (Ded. 223) 9
September 1996, (Ded. 228) 11 August 1997,
24 August 1997, (Ded. 242) 21 September
1998, (Ded. 243) 21 September 1998, (Ded. 244)
(252) 20 August 2001, (Ded. 245) 19 March 2002,
(Ded. 264/265) 17 June 2002, (Ded. 272)
27 October 2003, (Ded. 290) 21 June 2006,
(Ded. 303) 27 January 2006, (Ded. 304) 19
February 2008, (Ded. 319) 22 January 2013.

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CITY OF GARIBALDI
ORDINANCE NO. 319

AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING
OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI
COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI
ZONE MAP

The City of Garibaldi ordains as follows:

ARTICLE I. Adopting Amendments to Title 18 of the Garibaldi Municipal Code.

Garibaldi Municipal Code is amended by the changes as directed in this section. Reference to section numbers and titles are not part of the adopted text amendments except as required for reference for or codification of new or replacement text. The table of contents for this section is provided only for reference.

1. GMC § 18.05.020, *Commercial Zone, uses permitted outright, add subsection (R)*
2. GMC § 18.05.030, *Definitions, amend definition*
3. GMC § 18.05.030, *Definitions, add definition*
4. GMC § 18.05.040 *Estuarine and coastal shoreland definitions, amend section*
5. GMC § 18.10.020, *Classification of zones, amend section*
6. GMC § 18.27.020 *Downtown Zone, uses permitted outright, add section (N)*
7. GMC § 18.27.040(A)(1)(b) *Downtown Zone, standards, amend section*
8. GMC § 18.27.040(C)(3) *Downtown Zone, standards, amend section*
9. GMC § 18.27.040(D)(2) *Downtown Zone, standards, amend section*
10. GMC § 18.27.040(E) *Downtown Zone, standards, amend section*
11. GMC § 18.27.040(G)(2) *Downtown Zone, standards, amend section*
12. GMC § 18.27.040(H)(1) *Downtown Zone, standards, amend section*
13. GMC § 18.27.040(H)(3)(a) *Downtown Zone, standards, amend section*
14. GMC § 18.27.040(I) *Downtown Zone, standards, amend section*
15. GMC § 18.35 *Water-Dependent Development Zone, amend chapter*
16. GMC § 18.40 *Waterfront Mixed-Use Zone, amend chapter*
17. GMC § 18.90 *Access Requirements, amend chapter*
18. GMC § 18.120.050(A) *Sign Regulations, base zone sign regulations, amend section*
19. GMC § 18.120.060(A) *Sign Regulations, sign permits, amend section*
20. GMC § 18.125.030 *Minimum Required Parking by Use, amend table 18.25.030*
21. GMC § 18.135.010, *Accessory structures, amend section*
22. GMC § 18.185.010, *Authorization to grant or deny conditional uses, amend section*
23. GMC § 18.185.040, *Specific conditional use standards, amend section*
24. GMC 18.210 *Add Section 125, Applicability*

Section 1. Subsection R is added to GMC § 18.05.020 Commercial Zone (C-1), uses permitted outright, to read as follows:

Car Wash

Section 2. Subsection 12 of Sign or Sign-Related Definitions, GMC § 18.05.030, Definitions, is amended to read as follows:

“Temporary” means a sign not permanently attached to a building, structure or the ground, and is intended to be displayed not more than 90 days in a calendar year.

Section 3. Subsection 15 is added to Sign or Sign-Related Definitions, GMC § 18.05.030, Definitions, to read as follows:

“Portable” means a sign that is not permanent and intended to be displayed more than 90 days in a calendar year.

Section 4. GMC § 18.05.040, Estuarine and coastal shoreland definitions, amended to read as follows:

The definitions in the Tillamook County land use code for estuary zones, shorelands overlay zone and water-dependent development zone are adopted by reference. The definitions contained therein shall be applied in the following zones where there is no appropriate definition in GMC 18.05.030: estuary natural zone, estuary conservation 1 zone, estuary conservation 2 zone, dredge material disposal site protection overlay zone, water-dependent development zone and waterfront mixed use zone.

Section 5. GMC § 18.10.020, Classification of zones, is amended to read as follows:

For the purposes of this title, the following zones are hereby established:

Zone	Abbreviated Designation
Medium Density Residential	R-1
Resource/Open Space	R-O
Commercial	C-1
Downtown	D-1
General Industrial	I-1
Water-Dependent Development	WD

Waterfront Mixed-Use Zone	WM
Dredge Material Disposal Site Protection Overlay Zone	DMD
Estuary Natural	EN
Estuary Conservation 1	EC-1
Estuary Conservation 2	EC-2
Estuary Development	ED

Section 6. Subsection N is added to GMC § 18.27.020 Downtown Zone, uses permitted outright, as follows:

Private or public parking lots intended to provide general parking for the surrounding area and not required under GMC 18.125.

Section 7. Subsection A(1)(b) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

Maximum Setback. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 75 percent of the front building elevation (facade) is placed no more than 20 feet back from the front property line. (See also pedestrian amenities standards and architectural standards in this chapter.)

Section 8. Subsection C(3) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

New land divisions and developments may be configured to provide a driveway or interior parking court. If parking courts are created, then pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. Parking, driveways and other vehicle facilities shall be prohibited between buildings and street corners.

Section 9. Subsection D(2) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

Minimum Height. Buildings shall not be shorter than 15 feet. Facade extensions may accommodate the standard.

Section 10. Subsection E of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

1. Purpose and Applicability. These architectural guidelines and standards are intended to encourage innovative design and be of human scale while affording flexibility to use a variety of building styles and materials complementary to and with materials used in existing downtown buildings. This section applies to all building types as listed in GMC 18.27.020 and 18.27.030.

2. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of downtown Garibaldi buildings. This criterion may be met by providing architectural features as listed in subsections (E)(2)(a) through (e) of this section, in the front or "main street" facade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or facade as well.

a. Building Entrances on Corner Lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other design aspects or features to reduce the angular appearance of the building at the street corner.

b. Fenestration and Decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories.

c. Display Windows. Large display windows on the ground floor should be offset by decorative moldings, extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories.

d. Decoration. Decorative cornices and/or fascia on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.

e. Weather Protection. Building canopy, awning, pergola, or similar weather protection. The height of the bottom or low point of the protection shall be at least eight feet above grade.

Section 11. Subsection G(2) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

Guidelines and Standards. Every development shall provide at least one of the "pedestrian amenities" listed in subsections (G)(2)(a) and (b) of this section. Pedestrian amenities may be provided within a public right-of-way when approved by the city and ODOT for Garibaldi Avenue.

Section 12. Subsection H(1) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections (H)(1)(a) through (f) of this section, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this chapter are exempt from this section.

a. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed use structure (residential with commercial or public/institutional use). Both "vertical" mixed use (housing above the ground floor), and "horizontal" mixed use (housing on the ground floor) developments are allowed, subject to the standards in subsections (H)(1)(b) through (f) of this section.

b. Limitation on Street-Level Housing. Residential uses are not permitted at street front. This standard is intended to reserve storefront space for commercial uses and public/institutional uses. It does not limit residential uses above the street level on upper stories, or behind street-level storefronts. Residential uses on the ground floor may occupy no more than 70 percent of the total ground floor square footage. Access to ground floor residential shall be from the rear of the building or, in the case of a corner lot, from the side.

c. Density. Residential density shall not exceed one dwelling unit for each 3,500 square feet of lot area.

d. Parking, Garages, and Driveways. All required off-street vehicle parking, including surface lots, garages, and parking structures, shall be behind or to the side of the building. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of four feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Highway 101).

e. Creation of Pathways and Alleys. As part of the development of two or more units or a subdivision, the city may require dedication of right-of-way or easements, and construction of pathways between units (e.g., between building breaks) to provide pedestrian connections through a development site. Alley (or access) easements on adjoining property may accommodate this standard.

f. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a

homeowners' association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

Section 13. Subsection H(3)(a) of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of four feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Highway 101) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half city block, whichever is smaller.

Section 14. Subsection I of GMC § 18.27.040 Downtown Zone, standards, is amended to read as follows:

1. Parking Requirements. Parking requirements within the downtown zone shall conform to Chapter 18.125 GMC with the following exceptions.

a. Uses allowed in the D-1 Zone under G.M.C Section 18.27.020 (A), (B), (C), (E), (H), (I), (K), and (L) which are located on lots created prior to 2012 and less than 10,000 square feet in size shall be exempt from off-street parking requirements.

2. Private or public parking lots allowed under GMC 18.27.020 (N) and devoted entirely to parking are exempt from the standards of Section 18.27.040(H)(3)(a-b).

3. On-Street Parking. On-street parking spaces that front and are contiguous to (on the same side of the street) the lot may be counted in the required parking.

Section 15. GMC § 18.35 Water-Dependent Development Zone is amended to read as follows:

Chapter 18.35 WATER-DEPENDENT DEVELOPMENT ZONE (WD)

Sections:

- 18.35.010 Purpose.
- 18.35.020 Uses permitted outright.
- 18.35.030 Conditional uses permitted.
- 18.35.040 Standards.

18.35.010 Purpose.

The WD zone is intended to provide an area in which primarily water-dependent and water-related uses are located for the support of the marine industry. Uses which are not water dependent but which are subordinate and incidental to allowed water-dependent and water-related uses may also be allowed, subject to special standards that are intended to maintain the viability of the marine industry.

18.35.020 Uses permitted outright.

In a WD zone, the following uses and their accessory structures are permitted, subject to the standards and criteria of GMC 18.35.040:

- A. Low-intensity recreation, such as viewpoints or fishing areas.
- B. Navigational aids.
- C. Maintenance and repair of existing structures and facilities.
- D. Water-dependent industrial uses, including but not limited to:
 - 1. Land-based portions or piers, wharves, and other terminal and transfer facilities for passengers or waterborne commerce such as fish, shellfish, timber or timber products, metal and port activities associated with such facilities;
 - 2. Water intake and discharge facilities;
 - 3. Facilities for the extraction of minerals, aggregate, petroleum, natural gas, earth products or geothermal resources (as defined by ORS 533.10(4)) which require access to water during the extraction procedure;
 - 4. Water access structure or facilities which require access to a water body as part of the manufacture, assembly, fabrication or repair of marine equipment, due to the size or nature of the craft or equipment;
 - 5. Seafood receiving and processing facilities;
 - 6. Other water-dependent industrial uses.
- E. Water-dependent commercial uses, including but not limited to:
 - 1. Commercial marinas, docks and moorages and support facilities;
 - 2. Other water-dependent commercial uses.
- F. Water-dependent recreational facilities including private docks, moorages and waterfront parks.
- G. Water-dependent portions of aquaculture facilities.

H. Structural shoreline stabilization.

I. Landfalls and access corridors for submerged cable, sewer line, waterline or other pipeline crossing.

J. New dike construction, if required for a water-dependent use.

K. A temporary use that involves minimal capital investment and no permanent structure, for a period not to exceed one year.

L. Certain transportation facilities as defined in GMC 18.05.030, specifically:

1. Normal operation and maintenance of transportation facilities;
2. Installation of transportation improvements within the existing right-of-way;
3. Projects identified in the adopted transportation system plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency transportation facility measures;
6. Street or road construction as part of an approved subdivision or partition.

M. Utility infrastructure such as water lines, sewer lines, phone lines, electrical lines, cable television lines, and other communications lines. This also includes non-habitable vaults and structures necessary to facilitate these types of infrastructure.

18.35.030 Conditional uses permitted.

In a WD zone, the following uses and their accessory structures are permitted, subject to the provisions of Chapter 18.185 GMC and GMC 18.35.040:

A. Water-related industrial uses, including but not limited to:

1. Warehousing and/or other storage areas for marine equipment or waterborne commerce;
2. Sorting, storage and handling of logs or lumber in conjunction with a shipping facility or a processing facility which utilizes water transport of logs;
3. Other water-related industrial uses.

B. Water-related commercial uses, including but not limited to:

1. Seafood retail or wholesale outlets;

2. Marine craft or marine equipment sales establishments;
3. Sport fish cleaning, smoking or canning establishments;
4. Charter fishing offices;
5. Retail trade establishments providing primarily products necessary for the commercial and recreational fishing industry, such as ice, bait, tackle, nautical charts, gasoline or similar products;
6. Restaurants which provide a view of the waterfront and which are in conjunction with another water-dependent or water-related commercial use, such as a seafood processing plant or a charter office;
7. Other water-related uses.

C. Non water-dependent or water-related commercial uses in conjunction with an operating water-dependent or water-related use, subject to the special conditional use standards of Section 18.185.040(B).

D. Dredge material disposal.

E. Mitigation, restoration, creation or enhancement.

F. Certain transportation facilities as defined in GMC 18.05.030, specifically:

1. Transportation projects that are not designated improvements in the transportation system plan; and
2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.

18.35.040 Standards.

In the WD zone, the following standards shall apply:

- A. Lot Size. The minimum lot size shall be the area necessary to support the proposed use, including sufficient land for parking, off-loading, ingress and egress, and storage of materials.
- B. Yards and Setbacks. Industrial uses abutting the WM zone shall be set back from the adjoining zone a minimum of 15 feet.
- C. Buffers and Landscaping. Industrial uses shall establish a sight-obscuring fence or hedge around outdoor storage areas where such storage areas abut the WM zone.
- D. Estuary shoreland standards contained in Chapter 18.160 GMC shall apply.

E. Determination of Water-Dependent and Water-Related Uses. In determining whether a use is water-dependent or water-related, the following definitions shall be applied:

1. "Water-dependent" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water;
2. "Water-related" means uses and activities that do not require direct water access (are not water-dependent), but which:
 - a. Provide goods and/or services that are directly associated with other water-dependent uses (supplying materials to, or using products of, water-dependent use); and
 - b. If not located near the water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality shall involve a subjective consideration of economic, social and environmental consequences of the use).

F. Building Height. Maximum building height shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under GMC Section 18.185.

G. Agency Notification. The following agencies shall be notified of proposed conditional uses and activities in the WD zone:

1. The Oregon Department of Fish and Wildlife;
2. Oregon Division of State Lands;
3. Oregon Department of Land Conservation and Development;
4. Oregon Wildlife Service;
5. National Marine Fisheries;
6. Environmental Protection Agency;
7. U.S. Army Corps of Engineers; and
8. The Port of Garibaldi.

Section 16. GMC § 18.40 Water-Dependent Development Zone is amended to read as follows:

Chapter 18.40
WATERFRONT MIXED-USE ZONE (WM)

Sections:

- 18.40.010 Purpose.
- 18.40.020 Uses permitted outright.
- 18.40.030 Conditional uses permitted.
- 18.40.040 Standards.

18.40.010 Purpose.

The WM zone is intended to provide a location for water-dependent, water-related and compatible non-water related uses in a waterfront setting. Development may include a variety of mixed uses including residential uses when their location and design does not preclude or interfere with water-dependent uses on nearby and surrounding lands. The WM Zone includes lands which are less suitable for water-dependent uses than those in the WD Zone and which are not required to be protected for water dependent uses. Such lands may include shoreland areas with limited or no access to navigable water or which adjoin estuarine areas unsuitable for development.

18.40.020 Uses permitted outright.

In the WM zone, the following uses are permitted, subject to the standards of GMC 18.40.040:

- A. Uses that provide support or backup for those uses permitted outright in a WD zone such as parking lots, boat and trailer storage areas, commercial fishing gear storage, accessory structures for port operations and maintenance.
- B. Shipping and port activity.
- C. Water-related industrial or commercial uses such as boat manufacture, repair, and sales, charter fishing office, tackle shop, marine equipment sales, seafood market.
- D. Non-water related commercial uses such as retail sales establishment, professional office, personal services establishment, gift shop, art gallery.
- E. Restaurant, tavern, or other eating and drinking establishment.
- F. Commercial aquarium or water park.
- G. Public park or recreation area.
- H. Certain transportation facilities as defined in GMC 18.05.030, specifically:
 - 1. Normal operation and maintenance of transportation facilities;
 - 2. Installation of transportation improvements within the existing right-of-way;

3. Projects identified in the adopted transportation system plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency transportation facility measures;
6. Street or road construction as part of an approved subdivision or partition.

I. Residential uses may be permitted within the WM zone when approved as part of a mixed use development, multifamily development or planned unit development. Mixed use developments may include housing above nonresidential uses (e.g., apartment lofts above offices), or housing side-by-side with nonresidential uses. All mixed use developments shall comply with the following standards:

1. No more than 50 percent of the ground floor space on each lot or parcel may be used for housing. A greater percentage may be approved for housing as part of a master planned development when the master plan provides for development of more than one lot/parcel, and the overall percentage of ground floor space does not exceed 50 percent residential use for the entire site.
2. The maximum allowable density shall not exceed one dwelling for each 3,500 square feet of land area.

18.40.030 Conditional uses permitted.

In the WM zone, the following uses are permitted, subject to the provisions of Chapter 18.185 GMC and GMC 18.40.040:

- A. Hotels or motels.
- B. Multifamily developments.
- C. Support activities and uses in conjunction with marine industry and/or water-related recreation, including but not limited to:
 1. Recreation vehicle parking areas and campgrounds;
 2. Parking lots;
 3. Other accessory structures related to and in support of the operation of marine industrial and marine recreational uses.
- D. Light industrial food or beverage processing use such as a bakery, brewery, distillery.
- E. Indoor amusement such as bowling alley, movie theater, or other entertainment establishment.

F. Dredge material disposal.

G. Wetlands mitigation, restoration, creation or enhancement.

H. Public utility structures.

I. Planned unit developments in accordance with Chapter 18.205 GMC.

J. Certain transportation facilities as defined in GMC 18.05.030, specifically:

1. Transportation projects that are not designated improvements in the transportation system plan; and

2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.

K. A use not listed above but similar in character to allowed uses under Section 18.42.020 and 18.42.030 that are found to be consistent with the purpose of the WM Zone.

18.40.040 Standards.

In the WM zone, the following standards shall apply:

A. Lot Size. The minimum lot size shall be the area necessary to support the proposed use, including sufficient area for parking, loading, ingress and egress, and storage of materials. Residential density for multifamily, mixed-use or planned unit developments shall not exceed one dwelling unit for each 3,500 square feet of land area.

B. Yards and Setbacks. Industrial and commercial uses shall be set back a minimum of 10 feet from abutting nonindustrial and noncommercial uses.

C. Buffers and Landscaping. Industrial uses shall establish a sight-obscuring fence or hedge around outdoor storage areas.

D. Estuary and shoreland standards contained in Chapter 18.160 GMC shall apply.

E. Building Height. Maximum building height shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under GMC Section 18.185.

F. Determination of Water-Dependent and Water-Related Uses. The city shall, when considering a new use or expanded use, make a finding that the use is water-dependent or water-related if it conforms with the following definitions:

1. "Water-dependent" means a use or activity which can be carried out only on, in, or adjacent to a water area because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water;

2. "Water-related" means uses and activities that do not require direct water access (are not water-dependent), but which:

- a. Provide goods and/or services that are directly associated with other water-dependent uses (supplying materials to, or using products of, water-dependent uses); and
- b. If not located near the water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality shall involve a subjective consideration of economic, social and environmental consequences of the use).

Section 17. GMC § 18.90 Access Requirements is amended to read as follows:

18.90.010 Access requirements.

Every lot shall abut a street, lane, or alley for at least 25 feet, or have vehicular access or easement. A lot which has not met this requirement may not be created or reconfigured through a partition, property line adjustment or subdivision, or through the annexation of contiguous parcels or lots of land into the city limits.

Section 18. Subsection A of GMC § 18.120.050 Sign Regulations, base zone sign regulations, is amended to read as follows:

Commercial (C-1), Downtown (D-1), General Industrial (I-1), Water-Dependent (WD), Waterfront Mixed-Use Zone (WM) Sign Requirements. For all lots in the C-1, D-1, I-1, WD, or WM zone, the following sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations in GMC 18.120.040.

1. Total Sign Square Footage Permitted.

- a. The total square footage of all signage, except temporary and lawn signs, associated with a lot shall not exceed one and one-half square feet of sign face area per lineal foot of site frontage. (Example: a business located on a site with 50 feet of frontage on a street is permitted 75 square feet of sign area.)
- b. The total square footage of all temporary signs shall not exceed 25 percent of the total sign square footage allowed under Section 18.120.050 A(1)(b).

2. Individual Signs.

- a. The maximum sign face area for an individual sign shall be no more than 100 square feet.
- b. Sandwich board or readerboard signs shall not be placed on a sidewalk or in a public right-of-way.

3. Types of Signs. The following types of signs are permitted: permanent, freestanding, wall, projecting, window, awning, bench, sandwich board, readerboard, temporary, portable, incidental, and lawn signs.

4. Temporary Signs. Temporary signs shall be displayed for no more than 90 days in a calendar year.

Section 19. Subsection A of GMC § 18.120.060 Sign Regulations, sign permits, is amended to read as follows:

Sign Permit Required. A sign permit is required for the placement of any new permanent sign or any temporary sign with a sign face area of four square feet or more or the alteration of the structure of an existing permanent sign in the C-1, I-1, WD, WM, ED, EC-1 or EC-2 zones. A structural building permit may be required in addition to a sign permit at the discretion of the building official.

Section 20. GMC § 18.125.030 Automobile parking standards, Table 18.25.030 – Minimum Required Parking by Use, is amended to read as follows:

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Accessory Dwelling	None
Single-Family Dwelling	2 spaces
Duplex	3 spaces per duplex
Multifamily	1 space per studio or 1-bedroom unit
	1.5 spaces/ unit per 2-bedroom unit
	2 spaces/ unit per 3-bedroom or larger unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up	No requirement.

windows, kiosks, ATMs)	
Bed and Breakfast Inn	1 space per bedroom
Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 sq. ft. floor area
Entertainment, Major Event	Per CU review
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	Per CU review
Parking Lot (when not an accessory use)	Per CU review
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or per CU review
Retail Sales and Service (See also Drive-Up Uses)	Retail: 2 spaces per 1,000 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 space per 1,000 sq. ft.
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 spaces per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 0.75 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	Theaters and Cinemas: 1 space per 6 seats
Self-Service Storage	No standard
Industrial Categories	
Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Waste-Related	Per CU review
Wholesale Sales – fully enclosed – not enclosed	1 space per 1,000 sq. ft. Per CU review
Institutional Categories	

Basic Utilities	None
Colleges	Per CU review
Community Service	1 space per 200 sq. ft. of floor area
Daycare, adult or child daycare; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	Determined per CU review for active recreation areas, or no standard
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or per CU review, as applicable
Schools	Grade, elementary, middle, junior high schools: 1 space per classroom, or per CU review
	High schools: 7 spaces per classroom, or per CU review
Other Categories	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through land use review, conditional use permit review, or site design review
Agriculture – Animals	None, or per CU review
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale Sales, as applicable
Mining	Per CU review
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed	None
Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	None

Section 21. GMC § 18.135.010, Accessory structures, is amended to read as follows:

A. In the medium density residential zone (R-1), detached accessory structures used as garages, tool and storage sheds, playhouses and similar uses are allowed:

1. These accessory structures shall not be used for human habitation.
2. The maximum square footage for these accessory structures shall be limited to 975 square feet or 75 percent of the total building footprint of the primary residential use, whichever is greater. An accessory structure that exceeds this limit shall require conditional use review and approval in accordance with Section 18.185.
3. The height of accessory structures shall be limited to 15 feet for sidewall height and a maximum overall height of 19 feet to the roof peak.
4. These accessory structures, including all projections, shall not be closer than six feet from any other building.
5. These accessory structures shall be located to the side or the rear of the primary structure, except that they may not be located on the street side of a primary structure.
6. These accessory structures shall meet all setback and lot coverage requirements.
7. No unpainted metal or corrugated metal siding material shall be permitted on accessory structures.
8. For the purpose of this Section, breezeways and decks do not serve as attachments to the primary use.

B. Accessory dwelling units shall comply with the following standards, which are intended to control the size and number of accessory dwellings on individual lots, ensure compatibility with existing uses and ensure that accessory dwellings are for the use of permanent or long-term residents, rather than short-term rental use.

1. The structure complies with applicable building codes.
2. The primary residence shall be owner-occupied. Alternatively, the owner may appoint a family member as a caretaker of the principal house and manager of the accessory dwelling.
3. A maximum of one accessory dwelling unit is allowed per lot.

4. The maximum floor area of the accessory dwelling shall not exceed 33 percent of the living area of the house or 600 square feet, whichever is less, and may not exceed 15 percent of the entire area of the site.

5. The accessory dwelling shall meet the setback, placement and design requirements of the R-1 zone and meet all the requirements of any associated overlay zones.

6. In addition to the parking required for the primary dwelling, a minimum of one space shall be provided for the accessory dwelling.

7. The accessory dwelling shall remain in the same ownership as the primary dwelling. The accessory dwelling shall not be sold as a separate real or personal property.

C. All accessory structures shall comply with the standards of the zone in which they are located and with applicable building codes.

D. In the commercial (C-1) and downtown (D-1) zones, accessory structures shall not be used for human habitation.

Section 22. GMC § 18.185.010, Authorization to grant or deny conditional uses, is amended to read as follows:

18.185.010 Authorization to grant or deny conditional uses.

Conditional uses listed in this title may be permitted, enlarged or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in this section through GMC 18.185.030.

In the case of a use existing prior to the effective date of the ordinance codified in this chapter and classified in this title as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

In permitting a conditional use or the modification of a conditional use other than a housing type (e.g., multifamily structure, manufactured dwelling park), the planning commission may impose, in addition to those standards and requirements expressly specified for that use, other conditions which are necessary to protect adjacent property, an identified resource, or the city as a whole.

An approved conditional use shall be subject to revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if it is determined that the conditions of approval have not been

complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.

In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing in accordance with Section 18.50.30 in order for the permit holder to show cause why such permit should not be revoked.

If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time may be given for rectification, and if corrections are not made within that time, revocation of the permit shall become effective 15 days after the time specified.

Section 23. GMC § 18.185.040, Specific conditional use standards, is amended to read as follows:

A. Non-water-dependent or water-related uses in the WD Zone shall be permitted only where the finding is made that such uses will not preclude the allocation of water-dependent uses, that sufficient land and water area exists for water-dependent uses, that public access and riparian vegetation (where applicable) will be maintained or provided, and that such uses will not cause the filling of the estuary or other adverse water quality impact.

B. Additional Standards for Non Water-dependent and Non Water-related Commercial Uses. Non water-dependent and Non water-related commercial uses in the WD Zone may be permitted when the following standards are met:

1. The use is incidental and subordinate to, and in conjunction with an allowed water-dependent or water-related use.
2. The use fronts a dedicated right-of-way used for vehicle and/or pedestrian access.
3. The use occupies no more than 25 percent of the ground floor area of the building that serves a water-dependent or water-related use, and no more than 50 percent of the total floor area of the building if it has more than one floor.
4. If the use is not located in a building, it occupies no more than 25 percent of the total land area of the lot or parcel on which it is located.
5. The use is compatible with nearby water-dependent or water-related uses. Determination of compatibility may be based on potential impacts of vehicular and pedestrian traffic associated with the use; visual, audible or other environmental affects created by the use; or any other impact that would not be expected from water-dependent or water-related use.
6. The use does not preclude future water-dependent or water related uses from occurring on or near the site.

C. Telecommunication facilities are allowed under the criteria of GMC 18.185.020 and when they meet the height limitation criteria of the zone.

Section 24. Section 125, Applicability, is added to GMC Chapter 18.210, to read as follows:

No use may be established or authorized under this Title for an activity or purpose prohibited by, or in violation of, state or federal law.

ARTICLE II. Adopting Garibaldi Comprehensive Plan Amendments. The Garibaldi Comprehensive Plan is amended as provided in this section. Section numbers and titles, and the index of amendments, are for reference only and are not part of the adopted Comprehensive Plan text except as required for reference for or codification of new or replacement text .

1. *Amends references to "WD-1" to read "WD" in the Comprehensive Plan*
2. *Amends references to "WD-2" to read "WM" in the Comprehensive Plan*
3. *Deletes Subsection 3 of Section CC, Chapter XV of the Comprehensive Plan*
4. *Adds Section DD to Chapter XV of the Comprehensive Plan*
5. *Adds Analysis of Goal 17 Water-Dependent Lands Inventory to Background Report*

Section 1. All references to "WD-1" or "waterfront dependent" zoning in the City's Comprehensive Plan are hereby amended to read as "WD" or "water-dependent" zoning.

Section 2. All references to "WD-2" or "waterfront development support" zoning in the City's Comprehensive Plan are hereby amended to read as "WM" or "waterfront mixed use" zoning.

Section 3. Subsection 3, Preliminary Goal 17 Analysis, of Section CC, Chapter XV, of the City's Comprehensive Plan is hereby deleted.

Section 4. Section DD, Goal 17 Analysis - Conducted 2012, is added to Chapter XV of the City's Comprehensive Plan, and is attached as "Exhibit A" and incorporated into this ordinance by reference.

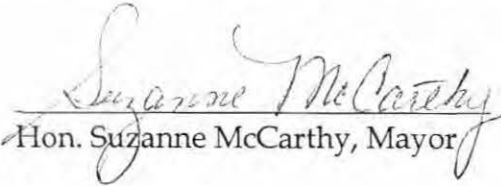
Section 5. An Analysis of Goal 17 Water-Dependent Lands Inventory, dated September 25, 2012, is added as an exhibit to the City's Comprehensive Plan Background Report, and is attached as "Exhibit B" and incorporated into this ordinance by reference.

ARTICLE III. Adopting City of Garibaldi Zone Map.

The City adopts the map titled "City of Garibaldi Zoning" and dated December 2012 as the City's Zone Map, attached as "Exhibit C" and incorporated by reference herein.. This Zone Map replaces all previous land use zoning maps of the City of Garibaldi as of the effective date of this ordinance.

SECTION IV. Effective Date. This ordinance takes effect 30 days from the date of its adoption.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi,
this 22nd day of January, 2013.


Hon. Suzanne McCarthy, Mayor

ATTEST:

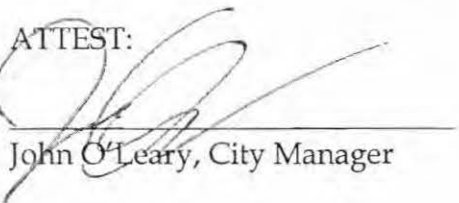

John O'Leary, City Manager

Exhibit A - Section DD, Goal 17 Analysis - Conducted 2012 (Comprehensive Plan Chapter XV)

Exhibit B - Analysis of Goal 17 Water-Dependent Lands Inventory, September 25, 2012 [Exhibit to City's Comprehensive Plan Background Report]

Exhibit C - Zone Map, December 2012

1 -- **EXHIBIT A** - AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP

DD. GOAL 17 ANALYSIS - CONDUCTED 2012

Garibaldi has traditionally been a fishing port, relying on commercial and sport fishing. The commercial fishing industry has seen significant declines over the years and given way, in large part, to sport fishing as the main waterfront industry. With the exception of the remaining mill in Garibaldi, medium to large industrial uses of the past no longer exist in the city. For example, the Oregon Washington Plywood Mill closed around 1972. It was the largest lumber mill on the coast and, with its closure, the Garibaldi waterfront no longer contains large-scale industrial uses, although there is a small hardwood mill near Highway 101 and 7th Street.

Many of the parcels owned by the Port of Garibaldi are zoned WD in accordance with Goal 17. The purpose of this zoning designation is to provide adequate land for water-dependent uses and, therefore, does not allow for non-water-dependent uses. Although the economic opportunity analysis (EOA) prepared as part of the City's Comprehensive Plan Update process shows that Garibaldi does not need additional commercial and industrial land to meet future employment needs, there was a desire from the City to examine zoning designations in hopes of providing for a more flexible set of uses along the waterfront. Due to the loss industrial activity on the Port of Garibaldi site, it was believed that there may be an excess of lands zoned strictly for water-dependent uses. It was recommended that the City of Garibaldi undertake a Goal 17 analysis as a second phase of this study in previous Comprehensive Plans, and in 2012 the City conducted a re-evaluation of these issues in cooperation with the State of Oregon Department of Land Conservation and Development (DLCD). This evaluation contained the following elements and conclusions.

a. Overview and Background: Previous Comprehensive Plans included an inventory of coastal shorelands that are subject to the Statewide Planning Goal 17 requirements. These lands were identified on prior versions of the City's official Zone Map as the Water-Dependent Development Zone (WD-1) and the Waterfront Development Support Zone (WD-2). The land-use regulations on those lands identified on the City's Zone Map were implemented by Garibaldi Municipal Code Sections 18.35 and 18.40. At that time, the City's Zone Map provided 28.2 acres of land zoned for water-dependent use (now zoned as WD). The purpose of WD zoning is to provide an area in which primarily water-dependent and water-related uses are located for the support of the marine industry. It also provides the minimum land supply for water-dependent lands required by Goal 17. WM zoning (formerly WD-2 zoning) is intended to provide a backup area for waterfront uses, and a location for non-water-dependent and water-related uses in a waterfront setting.

b. Need for Analysis: In 2006 the Comprehensive Plan was amended to include a

2 -- **EXHIBIT A** - AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP

recommendation for analysis of lands subject to Goal 17. The Garibaldi Peninsula contained 28.2 acres of land area zoned to meet the requirements of Goal 17 at that time, with much of that land undeveloped. Historically, the peninsula had undergone significant economic transformation from activities initially stemming from logging and sawmill industries, and later from development of two marinas and a working wharf supporting commercial and recreational fishing. From 2006 to 2011 undeveloped property conditions remained the same, and in 2012 the City established a goal to re-evaluate the quantity of Goal 17 regulated land, as well as the standards and development criteria for shorelands in Garibaldi. In cooperation with DLCD, the City evaluated the location, distribution, and amount of Goal 17 lands in the city's jurisdiction in 2012, as well as the development standards and allowed uses in the WD and WM zones.

c. Oregon's Statewide Planning Goal 17 - Water-Dependent Shorelands: There is a finite amount of coastal shorelands in the State suitable for water dependent use. Oregon's Statewide Planning Goal 17 requires the protection of important coastal shorelands for water-dependent uses because, by its very nature, water-dependent development can only occur in shoreland areas determined to be suitable. Suitability is determined considering several factors including water access, land transportation and infrastructure, and surrounding land-use compatibility. The Goal 17 requirement for the protection of water dependent shorelands is implemented through Oregon Administrative Rules (OAR) Chapter 660-37, which establishes how communities must evaluate, identify, and provide a minimum supply of water dependent shorelands. The analysis conducted by City staff in 2012 and adopted into this Comprehensive Plan is consistent with rules and process requirements of OAR 660-37.

d. Scope of Analysis and Study Area: The Goal 17 water dependent shorelands analysis considered all lands within the Garibaldi City Limits and adjacent to the Tillamook Bay Estuary, focusing on the large peninsula where commercial and recreational water-dependent uses historically have taken place. Other shorelands within the City's jurisdiction with adjacent shallow tidelands were considered, but the focus of this analysis is on the peninsula where the land has historically supported, and continues to support a variety of water-dependent and water-related uses.

e. Process: City staff gathered information from a variety of sources identified in the Analysis of Goal 17 Water-Dependent Lands Inventory Report dated September 25, 2012, which is included as an appendix to the Comprehensive Plan Background Report. The study attempted to accurately identify historic uses of the land along the shoreline and adjacent lands, including the evaluation and interpretation of historic aerial photographs dated between 1939-1994. Additional details of historic use provided by the Port of Garibaldi include a spreadsheet of historic use by location. Information

3 -- **EXHIBIT A - AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP**

about existing uses in the study area relied principally on staff observation (physical reconnaissance) of the subject properties, G.I.S aerial photographs and spatial analysis, records of the Tillamook County Assessor, and interviews with Port of Garibaldi staff.

f. Findings: The analysis indicated that within the study area, a total of 20.6 acres of land are required to be protected for water dependent uses. This contrasted with the existing WD Zone which encompasses a total of 28.2 acres of land, as calculated on GIS mapping tools. Based on the results of the analysis, it was evident that the City had been maintaining a surplus of water-dependent shorelands subject to Goal 17. Analysis of land zoned WM (WD-2 at that time) indicated that standards and development requirements for this zone could be changed to increase development opportunities.

g. Proposed Map and Text Amendments: Because a surplus of required water-dependent lands existed, the City amended its zoning code and zoning map in 2013. Land zoned as WD-1 was re-named WD (Water-dependent Development). The WD zone includes the required minimum supply of water-dependent lands protected by Goal 17 (20.6 acres), and includes an additional surplus of .85 acre as a buffer for a total of 21.45 acres. Uses allowed in the WD as amended are consistent with the uses allowed on water-dependent lands consistent with Goal 17 Rules, and uses that were established prior to this amendment that were determined to be consistent with the economic and livability goals of the City were left in place. Land that was zoned WD-2 was re-named WM (Waterfront Mixed-Use), and zoning regulations were amended to expand the allowed uses. The WM zone continues to provide a backup area for waterfront uses and a location for water-dependent, water-related and compatible non-water-dependent and water-related uses in a waterfront setting. The following sites were re-zoned to WD, and the City's Zone Map was amended to reflect these changes:

1) Old Mill Marina: An area that included a boat launch, trailer parking area and former marina store on the east side of the Garibaldi Peninsula. This area was previously zoned WD-2, and historically had been used for water-dependent purposes. This area is utilized as a functional marina despite the deteriorated condition of the docks and shallow depth of the moorage from lack of dredging. Because the facilities continue to be utilized periodically, and because the adjacent Estuary Conservation (EC-2) zone allows dredging as a conditional use, there is sufficient potential for restoration of the marina as a viable water-dependent use in the future. These factors indicate that the site is suitable for water-dependent use which is required for designation of the WD Zone.

2) Pier's End Parking: A parking lot that serves the old Coast Guard boathouse and water-dependent recreational use of the shoreline is located at the west end of Bay Lane. This area was previously zoned R-1 for residential use, and

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historically was the location of three residences that have since been demolished. The land has been acquired by the State of Oregon for public use, and an inter-governmental agreement places the responsibility for its management on the Port of Garibaldi and the City of Garibaldi. This area is an essential component of the Port's facilities because it provides the only public parking area that serves the existing pier and boathouse over the estuary, and for water-dependent recreational use of the adjacent shore and tidelands. Based on these considerations, this area is considered suitable for water-dependent use and its zone designation is proposed to be amended from R-1 to WD.

3) Reductions in WD Surplus: Three areas that include the Old Mill RV Park, a portion of the RV Park at the Port of Garibaldi, and the area that encompasses the Troller's restaurant, Port and Estuary Partnership offices, and undeveloped land currently used for crab pot storage were re-zoned from WD-1 (WD) to WM. These reductions were determined to be appropriate based on historical and current uses of these sites, development potential expressed by the Port of Garibaldi and owners of the Old Mill property, and geographical relationships to marine and transportation infrastructure.

All amendments to the City's Zone Map resulted in a net reduction lands meeting development and management requirements of Goal 17 by 6.75 acres.

**City of Garibaldi
Comprehensive Plan Amendment
Background Report**

Date : 9/25/2012

**WD-1 and WD-2 Zone Designations:
An Analysis of Goal 17 Water-Dependent Lands
Inventory**

Prepared by Jay C. Sennewald
Garibaldi City Planner

Overview and Background

The City of Garibaldi adopted its current Comprehensive Plan In 1990. The Plan includes an inventory of coastal shorelands that are subject to the Statewide Planning Goal 17 requirements. These lands are identified on the City's official Zone Map as the Water-Dependent Development Zone (WD-1) and the Waterfront Development Support Zone (WD-2). The land-use regulations on those lands as identified on the Zone Map are implemented by Garibaldi Municipal Code Sections 18.35 and 18.40. Currently, the City Zone Map provides approximately 28 acres of lands zoned for water-dependent use (WD-1).

The purpose of WD-1 zoning is to provide an area in which primarily water-dependent and water-related uses are located for the support of the marine industry. It also provides the minimum land supply for water-dependent lands required by Goal 17. WD-2 zoning is intended to provide a backup area for waterfront uses, and a location for non-water-dependent and water-related uses in a waterfront setting.

Need for Analysis

The Garibaldi Peninsula contains approximately 90 acres of land area, and much of that land is vacant. Historically, the peninsula has undergone significant transformation from generations of economic development and activities, initially from the logging and sawmill industries and then later with development of two marinas and the working wharf. Today, with seemingly abundant vacant land on the peninsula in close proximity to the estuary and waterfront, it is understandably seen as a desirable location for new development to occur. However, the current zoning of much undeveloped land on the peninsula will not permit the type and variety of land uses that the nearby Commercial Zone and Downtown Zone designations will permit.

In response to current economic conditions and in recognition of land development potential on WD-1 and WD-2 zone lands on the Garibaldi Peninsula, staff initiated an analysis of its shorelands. The intent was to re-evaluate the location, distribution, and amount of Goal 17 lands in the city's jurisdiction, in order to determine if a surplus of required water-dependent zoning exists. If a surplus exists, then the City may consider an amendment to the zone map and /or the zoning code that would provide greater

flexibility in land use regulations that would encourage economic development where existing zoning regulations do not.

Oregon's Statewide Planning Goal 17 Water-Dependent Shorelands

There is a finite amount of coastal shorelands in the State suitable for water dependent use and they are a valuable resource. Oregon's Statewide Planning Goal 17 requires the protection of important coastal shorelands for water-dependent uses because by its very nature, water-dependent development can only occur in shoreland areas determined to be suitable. Suitability is determined considering several factors including water access, land transportation and infrastructure, and surrounding land-use compatibility.

The Goal 17 requirement for the protection of water dependent shorelands is implemented through Oregon Administrative Rules (O.A.R.) Chapter 660-37, which establishes how communities must evaluate, identify, and provide a minimum supply of water dependent shorelands. This rule was adopted by the Land Conservation and Development Commission in 1999, and does not require changes to plans acknowledged prior to that date. The City of Garibaldi Comprehensive Plan was acknowledged in 1990. However, if the city wishes to make changes to its plan for water dependent shorelands, any proposed amendments to the existing WD-1 Zone regulations or zoning must comply with Division 37 rule requirements. Attached to this report as APPENDIX A is a copy of O.A.R. 66-37 for reference.

Scope of Analysis and Study Area

The Goal 17 water dependent shorelands analysis considered all lands within the Garibaldi City Limits and adjacent to the Tillamook Bay Estuary, focusing on the large peninsula where commercial and recreational water-dependent uses historically have taken place. Other shorelands within the City's jurisdiction with adjacent shallow tidelands were considered, but the focus of this analysis is on the peninsula where the land has historically supported, and continues to support a variety of water-dependent and water-related uses.

Process

Analysis of lands subject to the water dependent shorelands provisions of Goal 17 must be accomplished in accordance with O.A.R. Chapter 660-37, which establishes the parameters to properly calculate the minimum amount of coastal shorelands to be protected for water-dependent uses. Division 37 includes definitions, minimum acreage requirements, suitability criteria, and methods of protection for this resource.

Using O.A.R. 660-37 as a guide, staff gathered information from a variety of sources identified below in this report. Using the best information available, the analysis considered all lands within the study area to determine Garibaldi's minimum required supply of Goal 17 lands. More specifically, all of those shorelands that have either historically supported, or are presently supporting a water-dependent use must be included in the City's inventory of land area subject to protection for water dependent uses under Goal 17.

The study attempted to accurately identify historic uses of the land along the shoreline and adjacent lands, including the evaluation and interpretation of historic aerial photographs dated between 1939-1994. Additional details of historic use provided by the Port include a spreadsheet of historic use by location. Information about existing uses in the study area relied principally on staff observation (physical reconnaissance) of the subject properties, recent G.I.S aerial photographs and spatial analysis, records of the Tillamook County Assessor, and interviews with Port staff.

Analysis and Results

Information from all available sources was translated into a spreadsheet that was the basis for calculating the minimum land area (number of acres) subject to Goal 17 protection; this calculation was based on the minimum water dependent shoreland acreage protection requirements of OAR 660-037. Staff then compared the calculated acreage from the analysis, with the actual acreage in the City's existing inventory to determine if the City's zoning contains a surplus or a deficit of land currently designated and reserved for water dependent use.

The attached spreadsheet identifies each tax lot within the study area, its size, current and historic uses, zone designation, adjacent estuary zone, applicable considerations of use, adjacent estuarine designation, suitability, current zoning, and other factors. Each tax lot was evaluated for inclusion in the minimum acreage protection calculation considering the language in O.A.R. 660-37, and a percentage of its land area qualifying for inclusion in the calculation indicated in a separate column. The land area within each tax lot meeting the requirements for inclusion in the minimum acreage protection calculation was totaled to arrive at a minimum supply (acreage) of water dependent shorelands required to be protected within the City of Garibaldi.

Findings

The analysis indicates that within the study area, a total of 20.6 acres of land are required to be protected for water dependent uses. This contrasts with the existing WD-1 Zone which encompasses a total of 28.2 acres of land, as calculated on GIS mapping tools.

Based on the results of the analysis, it is evident that the City has maintained a surplus of water-dependent shorelands subject to Goal 17 since the adoption of its Comprehensive Plan. Consequently, there is an opportunity for the City to consider amendments to its Comprehensive Plan and its Zone Map that would effectively re-zone portions of the peninsula. This is possible while still maintaining the minimum supply of water-dependent zoning in accordance with the Goal 17 Rule. Further opportunity exists to consider opening new development opportunities on lands currently zoned WD-2.

Proposed Map and Text Amendments

Because a surplus of required water-dependent lands exists, the City is proposing to amend its WD-1 and WD-2 zoned lands and the area they encompass while still maintaining the minimum water-dependent shorelands as required by Goal 17. As proposed, the existing WD-1 Zone would be re-named WD (Water-dependent Development). The WD zone would include the required minimum supply of water-

dependent lands protected by the Goal (20.6 acres), and include an additional surplus of .85 acre as a buffer for a proposed total of 21.45 acres. Uses allowed in the new zone would be consistent with the uses allowed on water-dependent lands consistent with Goal 17 Rules.

The existing WD-2 Zone would be re-named WM (Waterfront Mixed-use) and would provide a backup area for waterfront uses and a location for water-dependent, water-related and compatible non-water-dependent and water-related uses in a waterfront setting.

There are two locations where lands are proposed to be zoned WD and which are not currently zoned WD-1. Specifically, the following sites are proposed to be included in the new WD zone inventory:

- 1) Old Mill Marina: This area includes the boat launch, trailer parking area and former marina store on the east side of the Garibaldi Peninsula. Currently zone WD-2, this area has historically been used for water-dependent purposes and the existing facilities to support water-dependent use still exist. It is utilized as a functional marina primarily during peak salmon fishing season in the fall, and intermittently throughout the year, despite the somewhat deteriorated condition of the docks and shallow depth of the moorage from lack of dredging. Because the facilities continue to be utilized periodically, and because the adjacent Estuary Conservation (EC-2) zone allows dredging as a conditional use, there is great potential for restoration of the marina as a viable water-dependent use in the future. These factors indicate that the site is suitable for water-dependent use which is required for designation of the WD Zone.
- 2) Pier's End Parking: A parking lot that serves the old Coast Guard boathouse and water-dependent recreational use of the shoreline is located at the west end of Bay Lane. This area is currently zoned R-1 for residential use and historically was the location of three residences that have since been demolished. The land has been acquired By the State of Oregon for public use, and an inter-governmental agreement places the responsibility for its management on the Port of Garibaldi. This area is an essential component of the Port's facilities because it provides the only public parking area that serves the existing pier and boathouse over the estuary, and for water-dependent recreational use of the adjacent shore and tidelands. Based on these considerations, this area is considered suitable for water-dependent use and its zone designation is proposed to be amended from R-1 to WD.

The proposed conversion of WD-1 to WM lands would affect 3 areas that include the Old Mill RV Park, a portion of the RV Park at the Port, and the area that encompasses the Troller's restaurant, Port and Estuary Partnership offices, and undeveloped land currently used for crab pot storage.

As proposed, the net reduction of water-dependent lands resulting from the zone map amendments is 6.75 acres.

Summary

The City is proposing amendments to its Comprehensive Plan, Zone Map and Zoning Code including water-dependent shorelands that must be protected under Statewide Planning Goal 17. This report is necessary to support findings that proposed amendments affecting water-dependent lands is consistent with the Goal.

Adoption of the amendments including the new Water-dependent Development and Waterfront Mixed-use Zones will provide for new development opportunities within the study area.

Resources

Information about historical land uses and development along the shoreline came from the following sources:

Port of Garibaldi / Kevin Greenwood, Port Manager and staff
Joe Wrabek, former City Manager and current Planning Commissioner, City of Garibaldi
Video The Port of Garibaldi: The Centennial History (1910-2010), Anchor Pictures
©2010

Historic aerial photographs (provided by the Port of Garibaldi)

Attachments:

- Appendix A: Oregon Administrative Rule (O.A.R.) 660-37
- Appendix B: Excel spreadsheet; Goal 17 Inventory by Map and Tax Lot
- Appendix C: Site Comments
- Tillamook County G.I.S. aerial photograph with tax lot layer (current)
- Aerial Photos 1939-1994
- History of Garibaldi Structural Development spreadsheet
- Current Zone Map and WD-1 Zone Acreage
- Proposed New Zone Map
- Existing WD-1 and Proposed WD Acreage Distribution

APPENDIX A

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

DIVISION 37

GOAL 17 WATER-DEPENDENT SHORELANDS

660-037-0010

Purpose Statement

The purpose of this division is to implement Coastal Shoreland Uses Requirement 2 of Goal 17 Coastal Shorelands (OAR 660-015-0010(2)) regarding water-dependent shorelands in estuaries. This division explains how to calculate the minimum amount of shorelands to be protected for water-dependent uses. This division also identifies the qualifications of shorelands suitable for water-dependent uses as well as suggested land use regulations for implementation.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0020

Policy

(1) The Land Conservation and Development Commission (LCDC) recognizes that since the early 1980's, when comprehensive estuary management plans were acknowledged by LCDC, significant economic changes experienced in coastal communities have affected the demands for shorelands. During this period, most of the shorelands designated for water-dependent development in local estuary plans have remained vacant. As a result of these economic changes, there have been increased pressures to develop the vacant or underdeveloped water-dependent lands for nonwater-dependent uses.

(2) The reasons to protect certain shorelands for water-dependent uses are both economic and environmental. Economically, shoreland sites for water-dependent development are a finite economic resource that usually need protection from prevailing real estate market forces. By its very nature, water-dependent development can occur only in shoreland areas and only in certain shorelands with suitable characteristics relating to water access, land transportation and infrastructure, and surrounding land use compatibility. Once these suitable sites are lost to nonwater-dependent uses, they are very difficult and expensive to recover, if at all. Environmentally, providing "suitable" areas for water-dependent development means less economic and political pressure to accommodate future development in environmentally sensitive areas such as wetlands, marshes, and biologically productive shallow subtidal areas.

(3) As a matter of state policy, it is not desirable to allow these scarce and non-renewable resources of the marine economy to be irretrievably committed to, or otherwise significantly impaired by, nonindustrial or nonwater-dependent types of development which enjoy a far greater range of locational options.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0030

Statement of Applicability

(1) This division applies to any post-acknowledgment plan amendment or periodic review work task that:

(a) Would directly affect a designated water-dependent shoreland site; and

(b) Is initiated on or after the effective date of this division.

(2) For purposes of this division, a designated water-dependent shoreland site is directly affected when any post-acknowledgment plan amendment or periodic review work task would:

(a) Change the size or shape of the site;

(b) Allow or authorize a nonwater-dependent use or activity at a site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)); or

(c) Prohibit all water-dependent uses and activities at the site.

(3) For purposes of this division, a post-acknowledgment plan amendment is "initiated" when a local government files a proposed amendment to or adoption of a comprehensive plan or land use regulation with the director in accordance with OAR 660-018-0020.

(4) For purposes of this division, a periodic review work task is "initiated" when a local government's periodic review work program is approved in accordance with OAR 660-25-0100 or modified in accordance with OAR 660-25-0100.

(5) This division does not mandate any changes to existing local comprehensive plans or land use regulations for water-dependent shorelands. Local cities and counties may retain their existing comprehensive plan designations and land use regulation designations for water-dependent shorelands.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.010 - 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-037-0040

Definitions

For purposes of division 037, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR chapter 660, division 015) apply. In addition, the following definitions apply:

(1) "Designated water-dependent shoreland site" means an estuarine shoreland area designated in a comprehensive plan and land use regulation to comply with Coastal Shoreland Uses Requirement 2 of Goal 17, Coastal Shorelands (OAR 660-015-0010(2)).

(2) "Goal 2 Exception" means the land use planning requirements waiver process provided in Goal 2, Land Use Planning, Part II (OAR 660-015-0000(2)) and OAR Chapter 660, Division 004, Interpretation of Goal 2 Exception Process.

(3) "Periodic review" means the land use planning process described in ORS 197.628 through 197.646.

(4) "Post-acknowledgment plan amendment" means an action taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. The term does not include periodic review actions.

(5) "Structure or facility that provides water-dependent access" means anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water-dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids.

(6) "Water-Dependent Use".

(a) The definition of "water-dependent" contained in the Statewide Planning Goals (OAR Chapter 660, Division 015) applies. In addition, the following definitions apply:

(A) "Access" means physical contact with or use of the water.

(B) "Requires" means the use either by its intrinsic nature (e.g., fishing, navigation, boat moorage) or at the current level of technology cannot exist without water access.

(C) "Water-borne transportation" means uses of water access:

(i) Which are themselves transportation (e.g. navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships, boats, etc. terminal and transfer facilities).

(D) "Recreation" means water access for fishing, swimming, boating, etc. Recreational uses are water dependent only if use of the water is an integral part of the activity.

(E) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion).

(F) "Source of water" means facilities for the appropriation of quantities of water for cooling processing or other integral functions.

(b) Typical examples of water dependent uses include the following:

(A) Industrial - e.g., manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or other integral functions.

(B) Commercial - e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(C) Recreational - e.g., recreational marinas, boat ramps, and support.

(D) Aquaculture.

(E) Certain scientific and educational activities which, by their nature, require access to coastal waters - estuarine research activities and equipment mooring and support.

(c) For purposes of this division, examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water-dependent uses, and boardwalks.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0050

Minimum Water-Dependent Shoreland Protection Acreage

(1) Estuarine cities and counties shall protect for water-dependent industrial, commercial, and recreational uses a minimum amount of shorelands suitable for water-dependent uses.

(2) Estuarine cities and counties shall calculate the minimum amount of shorelands to be protected within their respective political boundaries based on the following combination of factors as they may exist:

(a) Current Water-Dependent Use – Acreage of estuarine shorelands that are currently being used for water-dependent uses; and

(b) Former Water-Dependent Use – Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess a structure or facility that provides water-dependent access.

(c) For purposes of this rule, the calculation of the minimum amount of shorelands to be protected shall include storage and other backup land that is, or in the case of former water-dependent uses was, in direct support of the water-dependent use at the site.

(3) The minimum amount of shorelands to be protected in each estuary as a whole shall be equivalent to the sum of the minimum acreage calculations for each city and the county in the estuary.

(4) To calculate the minimum water-dependent shoreland protection acreage required by this rule, local governments may:

(a) Rely on data from local assessor maps or from plat maps that were officially adopted as part of a locally approved development plan;

(b) Generate original acreage data from orthorectified aerial photography;

(c) For shoreland parcels with a mixture of water-dependent and nonwater-dependent uses, visually approximate the acreage after examining assessor maps or plat maps, or after making a physical reconnaissance of the mixed-use shoreland sites; or

(d) Any other valid source as appropriate.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0060

Designate Water-Dependent Shorelands

(1) Estuarine city and county comprehensive plans shall designate as water-dependent shorelands a sufficient total acreage that is equal to or greater than the minimum water-dependent shorelands acreage calculated by OAR 660-037-0050 above. In addition, all shorelands designated in accordance with this rule shall satisfy the water-dependent access locational criteria of OAR 660-037-0070 below.

(2) Designation Options. Either Option A or Option B:

(a) Option A: An individual estuarine city or county may designate as water-dependent shorelands any shorelands within its planning jurisdiction the total acreage of which is equal to or greater than the minimum acreage of water-dependent shorelands calculated for protection in OAR 660-037-0050 above.

(b) Option B: An individual estuarine city or county may designate as water-dependent shorelands any shorelands within its planning jurisdiction the total acreage of which is less than the minimum acreage of water-dependent shorelands calculated for protection in OAR 660-037-0050 above. An estuarine city or county choosing to exercise this option must do so in coordination with one or more of the other city and county governments in the estuary. This means that the local governments participating in Option B must do the following:

(A) Revise their comprehensive plans and land use regulations in compliance with this division; and

(B) Designate as water-dependent shorelands any shorelands within the estuary whose total acreage is equal to or greater than the minimum acreage of water-dependent shorelands calculated for the estuary as a whole in OAR 660-037-0050 above. In effect, this means that the other cities and the county in the estuary will provide the water-dependent shoreland acreage not provided by the jurisdiction or jurisdictions exercising Option B.

(3) Local governments are encouraged to designate and protect as water-dependent shorelands an amount that is greater than the minimum required to be protected by this division. This "excess capacity" may be beneficial to achieving local economic objectives over the long term.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0070

Water-Dependent Shoreland Locational and Suitability Criteria

(1) A proposal to designate lands as water-dependent shorelands in accordance with OAR 660-037-0060 above shall meet all of the following minimum locational and suitability criteria:

(a) The proposed shoreland site is within an urban or urbanizable area, or if in a rural area it is built upon or irrevocably committed to non-resource use or is designated in accordance with OAR Chapter 660, Division 022 Unincorporated Communities.

(b) The designated water-dependent uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse effects.

(c) The proposed shoreland site and its designated uses and activities comply with all applicable Statewide Planning Goals, in particular with Goal 16 Estuarine Resources, and with the Goal 2 Exceptions process if applicable.

(A) Any water-dependent shoreland site acknowledged to comply with the Statewide Planning Goals without needing a Goal 2 Exception prior to the effective date of this division and that is selected to provide a jurisdiction's minimum shorelands acreage for water-dependent protection is deemed to comply with this rule provided there are no changes to the following:

(i) The size or shape of the site; or

(ii) The uses or activities allowed or authorized at the site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)).

(B) Any water-dependent shoreland site acknowledged to comply with the Statewide Planning Goals with a Goal 2 Exception prior to the effective date of this division and that is selected to provide a jurisdiction's minimum shorelands acreage for water-dependent protection is deemed to comply with this rule provided all of the following criteria are met:

(i) There are no changes to the size or shape of the site.

(ii) There are no changes to the uses or activities allowed or authorized at the site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)).

(iii) The local government provides in writing its reasons for retaining the shoreland site in a water-dependent designation. As part of this explanation, the local government may consider factors such as the site's location and parcel size. The explanation shall include a description of the proposed or potential alterations to the natural resources that were the object of the Goal 2 Exception, as well as any practicable methods for avoiding or offsetting potential adverse effects to those resources. The commission encourages developers of these sites to take all practicable steps to avoid or offset potential adverse effects to significant natural resources at these sites. The protection of these natural resources will be a particular focus of the department's review of any subsequent state or federal regulatory permits.

(d) The proposed shoreland site possesses or is planned for land-based transportation and public utility services appropriate for the designated uses. Considerations should include the following: availability of public sewers, public water lines, and adequate power supply; and access to the area for truck and rail, if heavy industry is to be accommodated.

(e) The proposed shoreland site possesses or is planned for storage, parking, or other backup land that is adequate for the designated uses.

(f) The proposed shoreland site is capable, with or without the use of structures or facilities that provide water-dependent access, of providing the designated water-dependent uses with access to the adjacent coastal water body.

(g) If transportation, commercial fishing, or recreational boating uses are designated, the adjacent coastal waters provide or are planned for adequately sized navigational channels.

(2) Appropriate additional locational criteria may be considered by the local government in the analysis of a site's suitability for water-dependent development. These include the following:

(a) The site is capable of providing large quantities of water for uses needing water for processing and cooling purposes (e.g., hydroelectric power plants, fish processing plants, pumped storage power plants).

(b) The site is in close proximity to shipping facilities for uses that rely heavily on the waterborne transportation of raw materials or products that are difficult to transport on land (e.g., coal export facilities; cement plants; quarries).

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0080

Methods of Protection

(1) Local governments shall adopt appropriate land use regulations that protect for water-dependent recreational, commercial, and industrial uses the shorelands designated in OAR 660-037-0060 above.

(2) A designated water-dependent shoreland is protected for water-dependent uses when:

(a) the operation of a water-dependent use is not threatened by nonwater-dependent uses; and

(b) the siting of future water-dependent uses will not be preempted by the presence of nonwater-dependent uses.

(3) To protect a designated water-dependent shoreland site, local land use regulations may do any of the following:

(a) Allow only water-dependent uses.

(b) Allow nonwater-dependent uses that are in conjunction with and incidental and subordinate to water-dependent uses on the site.

(A) Such nonwater-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.

(B) The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the nonwater-dependent uses and the water-dependent uses at the site shall not exceed one to three (nonwater-dependent to water-dependent).

(C) Such nonwater-dependent uses shall not interfere with the conduct of the water-dependent use.

(c) Allow temporary nonwater-dependent uses that involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

(4) Local governments may use any combination of the following techniques for their land use regulations for protecting designated water-dependent shorelands:

(a) Traditional water-dependent zoning district. Traditional zoning districts typically list uses and activities that will be allowed either with or without a discretionary "conditional use" review.

(b) "Floating" water-dependency performance standard. The water-dependent protection standard would "float" within a designated geographic area rather than being applied to specific parcels within the area. Such a "performance zone" would typically be applied to urban waterfronts with existing or planned mixed water-dependent and nonwater-dependent uses, or to large undeveloped shoreland sites to configure planned development away from environmentally sensitive natural resources at the site.

(A) The "floating" water-dependency performance standard must establish quantitative performance measures for retaining water-dependency. The performance measures shall be expressed as overall acreage, floor space square footage, waterfront lineal footage, or other suitable quantitative measure of water-dependent use.

(B) Nonwater-dependent development proposals within the "floating" water-dependency performance zone would be measured against maintaining the overall water-dependency standard.

(C) Additional development controls including compatibility with existing water dependent uses, reserving waterfront access, and limiting development to certain specified types or categories of water-dependent uses may also be established.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0090

Rezoning of Qualifying Shorelands to Nonwater-Dependent Uses

(1) Any amendment to an acknowledged comprehensive plan or land use regulation under this rule must comply with all applicable Statewide Planning Goals. For purposes of this division, such applicable Goals include but are not limited to the following: Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(5)); Goal 7, Natural Hazards (OAR 660-015-0000(7)); Goal 16, Estuarine Resources (OAR 660-015-0010(1)); and Goal 17, Coastal Shorelands (OAR 660-015-0010(2)). In Goal 16, the designation of estuarine management units is based in part on the uses of the adjacent shorelands. Consequently, any change to shoreland designations and allowed uses being proposed under this division must include consideration of affected estuarine management unit designations and allowed uses. This is particularly important in situations where the level of development designated in the adjacent estuarine management unit was acknowledged through a Goal 2 Exception; retaining that level of estuarine development would no longer be justified without taking a new Goal 2 Exception.

(2) Local governments that choose to rezone shoreland sites to nonwater-dependent uses as allowed under this division are encouraged to provide for water-related and water-oriented uses at such sites as much as possible.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

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**City of Garibaldi
Comprehensive Plan Amendment
Background Report**

Date : 9/25/2012

**WD-1 and WD-2 Zone Designations:
An Analysis of Goal 17 Water-Dependent Lands
Inventory**

Prepared by Jay C. Sennewald
Garibaldi City Planner

Overview and Background

The City of Garibaldi adopted its current Comprehensive Plan In 1990. The Plan includes an inventory of coastal shorelands that are subject to the Statewide Planning Goal 17 requirements. These lands are identified on the City's official Zone Map as the Water-Dependent Development Zone (WD-1) and the Waterfront Development Support Zone (WD-2). The land-use regulations on those lands as identified on the Zone Map are implemented by Garibaldi Municipal Code Sections 18.35 and 18.40. Currently, the City Zone Map provides approximately 28 acres of lands zoned for water-dependent use (WD-1).

The purpose of WD-1 zoning is to provide an area in which primarily water-dependent and water-related uses are located for the support of the marine industry. It also provides the minimum land supply for water-dependent lands required by Goal 17. WD-2 zoning is intended to provide a backup area for waterfront uses, and a location for non-water-dependent and water-related uses in a waterfront setting.

Need for Analysis

The Garibaldi Peninsula contains approximately 90 acres of land area, and much of that land is vacant. Historically, the peninsula has undergone significant transformation from generations of economic development and activities, initially from the logging and sawmill industries and then later with development of two marinas and the working wharf. Today, with seemingly abundant vacant land on the peninsula in close proximity to the estuary and waterfront, it is understandably seen as a desirable location for new development to occur. However, the current zoning of much undeveloped land on the peninsula will not permit the type and variety of land uses that the nearby Commercial Zone and Downtown Zone designations will permit.

In response to current economic conditions and in recognition of land development potential on WD-1 and WD-2 zone lands on the Garibaldi Peninsula, staff initiated an analysis of its shorelands. The intent was to re-evaluate the location, distribution, and amount of Goal 17 lands in the city's jurisdiction, in order to determine if a surplus of required water-dependent zoning exists. If a surplus exists, then the City is may consider an amendment to the zone map and /or the zoning code that would provide greater

flexibility in land use regulations that would encourage economic development where existing zoning regulations do not.

Oregon's Statewide Planning Goal 17 Water-Dependent Shorelands

There is a finite amount of coastal shorelands in the State suitable for water dependent use and they are a valuable resource. Oregon's Statewide Planning Goal 17 requires the protection of important coastal shorelands for water-dependent uses because by its very nature, water-dependent development can only occur in shoreland areas determined to be suitable. Suitability is determined considering several factors including water access, land transportation and infrastructure, and surrounding land-use compatibility.

The Goal 17 requirement for the protection of water dependent shorelands is implemented through Oregon Administrative Rules (O.A.R.) Chapter 660-37, which establishes how communities must evaluate, identify, and provide a minimum supply of water dependent shorelands. This rule was adopted by the Land Conservation and Development Commission in 1999, and does not require changes to plans acknowledged prior to that date. The City of Garibaldi Comprehensive Plan was acknowledged in 1990. However, if the city wishes to make changes to its plan for water dependent shorelands, any proposed amendments to the existing WD-1 Zone regulations or zoning must comply with Division 37 rule requirements. Attached to this report as APPENDIX A is a copy of O.A.R. 66-37 for reference.

Scope of Analysis and Study Area

The Goal 17 water dependent shorelands analysis considered all lands within the Garibaldi City Limits and adjacent to the Tillamook Bay Estuary, focusing on the large peninsula where commercial and recreational water-dependent uses historically have taken place. Other shorelands within the City's jurisdiction with adjacent shallow tidelands were considered, but the focus of this analysis is on the peninsula where the land has historically supported, and continues to support a variety of water-dependent and water-related uses.

Process

Analysis of lands subject to the water dependent shorelands provisions of Goal 17 must be accomplished in accordance with O.A.R. Chapter 660-37, which establishes the parameters to properly calculate the minimum amount of coastal shorelands to be protected for water-dependent uses. Division 37 includes definitions, minimum acreage requirements, suitability criteria, and methods of protection for this resource.

Using O.A.R. 660-37 as a guide, staff gathered information from a variety of sources identified below in this report. Using the best information available, the analysis considered all lands within the study area to determine Garibaldi's minimum required supply of Goal 17 lands. More specifically, all of those shorelands that have either historically supported, or are presently supporting a water-dependent use must be included in the City's inventory of land area subject to protection for water dependent uses under Goal 17.

Garibaldi Analysis of Goal 17 Water-Dependent Shorelands

The study attempted to accurately identify historic uses of the land along the shoreline and adjacent lands, including the evaluation and interpretation of historic aerial photographs dated between 1939-1994. Additional details of historic use provided by the Port include a spreadsheet of historic use by location. Information about existing uses in the study area relied principally on staff observation (physical reconnaissance) of the subject properties, recent G.I.S aerial photographs and spatial analysis, records of the Tillamook County Assessor, and interviews with Port staff.

Analysis and Results

Information from all available sources was translated into a spreadsheet that was the basis for calculating the minimum land area (number of acres) subject to Goal 17 protection; this calculation was based on the minimum water dependent shoreland acreage protection requirements of OAR 660-037. Staff then compared the calculated acreage from the analysis, with the actual acreage in the City's existing inventory to determine if the City's zoning contains a surplus or a deficit of land currently designated and reserved for water dependent use.

The attached spreadsheet identifies each tax lot within the study area, its size, current and historic uses, zone designation, adjacent estuary zone, applicable considerations of use, adjacent estuarine designation, suitability, current zoning, and other factors. Each tax lot was evaluated for inclusion in the minimum acreage protection calculation considering the language in O.A.R. 660-37, and a percentage of its land area qualifying for inclusion in the calculation indicated in a separate column. The land area within each tax lot meeting the requirements for inclusion in the minimum acreage protection calculation was totaled to arrive at a minimum supply (acreage) of water dependent shorelands required to be protected within the City of Garibaldi.

Findings

The analysis indicates that within the study area, a total of 20.6 acres of land are required to be protected for water dependent uses. This contrasts with the existing WD-1 Zone which encompasses a total of 28.2 acres of land, as calculated on GIS mapping tools.

Based on the results of the analysis, it is evident that the City has maintained a surplus of water-dependent shorelands subject to Goal 17 since the adoption of its Comprehensive Plan. Consequently, there is an opportunity for the City to consider amendments to its Comprehensive Plan and its Zone Map that would effectively re-zone portions of the peninsula. This is possible while still maintaining the minimum supply of water-dependent zoning in accordance with the Goal 17 Rule. Further opportunity exists to consider opening new development opportunities on lands currently zoned WD-2.

Proposed Map and Text Amendments

Because a surplus of required water-dependent lands exists, the City is proposing to amend its WD-1 and WD-2 zoned lands and the area they encompass while still maintaining the minimum water-dependent shorelands as required by Goal 17. As proposed, the existing WD-1 Zone would be re-named WD (Water-dependent Development). The WD zone would include the required minimum supply of water-

dependent lands protected by the Goal (20.6 acres), and include an additional surplus of .85 acre as a buffer for a proposed total of 21.45 acres. Uses allowed in the new zone would be consistent with the uses allowed on water-dependent lands consistent with Goal 17 Rules.

The existing WD-2 Zone would be re-named WM (Waterfront Mixed-use) and would provide a backup area for waterfront uses and a location for water-dependent, water-related and compatible non-water-dependent and water-related uses in a waterfront setting.

There are two locations where lands are proposed to be zoned WD and which are not currently zoned WD-1. Specifically, the following sites are proposed to be included in the new WD zone inventory:

- 1) Old Mill Marina: This area includes the boat launch, trailer parking area and former marina store on the east side of the Garibaldi Peninsula. Currently zone WD-2, this area has historically been used for water-dependent purposes and the existing facilities to support water-dependent use still exist. It is utilized as a functional marina primarily during peak salmon fishing season in the fall, and intermittently throughout the year, despite the somewhat deteriorated condition of the docks and shallow depth of the moorage from lack of dredging. Because the facilities continue to be utilized periodically, and because the adjacent Estuary Conservation (EC-2) zone allows dredging as a conditional use, there is great potential for restoration of the marina as a viable water-dependent use in the future. These factors indicate that the site is suitable for water-dependent use which is required for designation of the WD Zone.
- 2) Pier's End Parking: A parking lot that serves the old Coast Guard boathouse and water-dependent recreational use of the shoreline is located at the west end of Bay Lane. This area is currently zoned R-1 for residential use and historically was the location of three residences that have since been demolished. The land has been acquired By the State of Oregon for public use, and an inter-governmental agreement places the responsibility for its management on the Port of Garibaldi. This area is an essential component of the Port's facilities because it provides the only public parking area that serves the existing pier and boathouse over the estuary, and for water-dependent recreational use of the adjacent shore and tidelands. Based on these considerations, this area is considered suitable for water-dependent use and its zone designation is proposed to be amended from R-1 to WD.

The proposed conversion of WD-1 to WM lands would affect 3 areas that include the Old Mill RV Park, a portion of the RV Park at the Port, and the area that encompasses the Troller's restaurant, Port and Estuary Partnership offices, and undeveloped land currently used for crab pot storage.

As proposed, the net reduction of water-dependent lands resulting from the zone map amendments is 6.75 acres.

Summary

The City is proposing amendments to its Comprehensive Plan, Zone Map and Zoning Code including water-dependent shorelands that must be protected under Statewide Planning Goal 17. This report is necessary to support findings that proposed amendments affecting water-dependent lands is consistent with the Goal.

Adoption of the amendments including the new Water-dependent Development and Waterfront Mixed-use Zones will provide for new development opportunities within the study area.

Resources

Information about historical land uses and development along the shoreline came from the following sources:

Port of Garibaldi / Kevin Greenwood, Port Manager and staff
Joe Wrabek, former City Manager and current Planning Commissioner, City of Garibaldi
Video The Port of Garibaldi: The Centennial History (1910-2010), Anchor Pictures
©2010
Historic aerial photographs (provided by the Port of Garibaldi)

Attachments:

- Appendix A: Oregon Administrative Rule (O.A.R.) 660-37
- Appendix B: Excel spreadsheet; Goal 17 Inventory by Map and Tax Lot
- Appendix C: Site Comments
- Tillamook County G.I.S. aerial photograph with tax lot layer (current)
- Aerial Photos 1939-1994
- History of Garibaldi Structural Development spreadsheet
- Current Zone Map and WD-1 Zone Acreage
- Proposed New Zone Map
- Existing WD-1 and Proposed WD Acreage Distribution

APPENDIX A

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

DIVISION 37

GOAL 17 WATER-DEPENDENT SHORELANDS

660-037-0010

Purpose Statement

The purpose of this division is to implement Coastal Shoreland Uses Requirement 2 of Goal 17 Coastal Shorelands (OAR 660-015-0010(2)) regarding water-dependent shorelands in estuaries. This division explains how to calculate the minimum amount of shorelands to be protected for water-dependent uses. This division also identifies the qualifications of shorelands suitable for water-dependent uses as well as suggested land use regulations for implementation.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0020

Policy

(1) The Land Conservation and Development Commission (LCDC) recognizes that since the early 1980's, when comprehensive estuary management plans were acknowledged by LCDC, significant economic changes experienced in coastal communities have affected the demands for shorelands. During this period, most of the shorelands designated for water-dependent development in local estuary plans have remained vacant. As a result of these economic changes, there have been increased pressures to develop the vacant or underdeveloped water-dependent lands for nonwater-dependent uses.

(2) The reasons to protect certain shorelands for water-dependent uses are both economic and environmental. Economically, shoreland sites for water-dependent development are a finite economic resource that usually need protection from prevailing real estate market forces. By its very nature, water-dependent development can occur only in shoreland areas and only in certain shorelands with suitable characteristics relating to water access, land transportation and infrastructure, and surrounding land use compatibility. Once these suitable sites are lost to nonwater-dependent uses, they are very difficult and expensive to recover, if at all. Environmentally, providing "suitable" areas for water-dependent development means less economic and political pressure to accommodate future development in environmentally sensitive areas such as wetlands, marshes, and biologically productive shallow subtidal areas.

(3) As a matter of state policy, it is not desirable to allow these scarce and non-renewable resources of the marine economy to be irretrievably committed to, or otherwise significantly impaired by, nonindustrial or nonwater-dependent types of development which enjoy a far greater range of locational options.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0030

Statement of Applicability

(1) This division applies to any post-acknowledgment plan amendment or periodic review work task that:

(a) Would directly affect a designated water-dependent shoreland site; and

(b) Is initiated on or after the effective date of this division.

(2) For purposes of this division, a designated water-dependent shoreland site is directly affected when any post-acknowledgment plan amendment or periodic review work task would:

(a) Change the size or shape of the site;

(b) Allow or authorize a nonwater-dependent use or activity at a site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)); or

(c) Prohibit all water-dependent uses and activities at the site.

(3) For purposes of this division, a post-acknowledgment plan amendment is "initiated" when a local government files a proposed amendment to or adoption of a comprehensive plan or land use regulation with the director in accordance with OAR 660-018-0020.

(4) For purposes of this division, a periodic review work task is "initiated" when a local government's periodic review work program is approved in accordance with OAR 660-25-0100 or modified in accordance with OAR 660-25-0100.

(5) This division does not mandate any changes to existing local comprehensive plans or land use regulations for water-dependent shorelands. Local cities and counties may retain their existing comprehensive plan designations and land use regulation designations for water-dependent shorelands.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.010 - 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-037-0040

Definitions

For purposes of division 037, the definitions contained in ORS 197.015 and the Statewide Planning Goals (OAR chapter 660, division 015) apply. In addition, the following definitions apply:

(1) "Designated water-dependent shoreland site" means an estuarine shoreland area designated in a comprehensive plan and land use regulation to comply with Coastal Shoreland Uses Requirement 2 of Goal 17, Coastal Shorelands (OAR 660-015-0010(2)).

(2) "Goal 2 Exception" means the land use planning requirements waiver process provided in Goal 2, Land Use Planning, Part II (OAR 660-015-0000(2)) and OAR Chapter 660, Division 004, Interpretation of Goal 2 Exception Process.

(3) "Periodic review" means the land use planning process described in ORS 197.628 through 197.646.

(4) "Post-acknowledgment plan amendment" means an action taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. The term does not include periodic review actions.

(5) "Structure or facility that provides water-dependent access" means anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water-dependent uses with physical access to the adjacent coastal water body. Examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids.

(6) "Water-Dependent Use".

(a) The definition of "water-dependent" contained in the Statewide Planning Goals (OAR Chapter 660, Division 015) applies. In addition, the following definitions apply:

(A) "Access" means physical contact with or use of the water.

(B) "Requires" means the use either by its intrinsic nature (e.g., fishing, navigation, boat moorage) or at the current level of technology cannot exist without water access.

(C) "Water-borne transportation" means uses of water access:

(i) Which are themselves transportation (e.g. navigation);

(ii) Which require the receipt of shipment of goods by water; or

(iii) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships, boats, etc. terminal and transfer facilities).

(D) "Recreation" means water access for fishing, swimming, boating, etc. Recreational uses are water dependent only if use of the water is an integral part of the activity.

(E) "Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion).

(F) "Source of water" means facilities for the appropriation of quantities of water for cooling processing or other integral functions.

(b) Typical examples of water dependent uses include the following:

(A) Industrial - e.g., manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or other integral functions.

(B) Commercial - e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.

(C) Recreational - e.g., recreational marinas, boat ramps, and support.

(D) Aquaculture.

(E) Certain scientific and educational activities which, by their nature, require access to coastal waters - estuarine research activities and equipment mooring and support.

(c) For purposes of this division, examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water-dependent uses, and boardwalks.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0050

Minimum Water-Dependent Shoreland Protection Acreage

(1) Estuarine cities and counties shall protect for water-dependent industrial, commercial, and recreational uses a minimum amount of shorelands suitable for water-dependent uses.

(2) Estuarine cities and counties shall calculate the minimum amount of shorelands to be protected within their respective political boundaries based on the following combination of factors as they may exist:

- (a) Current Water-Dependent Use -- Acreage of estuarine shorelands that are currently being used for water-dependent uses; and
- (b) Former Water-Dependent Use -- Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess a structure or facility that provides water-dependent access.
- (c) For purposes of this rule, the calculation of the minimum amount of shorelands to be protected shall include storage and other backup land that is, or in the case of former water-dependent uses was, in direct support of the water-dependent use at the site.
- (3) The minimum amount of shorelands to be protected in each estuary as a whole shall be equivalent to the sum of the minimum acreage calculations for each city and the county in the estuary.
- (4) To calculate the minimum water-dependent shoreland protection acreage required by this rule, local governments may:
 - (a) Rely on data from local assessor maps or from plat maps that were officially adopted as part of a locally approved development plan;
 - (b) Generate original acreage data from orthorectified aerial photography;
 - (c) For shoreland parcels with a mixture of water-dependent and nonwater-dependent uses, visually approximate the acreage after examining assessor maps or plat maps, or after making a physical reconnaissance of the mixed-use shoreland sites; or
 - (d) Any other valid source as appropriate.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0060

Designate Water-Dependent Shorelands

- (1) Estuarine city and county comprehensive plans shall designate as water-dependent shorelands a sufficient total acreage that is equal to or greater than the minimum water-dependent shorelands acreage calculated by OAR 660-037-0050 above. In addition, all shorelands designated in accordance with this rule shall satisfy the water-dependent access locational criteria of OAR 660-037-0070 below.
- (2) Designation Options. Either Option A or Option B:
 - (a) Option A: An individual estuarine city or county may designate as water-dependent shorelands any shorelands within its planning jurisdiction the total acreage of which is equal to or greater than the minimum acreage of water-dependent shorelands calculated for protection in OAR 660-037-0050 above.
 - (b) Option B: An individual estuarine city or county may designate as water-dependent shorelands any shorelands within its planning jurisdiction the total acreage of which is less than the minimum acreage of water-dependent shorelands calculated for protection in OAR 660-037-0050 above. An estuarine city or county choosing to exercise this option must do so in coordination with one or more of the other city and county governments in the estuary. This means that the local governments participating in Option B must do the following:
 - (A) Revise their comprehensive plans and land use regulations in compliance with this division; and
 - (B) Designate as water-dependent shorelands any shorelands within the estuary whose total acreage is equal to or greater than the minimum acreage of water-dependent shorelands calculated for the estuary as a whole in OAR 660-037-0050 above. In effect, this means that the other cities and the county in the estuary will provide the water-dependent shoreland acreage not provided by the jurisdiction or jurisdictions exercising Option B.

(3) Local governments are encouraged to designate and protect as water-dependent shorelands an amount that is greater than the minimum required to be protected by this division. This "excess capacity" may be beneficial to achieving local economic objectives over the long term.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0070

Water-Dependent Shoreland Locational and Suitability Criteria

(1) A proposal to designate lands as water-dependent shorelands in accordance with OAR 660-037-0060 above shall meet all of the following minimum locational and suitability criteria:

(a) The proposed shoreland site is within an urban or urbanizable area, or if in a rural area it is built upon or irrevocably committed to non-resource use or is designated in accordance with OAR Chapter 660, Division 022 Unincorporated Communities.

(b) The designated water-dependent uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse effects.

(c) The proposed shoreland site and its designated uses and activities comply with all applicable Statewide Planning Goals, in particular with Goal 16 Estuarine Resources, and with the Goal 2 Exceptions process if applicable.

(A) Any water-dependent shoreland site acknowledged to comply with the Statewide Planning Goals without needing a Goal 2 Exception prior to the effective date of this division and that is selected to provide a jurisdiction's minimum shorelands acreage for water-dependent protection is deemed to comply with this rule provided there are no changes to the following:

(i) The size or shape of the site; or

(ii) The uses or activities allowed or authorized at the site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)).

(B) Any water-dependent shoreland site acknowledged to comply with the Statewide Planning Goals with a Goal 2 Exception prior to the effective date of this division and that is selected to provide a jurisdiction's minimum shorelands acreage for water-dependent protection is deemed to comply with this rule provided all of the following criteria are met:

(i) There are no changes to the size or shape of the site.

(ii) There are no changes to the uses or activities allowed or authorized at the site, unless the use or activity is a "permissible nonwater-dependent use" as allowed by Goal 17 Coastal Shoreland Uses Requirement 2 (OAR 660-015-0010(2)).

(iii) The local government provides in writing its reasons for retaining the shoreland site in a water-dependent designation. As part of this explanation, the local government may consider factors such as the site's location and parcel size. The explanation shall include a description of the proposed or potential alterations to the natural resources that were the object of the Goal 2 Exception, as well as any practicable methods for avoiding or offsetting potential adverse effects to those resources. The commission encourages developers of these sites to take all practicable steps to avoid or offset potential adverse effects to significant natural resources at these sites. The protection of these natural resources will be a particular focus of the department's review of any subsequent state or federal regulatory permits.

(d) The proposed shoreland site possesses or is planned for land-based transportation and public utility services appropriate for the designated uses. Considerations should include the following: availability of public sewers, public water lines, and adequate power supply; and access to the area for truck and rail, if heavy industry is to be accommodated.

(e) The proposed shoreland site possesses or is planned for storage, parking, or other backup land that is adequate for the designated uses.

(f) The proposed shoreland site is capable, with or without the use of structures or facilities that provide water-dependent access, of providing the designated water-dependent uses with access to the adjacent coastal water body.

(g) If transportation, commercial fishing, or recreational boating uses are designated, the adjacent coastal waters provide or are planned for adequately sized navigational channels.

(2) Appropriate additional locational criteria may be considered by the local government in the analysis of a site's suitability for water-dependent development. These include the following:

(a) The site is capable of providing large quantities of water for uses needing water for processing and cooling purposes (e.g., hydroelectric power plants, fish processing plants, pumped storage power plants).

(b) The site is in close proximity to shipping facilities for uses that rely heavily on the waterborne transportation of raw materials or products that are difficult to transport on land (e.g., coal export facilities; cement plants; quarries).

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.010 – ORS 197.830

Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0080

Methods of Protection

(1) Local governments shall adopt appropriate land use regulations that protect for water-dependent recreational, commercial, and industrial uses the shorelands designated in OAR 660-037-0060 above.

(2) A designated water-dependent shoreland is protected for water-dependent uses when:

(a) the operation of a water-dependent use is not threatened by nonwater-dependent uses; and

(b) the siting of future water-dependent uses will not be preempted by the presence of nonwater-dependent uses.

(3) To protect a designated water-dependent shoreland site, local land use regulations may do any of the following:

(a) Allow only water-dependent uses.

(b) Allow nonwater-dependent uses that are in conjunction with and incidental and subordinate to water-dependent uses on the site.

(A) Such nonwater-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.

(B) The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the nonwater-dependent uses and the water-dependent uses at the site shall not exceed one to three (nonwater-dependent to water-dependent).

(C) Such nonwater-dependent uses shall not interfere with the conduct of the water-dependent use.

(c) Allow temporary nonwater-dependent uses that involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

(4) Local governments may use any combination of the following techniques for their land use regulations for protecting designated water-dependent shorelands:

(a) Traditional water-dependent zoning district. Traditional zoning districts typically list uses and activities that will be allowed either with or without a discretionary "conditional use" review.

(b) "Floating" water-dependency performance standard. The water-dependent protection standard would "float" within a designated geographic area rather than being applied to specific parcels within the area. Such a "performance zone" would typically be applied to urban waterfronts with existing or planned mixed water-dependent and nonwater-dependent uses, or to large undeveloped shoreland sites to configure planned development away from environmentally sensitive natural resources at the site.

(A) The "floating" water-dependency performance standard must establish quantitative performance measures for retaining water-dependency. The performance measures shall be expressed as overall acreage, floor space square footage, waterfront lineal footage, or other suitable quantitative measure of water-dependent use.

(B) Nonwater-dependent development proposals within the "floating" water-dependency performance zone would be measured against maintaining the overall water-dependency standard.

(C) Additional development controls including compatibility with existing water dependent uses, reserving waterfront access, and limiting development to certain specified types or categories of water-dependent uses may also be established.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

660-037-0090

Rezoning of Qualifying Shorelands to Nonwater-Dependent Uses

(1) Any amendment to an acknowledged comprehensive plan or land use regulation under this rule must comply with all applicable Statewide Planning Goals. For purposes of this division, such applicable Goals include but are not limited to the following: Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(5)); Goal 7, Natural Hazards (OAR 660-015-0000(7)); Goal 16, Estuarine Resources (OAR 660-015-0010(1)); and Goal 17, Coastal Shorelands (OAR 660-015-0010(2)). In Goal 16, the designation of estuarine management units is based in part on the uses of the adjacent shorelands. Consequently, any change to shoreland designations and allowed uses being proposed under this division must include consideration of affected estuarine management unit designations and allowed uses. This is particularly important in situations where the level of development designated in the adjacent estuarine management unit was acknowledged through a Goal 2 Exception; retaining that level of estuarine development would no longer be justified without taking a new Goal 2 Exception.

(2) Local governments that choose to rezone shoreland sites to nonwater-dependent uses as allowed under this division are encouraged to provide for water-related and water-oriented uses at such sites as much as possible.

[Publications: The publications referenced in this rule are available for review at the agency.]

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 197.010 – ORS 197.830
Hist.: LCDD 7-1999, f. & cert. ef. 8-20-99

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25 – EXHIBIT B – AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE,
AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP

Assessors Tax Map Number	Tax Lot	Acres	Current Land Use	Historical Land Use	Comments	GOAL 17 Water Dependent	Adj. Estuary Unit	Zone	Required Inventory acreage	% Land Area Water Dependent Goal 17	Appendix "C" Comment Site #
01N10W22	590	2.20	Vacant	Accessory to Old Mill	Obsolete Commercial	No	EC-2	WD-2	0	0%	1
01N10W21D	100	2.60	Landmark	Smokestack for mill	Obsolete Commercial	No	EC 2	WD-2	0	0%	1
01N10W21D	201	10.16	RV Park	Old Mill	Obsolete Commercial	No	N/A	WD-2, WD-1	0	0%	1
01N10W21D	500	4.99	Vacant	Log ponds	Obsolete Commercial	No	EC-2	WD-2	0	0%	1
01N10W21D	200	24.78	Historic Old Mill, Derelict marina and residential use: boat and RV storage	Historic Old Mill, Marina, tackle shop, wharf	Obsolete Commercial, historic and remnant water dependent on portions	Portion	EC-2	WD-2	2.75	11%	1, 2
01N10W21D	400	7.46	Physical access, Dock access and parking, open land	Dredged Material Disposal	Largely undeveloped land	Portion	EC-2	WD-1	1.49	20%	3
01N10W21D	300	1.68	Access, Lumbermen's public park, restrooms, fish cleaning station	Access	Includes public park not water-dependent	Portion	N/A	WD-1	0.84	50%	4
		0.50	Add to above		miscellaneous upland	Yes	E-D		0.25	50%	4
01N10W21AC	14103	2.16	Motel and RV Park	Motel and RV Park	Not a water-dependent use as defined	No	N/A	WD-2	0	0%	
01N10W21AC	14128	0.29	Boat repair	Boat Repair	Over Estuary 10%	Yes	EC-2	WD-1	0.26	90%	
01N10W21AC	14125	2.34	Marina, boat repair and storage	Marina, boat repair and trailer storage	Over estuary 20%, boat and trailer storage	Portion	ED	WD-1	1.87	80%	
01N10W21AC	14126	2.74	RV Park		Not a water-dependent use as defined	No	N/A	WD-1, WD-2	0	0%	
01N10W21AC	14124	0.42	Fish processing	Cannery	acreage includes estuary	Yes	ED	WD1, WD-2	0.32	75%	
01N10W21AC	14122	0.78	Marina bait shop		acreage in estuary 100%	Yes	ED	ED	0	0%	
01N10W21AC	14105	3.57	Coast Guard Facility	Est. 1982	acreage in estuary 75%	Portion	EC-1, DMDE	EC-1, WD-1	0.89	25%	
01N10W21AC	14100	5.94	POG Parking and access, leased space, vacant lands, tidelands, public restrooms	Direct support of water-dependent uses	33% tidelands, includes leased parking for restaurant	Yes	N/A	WD-1, WD-2	3.98	67%	
01N10W21AC	14107	0.14	Restaurant	Restaurant	building only	No		WD-1	0	0%	
01N10W21AC	14116	0.30	Wharf Use	Wharf use		yes	ED	WD-1	0.3	100%	
01N10W21AC	14112	0.10	Wharf Use	Wharf use		yes	ED	WD-1	0.1	100%	
01N10W21AC	14111	0.08	Dive shop	Wharf use		yes	ED	WD-1	0.8	100%	
01N10W21AC	14110	0.33	Pier		Over estuary 60%	Portion	ED	ED, WD-1	0.13	40%	
01N10W21AC	14131	0.12	Ocean Charter	Charter / Wharf	Adjacent to Pier	Yes	ED	WD-1	0.12	100%	
01N10W21AC	14109	0.05	Vacant / Parking Storage	Wharf use		Yes	ED	WD-1	0.05	100%	
01N10W21AC	14108	0.25	Estuary Partnership Office	Restaurant	Not a water-dependent use as defined	No	ED	WD-1	0	0%	
01N10W21AC	14106	0.06	Port office		Not a water-dependent use as defined	No	ED	WD-1	0	0%	
01N10W21AC	14127	1.72	Lumbermill	Lumbermill	Materials storage	No	N/A	WD-1, I-1	0	0%	
01N10W21AC	14101	7.80	Lumbermill	lumbermill	reliant on rail transportation	No	EC-1	I-1	0	0%	
01N10W21AC	14102	0.94	Lumbermill	Lumbermill		No	N/A	I-1	0	0%	
01N10W21AC	14123	0.27	Park / memorial		Over estuary 20%	Portion		WD-1	0.22	80%	
01N10W21AC	14117	0.30	Wharf Use	Wharf use		Yes	ED	WD-1	0.3	100%	
01N10W21AC	14118	0.19	Wharf Use	Wharf use		Yes	ED	WD-1	0.19	100%	
01N10W21AC	14119	0.29		Cannery		Yes	ED	WD-1	0.29	100%	
01N10W21AC	14121	0.04	Charter Office	Charter / Wharf		Yes	ED	WD-1	0.04	100%	
01N10W21AC	14104	4.99	Cargo Dock, Parking	Cargo Dock, Parking	Over Estuary 15%	Portion	ED	WD-1	4.24	85%	5
01N10W21AC	14120	0.07	Restaurant	Restaurant		No	N/A	WD-1	0	0%	
01N10W21AC	14115	0.29	Wharf Use	Wharf use	Estuary 20%	Portion	ED	WD-1	0.23	80%	
01N10W21AC	14114	0.08	Wharf Use	Wharf use		Yes	ED	WD-1	0.08	100%	
01N10W21AC	14113	0.63	Wharf Use	Wharf use	Estuarine 50%	Portion	ED	WD-1	0.32	50%	
01N10W21BD	12200	0.34	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	

26 – EXHIBIT B – AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE,
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01N10W21BD	12300	0.38	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	
01N10W	6700	1.08	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	
01N10W21BC	3000	0.23	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	
01N10W21BC	2200	0.51	Estuarine	Tidelands	Estuarine 100%	No		N/A	0	0%	
01N10W21BC	3300	0.06	Estuarine	Tidelands	Estuarine 100%	No	EN	N/A	0	0%	
01N10W21BC	3200	0.11	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	
01N10W21BC	3100	0.05	Estuarine	Tidelands	Estuarine 100%	No	EC-1	N/A	0	0%	
01N10W21BC	2500	0.33	Piers End parking	Dwellings	Estuarine 15%	Portion	N/A	R-1	0.2	60%	6
01N10W21BC	2400	0.24	Piers End parking	Dwellings		Portion	N/A	R-1	0.24	100%	6
01N10W21BC	2600	0.20	Piers End parking	Dwellings		Portion	N/A	R-1	0.1	50%	6
Total Acreage		95.18							20.6		

APPENDIX C

Goal 17 by Tax Lot

Site Comments and Justification for Determination

Comment #1 Historic Old Mill Site

At one time, the Old Mill property operated functionally as a water dependent use because it relied upon water borne transportation of logs for processing. Aerial photographs that were utilized in the study exemplify the extent and magnitude of log storage and processing in association with the former mill site. Today, wood products mills no longer operate in that manner, but rely instead on land-based transportation.

There is a provision in the definitions of the Goal 17 Rule that specifies that the water dependency of a particular use is based on “current level of technology”. Current technology for wood products processing relies primarily on land-based transportation of logs, and therefore the historic water-dependent log transportation for sawmills has become obsolete. Therefore, this section of the Rule means that the former Old Mill site would not be included in the count of acreage devoted to former water dependent use.

Comment #2 Old Mill Marina Site

The Old Mill Marina was developed after the land-use as a sawmill mill was long-abandoned. It devoted a significant portion (approximately 4.95 acres) of the former mill site on the eastern peninsula to a legitimate and functional marina. Facilities associated with the marina include a boat launch and associated trailer parking area with turnaround, a store and tackle shop.

Based in part on environmental factors including natural sedimentation of the estuary/moorage, the viability of the marina use has diminished. Today the marina is largely defunct, however the boat launch ramp remains in use under peak demand for recreational fishing opportunity, and some of the boat slips with deeper water still support limited use and function as a marina facility as defined in the Goal. There appears to be some potential for rehabilitation of the use as a functional marina, but the problem of continuing sedimentation within the estuary and associated costs of maintenance dredging has affected its economic viability.

Staff’s evaluation of the site for a determination of land especially suited to water-dependent use was made in consideration of the land area devoted to the Old Mill Marina, but excluded other portions of the 24 acre site.

Comment #3 Dredged Material Disposal Site

These 7.46 acres consist primarily of vacant, undeveloped land that has historically been used for the disposal of dredged materials from the adjacent estuary. Most recently, the Port of Garibaldi has disposed of dredged materials from the estuary into the nearby navigation channel designated as DMD on the City’s adopted zone map, under permit from regulatory state and federal agencies. The use of this upland site for dredged

material disposal is no longer active, and a preferred alternative disposal site has been identified and utilized. For these reasons, and under the Rule, this portion of the property should not be considered in the list of current and historic water dependent sites for purposes of establishing the minimum required Goal 17 inventory.

The Port of Garibaldi recently developed a portion of the site for backup parking to serve the adjacent marina. Approximately 20% of this same property is used for access and parking and for the port's adjacent dock facilities at this location, which is included in the Goal 17 inventory under the analysis.

Comment #4 Lumbermen's Park

A significant portion of this property is devoted to use as Lumbermen's Park, open to the public and physically separated from nearby water-dependent uses by a private street. Under the Goal 17 Rule, a public park is not a water-dependent use. The .84-acre property does include a fish cleaning station and public restrooms included in the inventory.

Adjacent to the site is a portion of upland with no apparent tax lot designation. Staff identified this area and estimated its size at .5 acre and added it to the given land area value of this property.

Comment #5 Cargo Dock and Parking

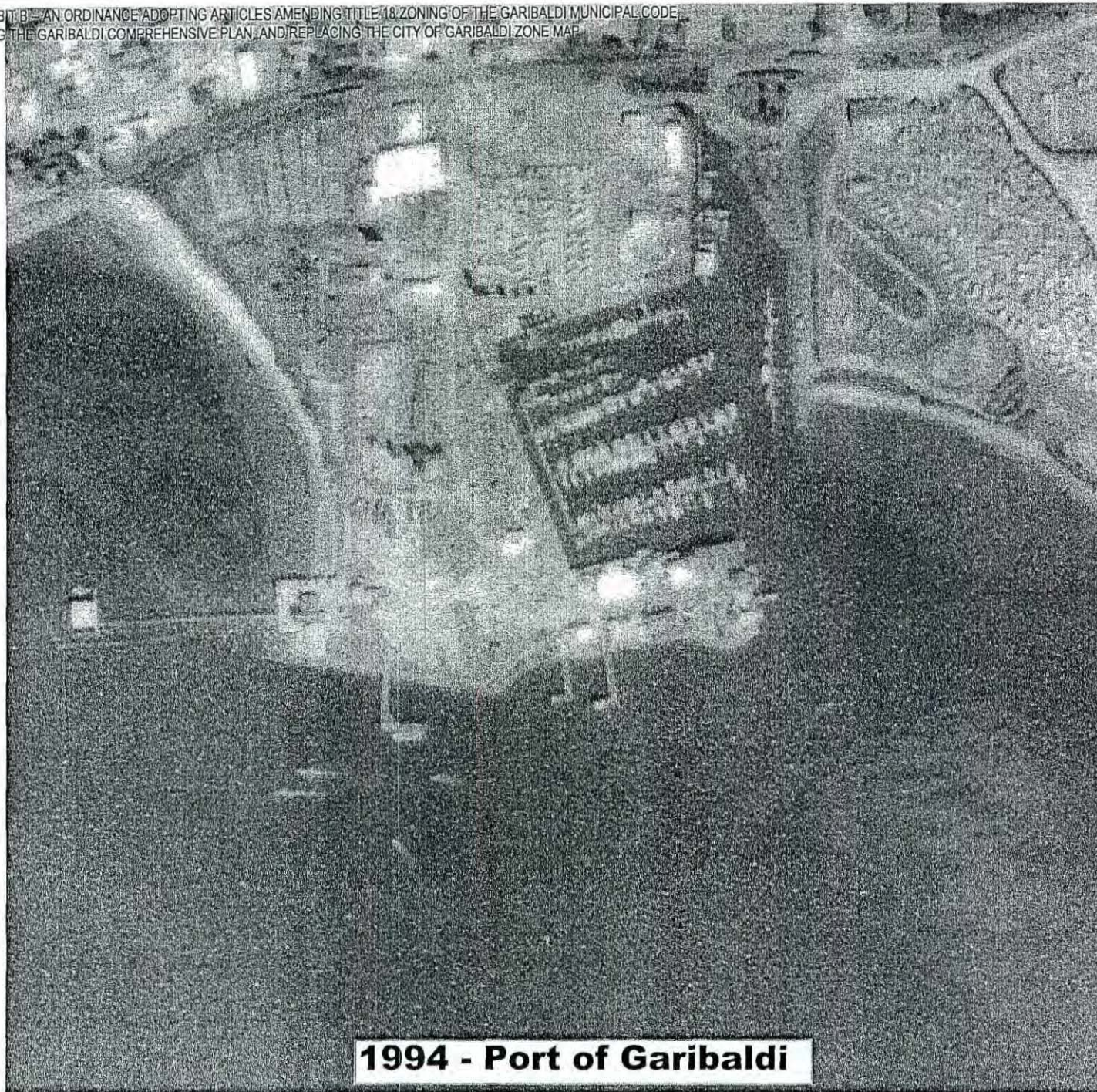
This site includes a large open parking area, crab pot storage, helicopter landing pad for Coast Guard emergencies, and ambulance station / office in support of Coast Guard facilities. Initial assessment of historic and current use suggested that the entire upland area was not devoted to water-dependent use. An interview with Port of Garibaldi Manager Kevin Greenwood revealed that the expansive open area between the cargo dock and adjacent RV park was a very important and necessary parking area for boat trailers during peak recreational fishing season, and has been fully utilized during those times.

As described above, use of this site includes a helipad and ambulance station that provide indirect support of Coast Guard operations at the boathouse and might arguably be subtracted from the site acreage. However, for the purpose of the analysis and due to the relatively small area those uses encompass, the entire upland portion of this site was included in the inventory.

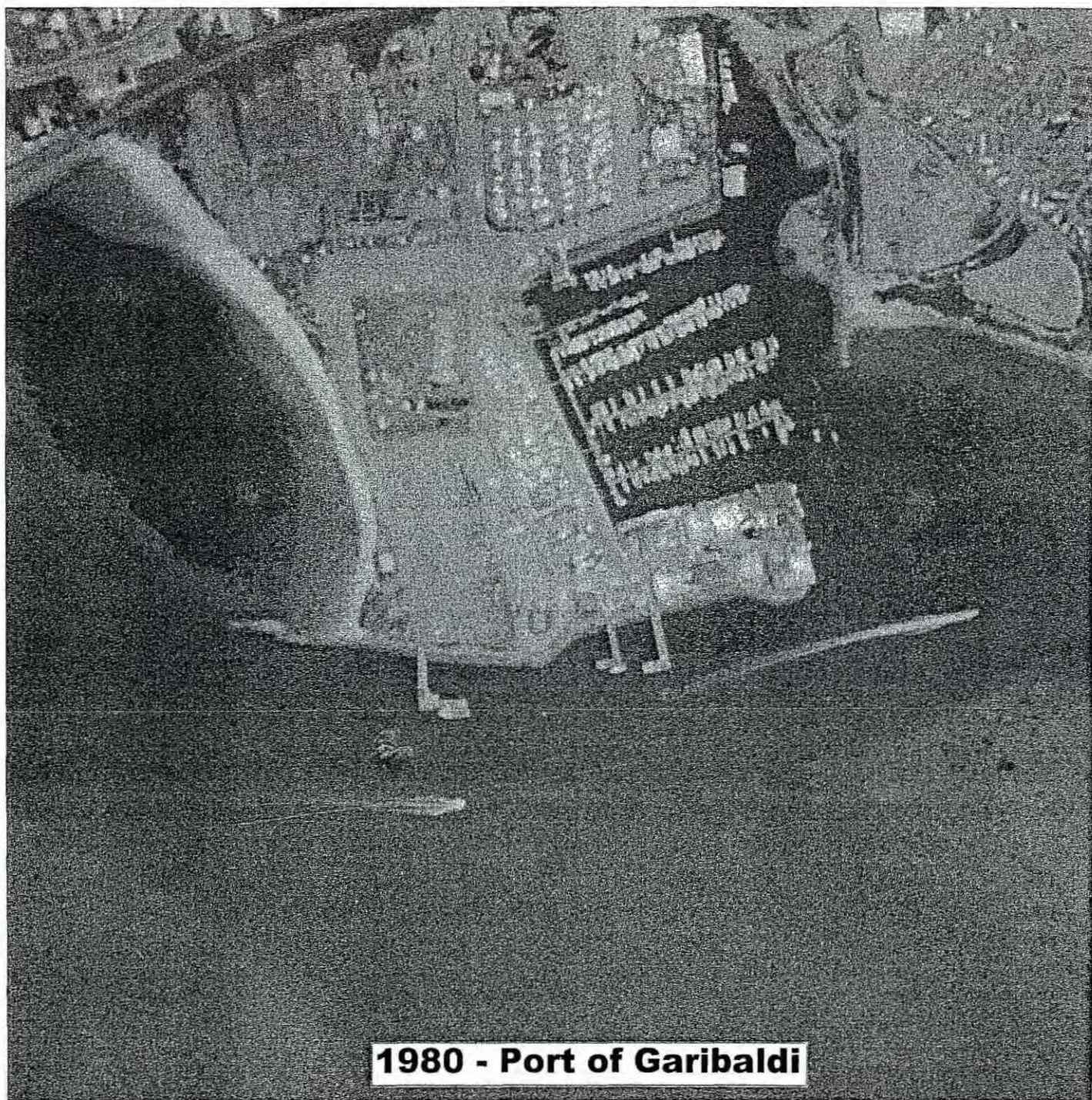
Comment #6 Pier's End Parking

This site is currently zoned R-1 and historically supported residential uses. The State of Oregon has acquired these tax lots and most recently they have been utilized for public parking in conjunction with recreational use and the old Coast Guard boathouse, commonly referred to as Pier's End. The property is included in the Goal 17 required inventory because it is in direct support of the estuarine use and structure, and of recreational uses in the intertidal area. This property should be re-zoned to reflect the actual use.





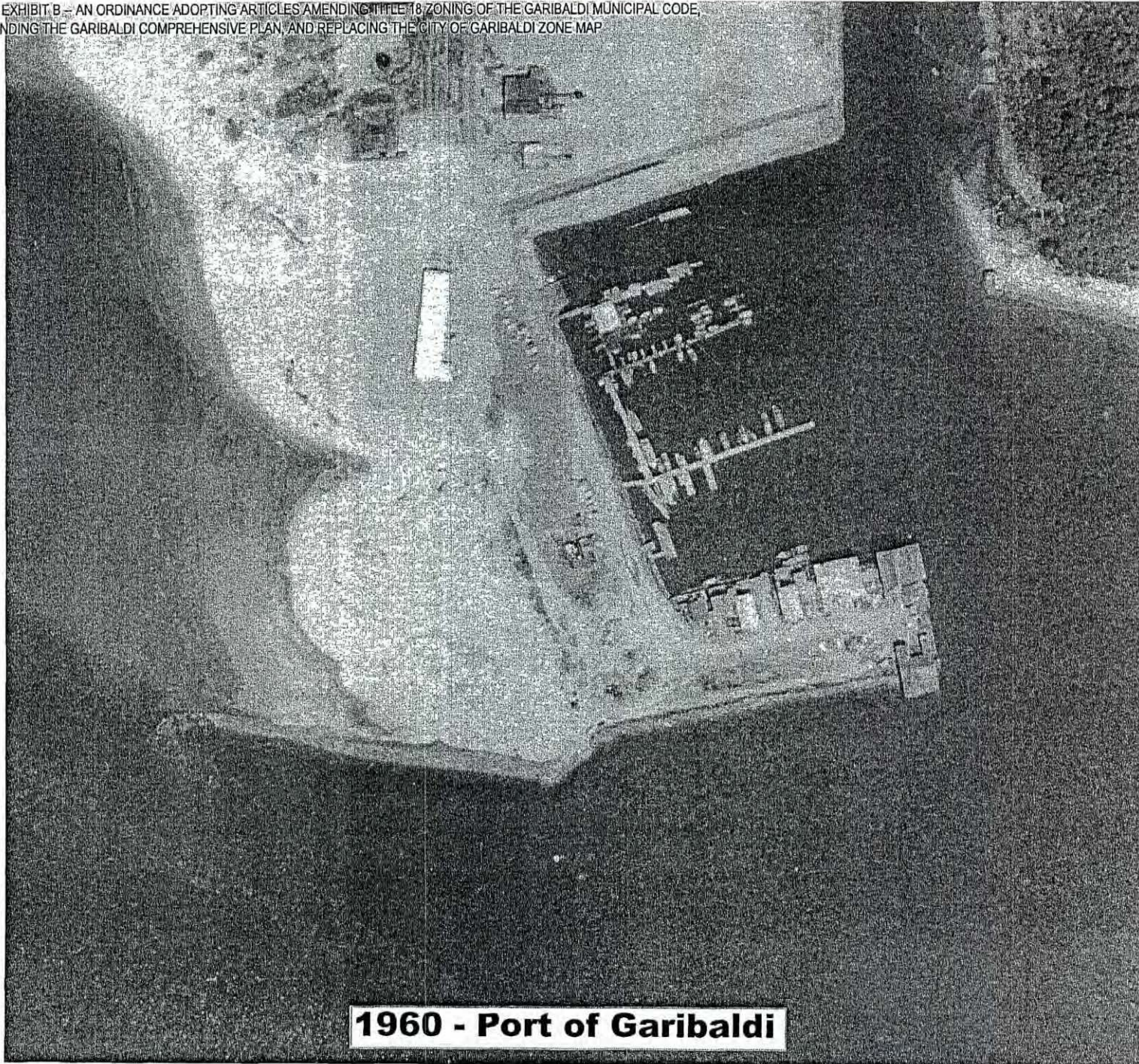
1994 - Port of Garibaldi



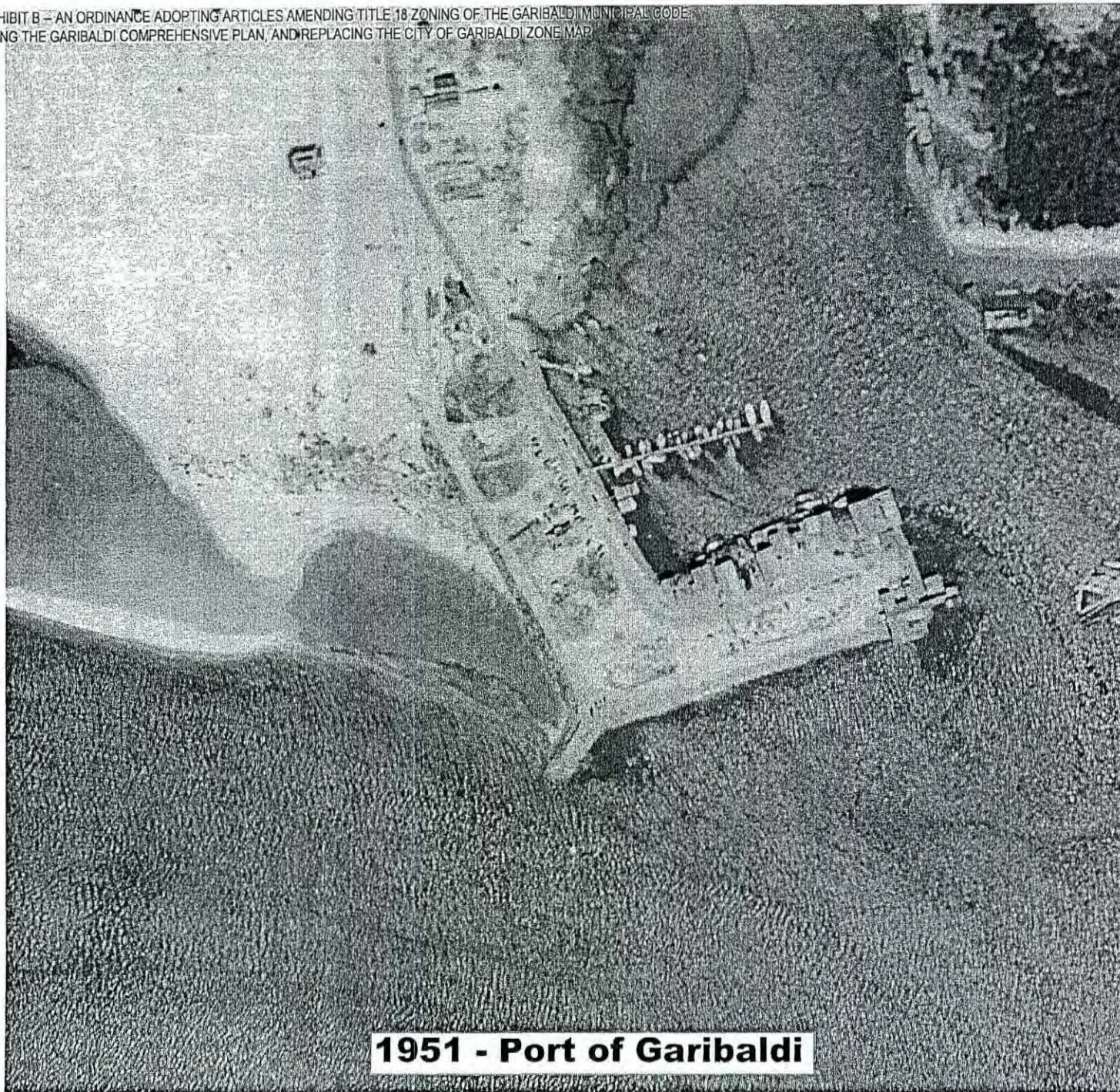
1980 - Port of Garibaldi



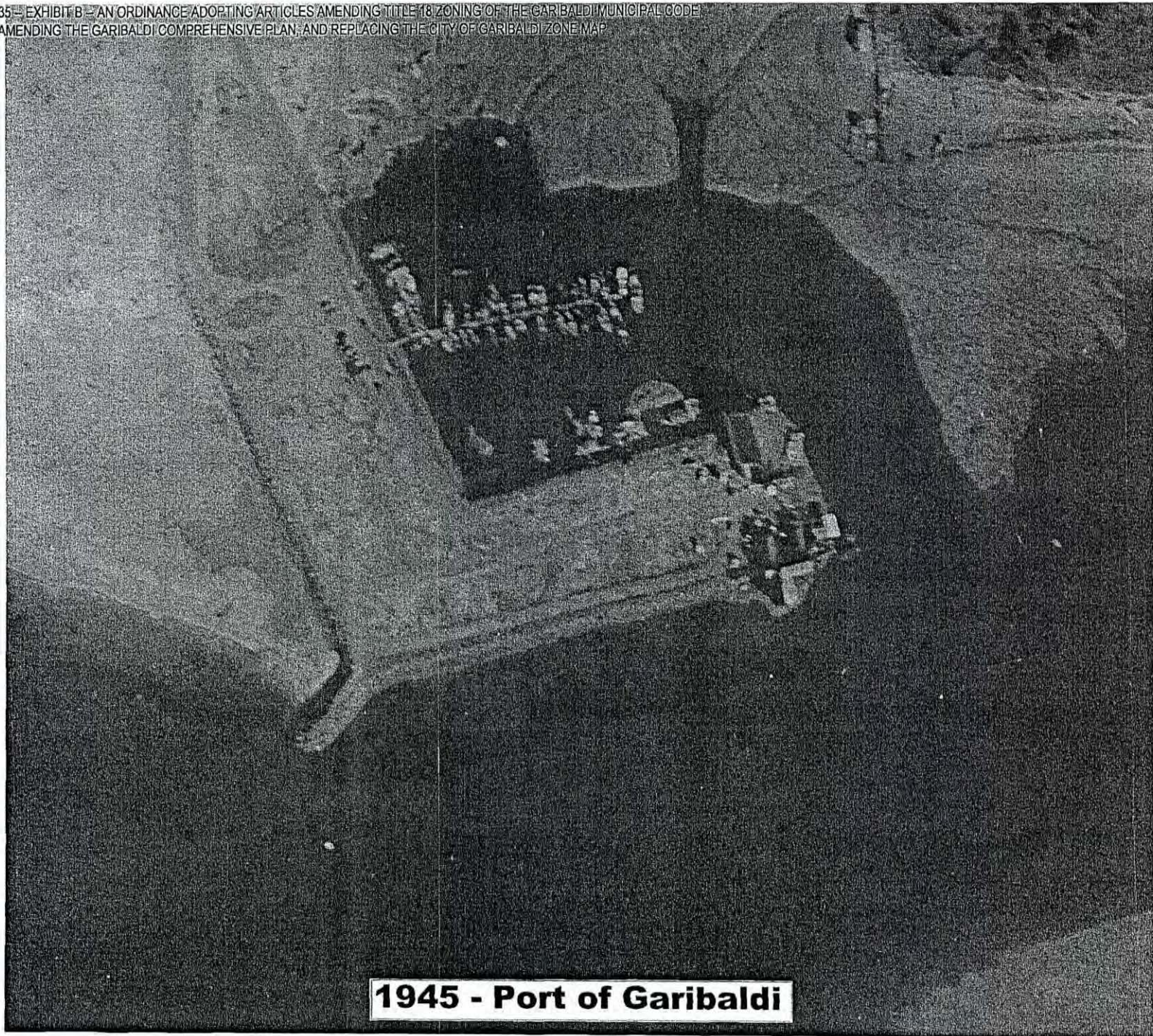
1970 - Port of Garibaldi



1960 - Port of Garibaldi



1951 - Port of Garibaldi



1945 - Port of Garibaldi

1939 - Port of Garibaldi

1939 - Port of Garibaldi

37 – EXHIBIT B – AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE,
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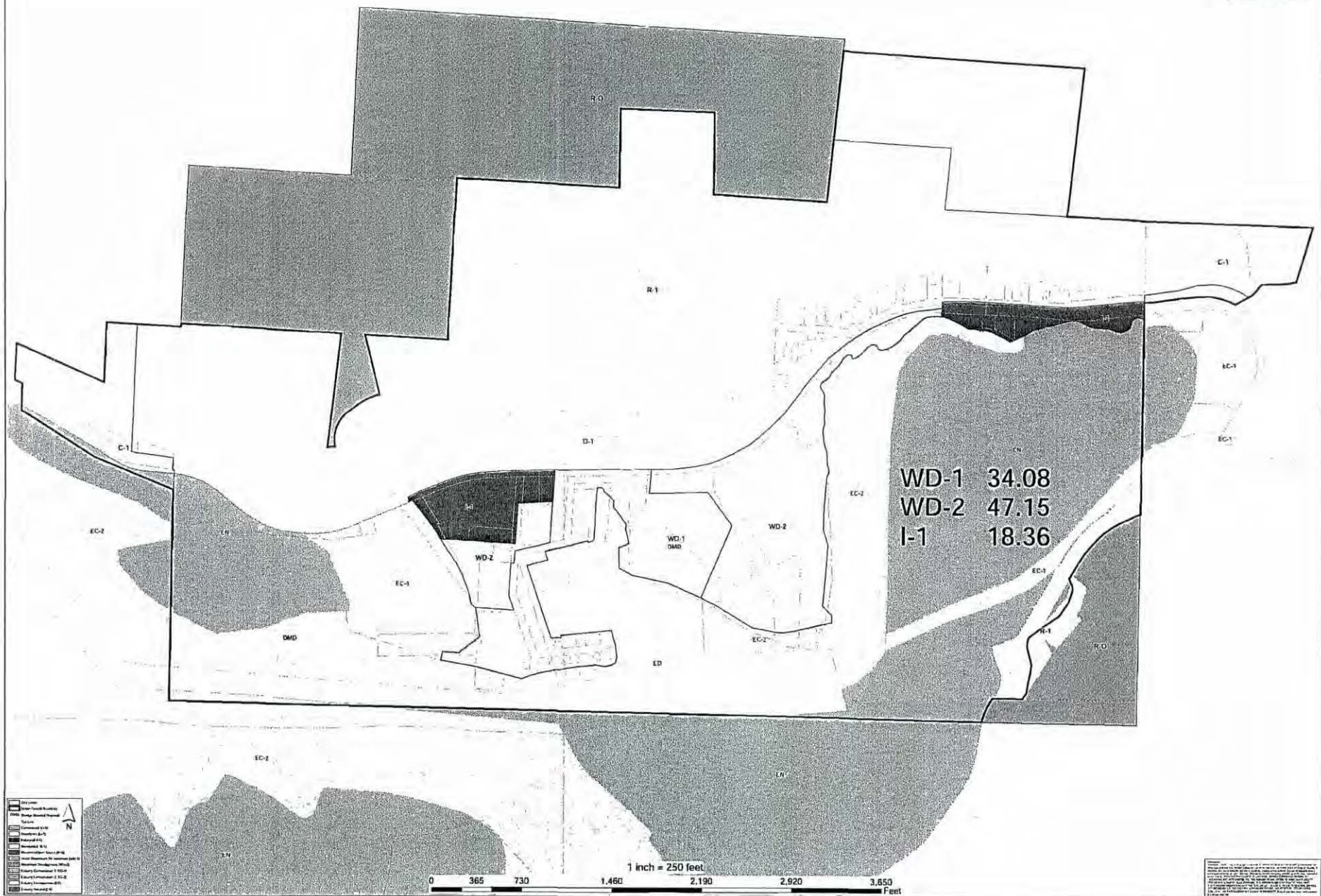
TIMELINE OF LUMBER MILLS ON TILLAMOOK BAY

Smith/Barker Sawmill	1885-91 Hoquarton	
small sawmill	1883-1909 Hobsonville	"Hobsonville mill, 1883-1909 + 10 years with a watchman (1919?)", Strite article.
Smith & Sons/Miami/Truckee	1925 Hobsonville	"Port Origins", LeVesque, pg. 46
Tillamook Lumbering Co.	1892-1927 Hoquarton	
Cummings-Moberly	1918-1921 Garibaldi	"partially completed sawmill in May 1919 ... Whitney took over C-M in 1921", Strite article
Whitney Co.	1921-1927 Garibaldi	
Hammond-Tillamook Lumber Co.	1927-1935 Garibaldi	Hammond-Tillamook assumed operations from Whitney in 1927, "Port Origins", pg. 46; "took over Whitney's holdings in April 1927 ... mill closed in April 1935" Strite article.
A.R. Timber Co.	1938-1941 Garibaldi	Port Origins, LeVesque. County purchased property from AR Timber in June? 1941
Peterman Manufacturing	1941-1945 Garibaldi	Kept 3 Hammond buildings. Other buildings were razed. old planning mill, crane shed building and lumber storage building were kept. County leased land to Peterman.
Oceanside Lumberman Co. (saw mill)	1943/4-1954 Garibaldi	"Oceanside Lumber Co. took over in 1943 (Nicolai/McIntosh)," Strite art. "OLC ... closed in 1954"
Nicolai/Oregon-Washington Plywood Co.	1945-1974 Garibaldi	LeVesque
Wilcox Flour Mill	1947- Garibaldi	Strite article, closed 8/30/1974 had been open for 28 years
Stout Mill	1947- Garibaldi	
Erickson Alder/Weyerhaeuser	1960?-2010	
PRNC Opened from Tillamook to Salmonbry	1909	TCPM, 1997 calendar
Garibaldi School (old)	1910	TCPM, 1999 calendar (ref. to 1892)
first train arrived in Tillamook	1911	TCPM, 1997 calendar
two metal smokestacks	1919	
Whitney Inn (bunk house)	1920	LeVesque essay
company houses on 1st Ave. built	1921	Strite article
Big G	1926	Jack Graves
Hayes Oyster Plant started in Bay City	1926	
movie theatre on Garibaldi Ave. burnt down	1926	burned winter of '26-'27, Strite article.
Garibaldi High School (current)	1926	TCPM, 1999 calendar
Chase home at 304 Eighth St.	1927	assessor
single concrete smokestack	1931	"By March 31 twin metal smokestacks replaced by concrete stack and tp incinerator," Strite art.
BayOcean Natatorium washed away	1932	"Port Origins", pg. 47
Old USCG Boat house (plans in '34)	1935	David Pinyard
teepee Incinerator on 101 razed	1939	Incinerator blown up in Nov/Dec 1939, Port Origins, LeVesque
Boat Basin originally dredged first dock	1942	County bought property in 1941, LeVesque; POBC minutes 10/18/1941
Peterman rail spurs	1942	LeVesque article
Historic Coast Guard House on US101	1943	Historic Register
Peterman veneer plant built	1944	Port Origins, LeVesque
Nicolai two plants built	1945	Port Origins, LeVesque
Harbor View (Fanta-Sea) Motel - confirm	1952	1957 (1951 satt no motel; 1957 sattelite pic has motel in it)
Imhoff digester (first treatment facility)	1946	built after city incorporation in 1946
Wilcox flour plant built behind plywood plant	1947	Port Origins, LeVesque
Scrap Mill on Boat Basin Rd.	1947	Port Origins, LeVesque
Oceanside Lumber constructed new dock	1951	Port Origins, LeVesque
Spit Breach (1952-56)	1953	USACE
Spit Dike breach	1953	
City Hall built	1955	commemorative rock
USCG boat basin boat house built	1961	(1960 satt no boat house)
Movie House (between pubs) razed	1959	B. Faust (late 50s)
108 Seventh St. (Erickson home) built	1961	assessors office
Fisherman's Korner	1965	
Port office building	1967	building permit
Morningstar II on grid in boat basin	1969	Oregon Journal (Oct. 1969)
Port Shop at 201 S. Sixth	1970	assessor
Millers/TEP at 613 Commercial Ave.	1975	Assessor's Office

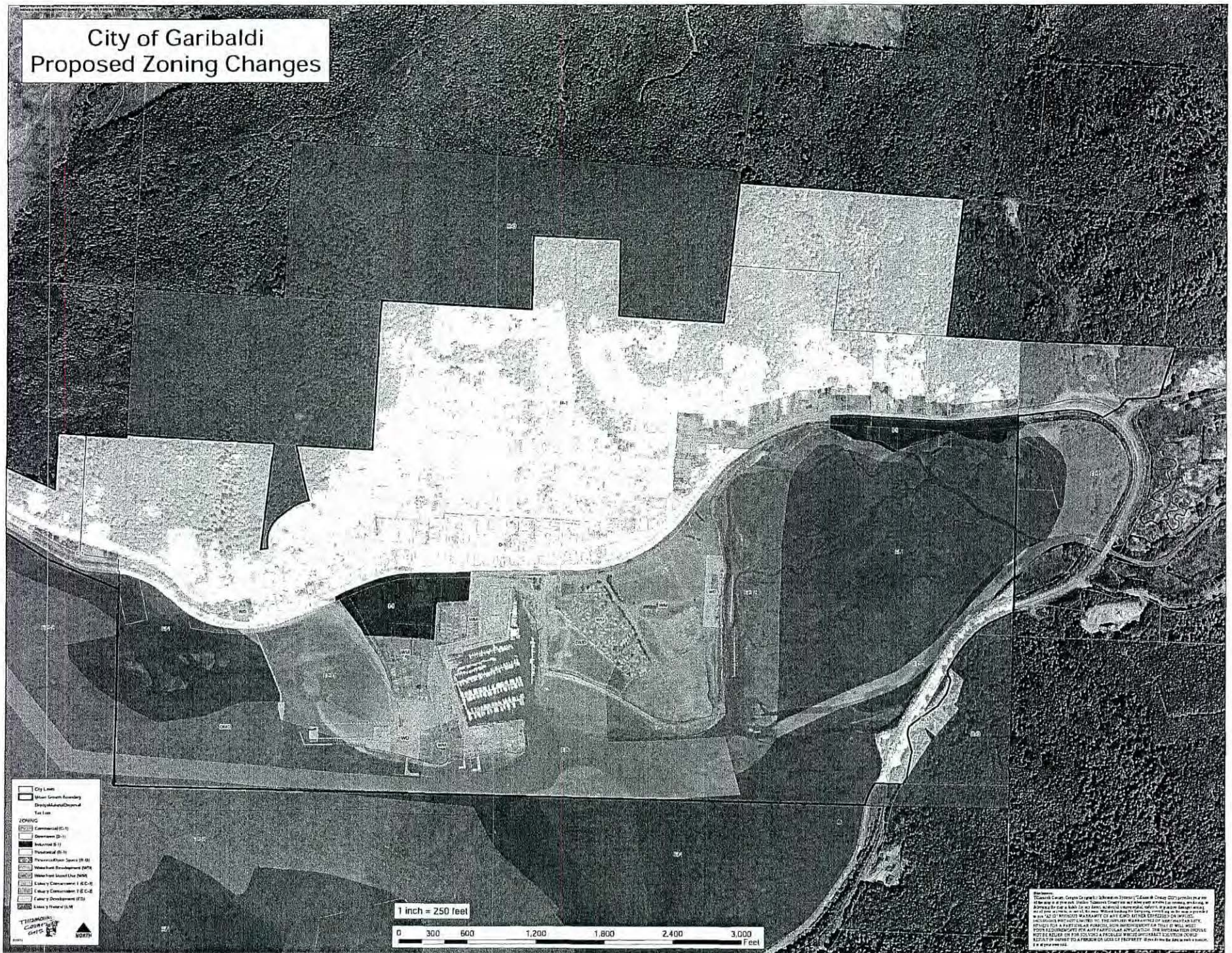
38 -- EXHIBIT B -- AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE,
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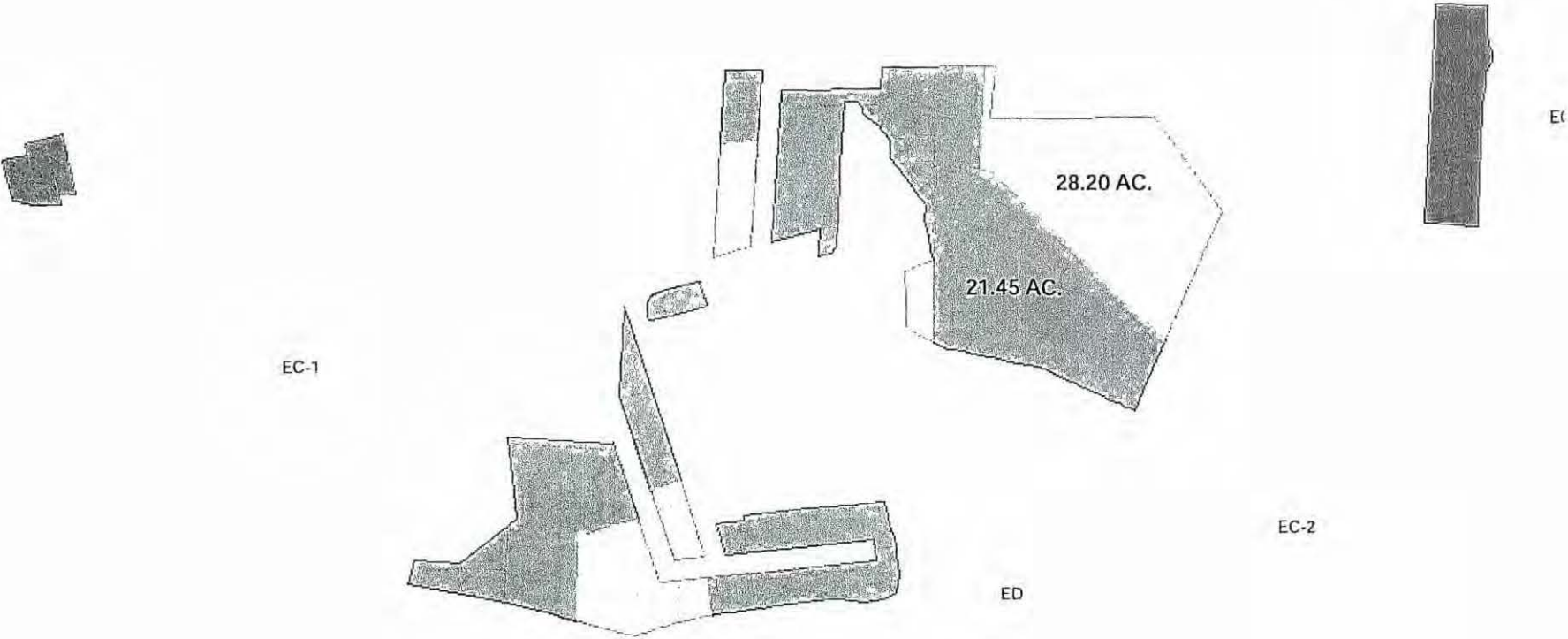
Dougs Diving Shop at 609 Commercial Ave.	1975	assessor
new Trollers building (April)	1976	assessors office
Cargo Dock (Sause) built	1978	minutes
Old Mill restaurant/tackle shop built	1978	started in 1978, finished in 1979. assessors office
Old Mill lodge	1979	assessors office
Joe Browning (Deep Water) dock built	1979	minutes/assessors office
small rock dike south of transient dock	1980	minutes
USCG breakwater	1980	
Miller's/TEP Dock (1980-82?)	1980	
new USCG station at port	1981	TCPM, 1988 CALENDAR
year USCG boat moved to current location	1981	minutes
So. 5th and American paved	1981	
transient dock built	1985	
Charter at 611 Commercial Ave.	1985	assessor
Old Mill recreation bldg/pool (1987-2006)	1987	
Paving/stripping of parking lots	1989	
Old Mill boiler house/power station razed	1990	EPA/DEQ report
Movie House (to east of Tami's Barber)	1990	early 90s (Dave Olson)
New Boat Launch	1996	
1110 Bay Lane (Hathaway condos built)	1996	assessors records
Edmunds ice house torn down on Comm. Ave.	1997	Dave Olson - Bacon asked him to tear it down right after being hired.
502 Garibaldi Ave. (hotel built)	1998	assessors/Lorraine confirming date
American Way between 6th and 7th	1998	
Mooring Basin Dr. restrooms built	1998	Port plans and docs
ambulance quarters first built	1999	Port plans and docs
Helicopter pad installed (uscg)	2001	uscg lease
The Pier burned down (march)	2006	fire department records
Old Mill Water Tower torn down	2006	city newsletter (spring)
Basil's storage barn blown down (Dec 1st)	2007	newspaper
Edmunds/Millers bldg on 101 burned down	2007	city newsletter (spring)
301 Garibaldi Ave. (Welch) razed	2008	city newsletter (winter)
Razing of Hammond mill buildings, add rail spurs	1941-43	old planning mill, crane shed building and lumber storage building were kept., Port Origins, LeVesque
Floating dock off the end of Commercial	1970s	before gillnetting was outlawed
Original Troller's Building (1941)		
beginning of Port fill (after 1912)		port office photo
year wigwam(smokestack)\ razed		
year wigwam (Erickson) razed		
Edmunds building (1941?)		
Mill office on Garibaldi Ave./1st		
teepee incinerator south of stack (1946?-55?)		
teepee incinerator at Ericksons I		
teepee incinerator at Ericksons II		
big mill building (1920-1999)		back part of original mill building still up in 1999
Merritt Wooden Box Co. (across from digester)		
Jones Dock on Bay Lane		was still there in 1943 - P Patterson
Scofield owned original Trollers		
no buildings (other than shack) at port until after 1943		P Patterson
Edmunds fish house on 101 (40s to 70s)		P Patterson
Houses on Bay Lane burned (piers end parking)	1990	POG ,minutes 1/11/1990

City of Garibaldi Zoning

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City of Garibaldi Proposed Zoning Changes





[illegible]

CITY OF GARIBALDI ZONING

EXHIBIT C – AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP

Adopted by the City Council on January 22, 2013.

Mayor: *[Signature]*

Manager: *[Signature]*

ACTION HISTORY (Ord. 107) 15 April 1962(AJW MHE)
 (Ord. 120) 13 August 1964, (Ord. 122) 14 January 1965, (Ord. 127) 13 January 1966, (Ord. 123) 10 March 1966, (Ord. 124, 125) 14 April 1966, (Ord. 142) 24 November 1968, 2 / October 1966, (Ord. 143) 11 May 1967, (Ord. 156) 16 November 1967, (Ord. 157) 12 June 1969, (Ord. 159) 11 July 1968, (Ord. 162) 12 March 1969, 2 / June 1969, (Ord. 170) 13 February 1970, (Ord. 178) 11 February 1971, (Ord. 195) 9 September 1971, (Ord. 190) 13 Apr 1972, (Ord. 190) 14 September 1972, 12 October 1972, (Ord. 200) 14 December 1972, (Ord. 209) 14 February 1974, (Ord. 217) 9 October 1975, (Ord. 219) 13 November 1975, (Ord. 270) 11 March 1976, (Ord. 273) 9 September 1976, (Ord. 278) 11 August 1977, (Ord. 281) 12 February 1978, (Ord. 281) 21 August 2000, (Ord. 251A) 17 September 2001, (Ord. 252) 20 August 2001, (Ord. 259) 18 March 2002, (Ord. 264/265) 17 June 2002, (Ord. 272) 27 October 2003, (Ord. 290) 21 June 2006, (Ord. 303) 27 January 2008, (Ord. 304) 19 February 2008, (Ord. 317) 22 January 2013.

TOWN OF GARIBALDI

CITY OF GARIBALDI

NORTH

1 inch = 250 feet

0 300 600 1,200 1,800 2,400 3,000 Feet

The Town of Garibaldi, Oregon, through its Information System ("Information System") has made this map available as a public utility. This "Information System" may contain errors or omissions, and it is not intended to be used for legal purposes. It is provided as a reference only. The user assumes all responsibility for the accuracy and completeness of the information presented herein. No warranty is made by the Town of Garibaldi, Oregon, or its employees, agents, or contractors, for the accuracy or completeness of the information presented herein. The user assumes all responsibility for the accuracy and completeness of the information presented herein. No warranty is made by the Town of Garibaldi, Oregon, or its employees, agents, or contractors, for the accuracy or completeness of the information presented herein.

Major:

Major:

Manager:

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CITY OF GARIBALDI ZONING

EXHIBIT C – AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI ZONE MAP

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Mayor: *[Signature]*

Manager: *[Signature]*

ACTION HISTORY (Ord. 107) 15 April 1962(AJW MHE)
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TOWN OF GARIBALDI

CITY OF GARIBALDI

NORTH

1 inch = 250 feet

0 300 600 1,200 1,800 2,400 3,000 Feet

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ARIZALDI

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DEPT OF

FEB 22 2013

LAND CONSERVATION
AND DEVELOPMENT

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITAL ST. NE, SUITE 150
SALEM, OR 97301-2540