

CITY OF GARIBALDI  
ORDINANCE NO. 265

**AN ORDINANCE AMENDING THE GARIBALDI ZONING  
ORDINANCE AND THE CITY OF GARIBALDI LAND USE & ZONING  
MAP TO APPLY A LIMITED USE OVERLAY (LUO) DESIGNATION TO  
LIMIT THE OUTRIGHT USES PERMITTED FOR THE OLD COAST  
GUARD BOAT HOUSE, LOCATED IN THE EC1 ZONE, KNOWN AS  
TAX LOT 14132A1, MAP 1N 10 21AC.**

*SECTIONS*

- 1     *Findings*
- 2     *Use*
- 3     *Terms and Conditions*
- 4     *Effective Date*

**WHEREAS**, the applicant, the Port of Garibaldi together with the Oregon Division of State Lands, filed a request for a Limited Use Overlay designation with the City of Garibaldi, requesting that the City apply a Limited Use Overlay designation to the above described property, which is zoned Estuary (EC1), to limit the outright uses permitted to water related commercial uses and residential uses only; and,

**WHEREAS**, the application was reviewed under procedures set forth in the City of Garibaldi Zoning Ordinance for the Limited Use Overlay designation; and

**WHEREAS**, the City finds that the current use of the structure is an historic use consistent with the policies of the Comprehensive Plan, and the application of the Limited Use Overlay to this property is consistent with policies of the Comprehensive Plan; NOW, THEREFORE

**THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:**

*Section 1. DEFINITIONS:* For the purposes of this overlay zone, the following definitions shall be used:

*PROPERTY:* The Old Coast Guard Boat House shown in Attachment "A".

*WATER-RELATED COMMERCIAL USES:* Those uses described in the City of Garibaldi Comprehensive Plan, INDUSTRIAL AND COMMERCIAL USES IN

ESTUARINE WATER, INTERTIDAL AREAS AND TIDAL WETLANDS POLICIES, Sections 8.A. through 8.F. inclusive and Section 9.A.

*RESIDENTIAL USES:* One single-family residential use only, limited to the interior of the Old Coast Guard Boat House.

**Section 1. FINDINGS:** The City makes the following findings in support of the application of the Limited Use Overlay Zone to this property:

- a) The current use described above is a long-standing use of the property and structure dating to 1934 when the U.S. Coast Guard operated the facility as a Coast Guard Boat House with housing facilities in the structure for Coast Guard employees. Additionally, various tenants of the Port of Garibaldi have operated the structure as a water-related commercial operation with a single residential use since as early as 1977.
- b) The existing structure is built on pilings above the waters of Tillamook Bay and has been physically developed since 1934. The property is currently served by sanitary sewer service, domestic water service, electrical, telephone and cable tv facilities.
- c) The use has previously been authorized by the City of Garibaldi by a valid Conditional Use Permit, CU 91-2, approved in February 1991.
- d) There is no vehicular access to the property. All access to the property is by means of a handicap accessible pedestrian access and public fishing pier, located on the North side of the property.

**Section 2. USE:** The use of the subject property shall be limited to the water-related commercial uses described in the City of Garibaldi Comprehensive Plan, INDUSTRIAL AND COMMERCIAL USES IN ESTUARINE WATER, INTERTIDAL AREAS AND TIDAL WETLANDS POLICIES, Sections 8.A. through 8.F. inclusive and Section 9.A. Additionally, one single-family residential use shall be allowed in the structure. The uses shall be those uses allowed by law and reviewed at each subsequent review of the City pursuant to OAR 660, Division 25.


**Section 3. TERMS AND CONDITIONS:** The following limitations shall apply to application of the Limited Use Overlay for this property:

- a) PUBLIC USE OF ACCESS PIER. The Owner or tenant shall allow the continued public use of the handicap accessible fishing pier located North of the Old Coast Guard Boat House.

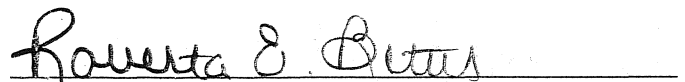
- b) IMPROVEMENTS TO THE STRUCTURE. The Owner or tenant shall not add any further exterior expansion or exterior improvements to the structure, or otherwise change the exterior character of the structure or increase the intensity of use. Interior improvements and alterations shall be allowed within the existing building envelope. Maintenance of the exterior structure shall be construed as an allowed exterior improvement.
- c) PUBLIC OWNERSHIP. If the subject property ceases to be in public ownership, the Limited Use Overlay Zone shall cease to apply.
- d) PEDESTRIAN ACCESS. All access to the property is by means of a handicap accessible pedestrian access and fishing pier, located on the North side of the property. There shall be no vehicular access to the property.
- e) UNDERLYING ZONE REQUIREMENTS. All other requirements of the underlying zone (EC1) remain in effect. No exterior structural improvements shall be added to the existing structure except those stated in subsection 2).
- f) PARKING. Parking shall be provided pursuant to Sec. 4.060 of the Zoning Ordinance.

**Section 4. EFFECTIVE DATE:** This Ordinance shall take effect THIRTY (30) DAYS after its passage by the Council and approval by the Mayor.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 17<sup>th</sup> day of June, 2002.

  
Council President

ATTEST:

  
City Recorder