

ORDINANCE NO. 54

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LINCOLN COUNTY, OREGON  
IN THE MATTER OF AN AMENDMENT TO THE  
YAQUINA BAY AREA LAND USE PLAN BY  
ROY SAWYER FROM "OPEN" TO "MARINE  
COMMERCIAL"

**FILED**

JUL 6-1977

ALBERTA M. BRYANT  
County Clerk

*Alberta M. Bryant*  
COUNTY CLERK

THE FOLLOWING FINDINGS ARE HEREBY MADE:

1. Mr. Roy Sawyer has applied for an amendment to the Yaquina Bay Area Land Use Plan.
2. The property is located approximately four miles southeast of Newport on the west side of Yaquina Bay Road, north of Sawyer's Landing.
3. The area in question is a twelve acre portion of Tax Lot 200, more particularly described on Exhibit A. attached hereto and by this reference incorporated herein.
4. The existing zoning on the subject property is M-C, Marine Commercial and the existing land use plan designation for the subject property is "open".
5. The requested land use plan designation is marine commercial.
6. There are no structures on the property at this time.
7. To the south is Sawyer's Marina and the surrounding area use is primarily single family residential.
8. Water is available from two existing wells. Electricity and telephones are available and any methods of sewage disposal must

be approved by the county sanitarians.

9. The subject property is level. Topography rises sharply to the east across the county road.

10. There is little or no vegetation of significance on the subject property.

11. There are no known soils limitations relevant to the land use plan amendment request.

12. It appears that the actual intended land use plan designation for the property was "marine commercial". Plate U of the preliminary land use plan for Yaquina Bay shows general locations to the north and south of Yaquina Bay for future development of marine commercial uses. Furthermore, Item 5 on page 87 of the Yaquina Bay Land Use Plan, spells out basic considerations as they pertained to selected land uses on the land and indicate that: "The primary potential development locations for private "small boat launching and moorage" facilities are in the lower Yaquina River between Coquille and Oneatta Points." This particular parcel of property is one of the primary developable parcels of property in the area for boat launching and moorage and for marine commercial uses, and therefore it appears that the true intent was to designate the area marine commercial rather than open.

13. The property is located on the Yaquina River and has deep water frontage.

14. It is clear that the true intent was that this area

would be marine commercial at the time the land use plan was adopted, however, by error it was designated "open".

15. There is very little property on the Yaquina Bay that is suitable for deep water wharfs and docks, and this property is particularly suitable to satisfy this need.

16. Because of the limited development of the surrounding area, uses authorized by the marine commercial designation would not be detrimental to the health or safety of persons on the property or persons on surrounding area property.

17. The marine commercial designation of this property is needed by the commercial fishing industry because of the lack of other available property, and by satisfying that need will be a substantial benefit to the public.

18. The findings of fact made by the Planning Commission on this matter and the recommendation and facts as provided in the written staff report of the Lincoln County Planning Department is hereby approved and entered as additional findings by this Board, to the extent that they are not in conflict with the findings specifically made herein.

BASED on the foregoing findings of fact the Board does conclude as follows:

1. That there was an error in the original land use plan designation.
2. A conflict pursuant to Baker vs. City of Milwaukee exists

between the existing zoning and the land use plan designation.

3. The proposed land use plan change would not be detrimental to the health or safety of persons on the property or persons on the surrounding area property.

4. There is a public need for the land use plan change designation and it is very necessary to the area, and if the land use plan change is allowed this property will tend to assist in fulfilling the public need for marine commercial properties in the area.

5. The proposed land use plan designation change is consistent with the statewide planning goal for the area.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the land use plan for the Yaquina Bay area of Lincoln County, Oregon be and is hereby changed with respect to the property in question from "open" to "marine commercial".

Since this land use plan change has been allowed primarily because of an error in the original land use plan designation, and to bring the land use plan designation into conformance with the existing zoning for the area, and because the need for this type of property is presently existing and very substantial at the present time to protect the health and welfare of the citizens of this county, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon the date of its adoption.

PASSED AND ADOPTED this 6th day of July, 1977.

Andy Zedwick (on vacation)  
Chairman

Jack R. [Signature]  
Commissioner

Albert R. Strand  
Commissioner

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