

GARIBALDI ORDINANCES

ORDINANCE NO. 122

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND
THE ZONING ORDINANCE FOR THE CITY OF GARIBALDI

The City of Garibaldi does ordain as follows:

Section 1: Amendments to the Garibaldi Comprehensive Land Use Plan and Garibaldi Zoning Ordinance which are attached to this ordinance as Exhibit A are hereby adopted and approved.

PASSED and ADOPTED by the City Council this 14th day of JANUARY, 1985, and APPROVED by the Mayor this 14th day of JANUARY, 1985.

C. Joanne Dalziel
C. Joanne Dalziel, Mayor

ATTEST:

Saundra Jones
Saundra Jones,
City Recorder

**Amendments to Garibaldi Comprehensive Land-Use Plan
and Garibaldi Zoning Ordinance**

A. Amendments to the Comprehensive Plan

1. Exception for expanding the Garibaldi Boat Basin.

Amend fifth paragraph under the section Reasons Why the State Policy Embodied in Goal 16 Should Not Apply to read as follows:

"In 1978 when the commercial fleet in Oregon included 223 boats that were larger than 50 feet (ECO, p. 131) the number of large transient boats in the Garibaldi boat basin peaked at 20. Using PSU projections of Oregon's population growth and ECO's relationship between the growth of Oregon's population and the number of large commercial boats (ECO, p. 149) we can project that in the year 2000 that there will be 450 new large commercial boats in Oregon. If the 1978 relationship between the number of large commercial boats in Oregon and the possible peak number of those boats using Garibaldi holds true in 2000, then we can expect the potential for as many as 40 new large commercial boats using Garibaldi in the year 2000.

2. Aquaculture Policies

Amend Aquaculture Policies in the Comprehensive Plan to include the following policies:

2. Existing aquaculture facilities and areas designated as possessing significant aquaculture potential shall be identified and protected from conflicting uses or uses that would create water quality problems.
3. In all estuary zones, Water-Dependent Development (WDD) zones and other shoreland areas, aquaculture facilities shall be sited, designed and operated so that adverse impacts on estuarine and shoreland ecosystems, navigation channels, and public access points to publicly owned lands are minimized to be consistent with the resource capabilities and purposes of the area.
4. In the Estuary Natural zone (EN), aquaculture shall be allowed only where it is determined to be consistent with the resource capabilities and

purpose of the management unit. This determination shall be made by the Oregon Department of Agriculture and the Oregon Department of Fish and Wildlife in instances where the City of Garibaldi finds that it does not have the resources or abilities to make such a determination.

5. In Estuary Natural (EN) and Estuary Conservation 1 (EC1) zones, aquaculture facilities shall be limited to temporary or easily removable benthic or pelagic structures (stakes, racks, trays, long lines or rafts). Fish release and recapture facilities and water intake facilities for out-bay aquaculture shall also be permitted, provided that they are consistent with the resource capabilities of the area and the purposes of the management unit.
6. The City of Garibaldi recognizes the statutory authority of the Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture to regulate aquaculture and oyster culture.

3. Implementation Policies

Delete Implementation Policy 3 in the Comprehensive Plan, and replace with the following policies:

3. The City of Garibaldi shall coordinate with local, state and federal agencies during review of regulated activities in estuarine areas. Notices of public hearings on regulated activities shall be sent to the Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U.S. Army Corps of Engineers.

4. Mitigation Policies

Amend the appropriate Mitigation Policy to read as follows:

The City of Garibaldi is opposed to the concept of mitigation and mitigation banking. However, the City will comply with the legal requirements for mitigation contained in the State Fill and Removal Law (ORS 541.605-541.695).

5. Management Unit 11 (Tideflat South of Old Mill Marina Site).

Amend the Comprehensive Plan Land Use and Zoning map to change the designation of Management Unit 11 from

Estuary Conservation 1 (EC1) to Estuary Conservation 2 (EC2).

6. Management Unit 6 (Tideflat west of Garibaldi Boat Basin)
 - a. Amend the Comprehensive Plan Land Use and Zoning map to change the designation of Management Unit 6 from Estuary Development (ED) to Estuary Conservation 1 (EC1).
 - b. Delete the exception for Management Unit 6 (Exception to the Estuarine Resources Goal to Permit the Construction of a Small Boat Basin in Garibaldi, Oregon) from the Comprehensive Plan.
 - c. Amend Estuary and Shoreland Policies by creating a new Section A2 Future Development Sites:

Future Development Sites

Management Unit 6 is considered by the City of Garibaldi and the Port of Bay City as a potential development site for small boat moorage. The City finds that this site has a number of characteristics which contribute to its potential future use as a small boat basin:

1. Proximity to the existing boat basin. This proximity would allow the utilization of existing upland marine support facilities.
2. Proximity to existing Corps authorized channel.
3. The site has fewer significant environmental resources than other potential sites (eg Management Unit 4).

If the need for additional small boat moorage facilities can be demonstrated, the City will pursue an exception to the appropriate Goal 16, Estuarine Resources requirements.

B. Amendments to the Zoning Ordinance

1. Amend Section 3.100(5), Additional Requirements Section of the Estuary Development zone to read as follows:
 5. In the Garibaldi Boat Basin Exception area,

development shall be limited to that described
in the goal exception for the expansion of
the Garibaldi Boat Basin.