



Case File: #1-LUPC-ZC-25
Date Filed: 1/9/2026
Hearing Date: 5/18/2026

STAFF REPORT

Lincoln County Planning Commission Action

APPLICANT: Joseph and May Tam

AGENT: Kim O'Dea, Metro Planning

REQUEST: The applicant is requesting a comprehensive plan change to remove the Water Dependent / Water-Related plan designation from the subject properties and change the zoning map designation from Planned Marine (M-P) to Residential (R-1).

A. REPORT OF FACTS:

- 1. Property Location:** The subject property is located within the Kernville Rural Community at 186 Siletz Highway, Lincoln City, Oregon, which is the site of the former Kernville Steakhouse. Also included in the request is the adjacent parcel where the former restaurant's septic system is located. The subject property is identified on Lincoln County Assessor's Map 08-11-11-BA as tax lot 00601 and Map 08-11-02-CC as tax lot 0900 (*see Exhibit A*).
- 2. Lot Sizes:** Tax Lot 601 is approximately 0.39 Acre and tax Lot 900 is approximately 0.64 acres, affecting about 1.03 acres of total land area.
- 3. Zoning Designation:** Planned-Marine (M-P) (*see Exhibit B*)
- 4. Plan Designation:** The subject properties are identified within both the Kernville Rural Community Center and Water Dependent / Water Related comprehensive plan designations.
- 5. Surrounding Land Use:** Of the 9 M-P-zoned properties on the south side of the Siletz Highway, there are 6 that contain residential uses. One property contains a large, unfinished structure, and the remaining 2 parcels comprise the subject property. Across the Siletz Highway to the north is property zoned R-1, which has been developed with dwellings on individual parcels.
- 6. Topography & Vegetation:** Tax lot 601, which was the location of the former Kernville Steakhouse, is mostly level to gently sloping where the former restaurant and its pacing lot were located. A steep embankment separates this area from the Siletz River estuary, approximately 30 feet below. The embankment supports a dense growth of native brush and trees, serving as a riparian buffer between the estuary and future development on the subject property. Tax lot 900 is level to gently sloping, generally at the same elevation as the Siletz Highway, and is

covered with trees and brush except for a small clearing adjacent to the highway shoulder (*see Exhibit C*).

7. **Existing Structures:** Tax lot 601 is currently vacant, and tax lot 900 is vacant of structures, but is developed with the septic system that served the former restaurant use on tax lot 601.
8. **Utilities: The following utilities presently serve the subject property:**
 - a. **Water:** Kernville-Lincoln Beach-Gleneden Beach Water District
 - b. **Sewer:** On-site sewage disposal.
 - c. **Electricity:** Pacific Power
9. **Development Constraints:** Flood Insurance Rate Map 41041C0120E, issued by FEMA, indicates the lowest elevation of tax lot 601 adjacent to the Siletz River estuary is within the 100-year floodplain. However, no development is proposed in this small area at the base of the steep bluff (*see Exhibit D*).

B. EVALUATION OF THE REQUEST:

1. **General Description of the Proposal:** The applicant is requesting a zone change from M-P to R-1, which would allow residential development of the subject property as an outright use. Currently, a single-family dwelling is not allowed as a use permitted outright in the M-P zone.

The subject properties were among others in a previous action by Lincoln County's Planning Commission and Board of Commissioners in 1990, after discovering the Kernville Rural Community Center plan designation was omitted from the Lincoln County Comprehensive Plan Map at the time the Lincoln County Comprehensive Plan was initially adopted.

The application narrative submitted in support of the request asserts the property was zoned in error because the Water-Dependent/Water-Related comprehensive plan designation conflicts with the Rural Community comprehensive plan designation.

10. Agency Comments:

- a. **Department of Land Conservation and Development:** In response to Lincoln County's Notice of Proposed Amendment, DLCD initially expressed concern about applicability of Goal 17 (Coastal Shorelands) related to lands "especially suited to water-dependent uses", which are protected from uses not requiring direct access to water. However, staff communications with DLCD clarified that the "Water Dependent / Water-Related" comprehensive plan designation is different from coastal shorelands lands "especially suited to water-dependent uses". Consequently, DLCD agreed the ESWD designation does not apply to the subject properties, but suggested the applicant provide further explanation in the application's Project Narrative. In response to DLCD's comments, the applicant has provided an updated narrative addressing this concern.
- b. **Oregon Department of Transportation (ODOT):** ODOT was provided an opportunity to provide comments, but after their review, replied: "no comments".

11. Applicable Criteria:

a. **Lincoln County Code Section 1.005 (7) Comprehensive Plan Introduction, Coastal Shorelands:**

The coastal shorelands planning area includes lands contiguous to the Pacific Ocean and tidal rivers and streams. While the interior portions of the County are largely devoted to public and private commercial timber production, those parts of the land mass adjacent to the ocean and major rivers are devoted to a variety of uses, many of which are unique. Many of the principal economic activities in Lincoln County are directly dependent on sound management of shore land areas. Tourism flourishes in the County almost solely because of the appeal of the ocean, the beaches and the estuaries. Preservation of the scenic qualities of these resources as well as public shore land access is obviously crucial if tourists are to continue to be attracted to the area. The fishing industry is dependent on sound management of shoreline areas. Industrial needs such as processing, moorage, boat repair and construction must be provided for in the limited shore land area. At the same time, areas of coastal waters and adjacent lands which are crucial for the maintenance of marine food webs must be soundly managed. Other features unique to the shore lands such as coastal hazard areas and significant coastal habitat areas also require special management provisions.

b. **Lincoln County Code 1.0080, Estuarine Resources Goals:**

(1) To recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands.

(2) To protect, maintain, and where appropriate develop and where appropriate, restore the long term environmental, economic and social values, diversity and benefits of Lincoln County's estuaries

c. **Lincoln County Code Section 1.0085, Estuarine Resource Policies:**

(1) Lincoln County shall work with appropriate local, state and federal agencies and other interested parties in developing overall management programs for the County's estuaries.

(2) Lincoln County's overall management plan for each estuary shall include the following policy elements:

(a) Because Lincoln County's estuaries represent an economic resource of regional importance, overall management of each estuary shall ensure adequate provision for development at a level of intensity consistent with the overall Oregon Estuary Classification and according to the following general priorities (from highest to lowest):

(A) Water dependent uses requiring an estuarine location.

(B) Water related uses which do not degrade or reduce natural estuarine resources and value.

(C) Non-dependent, non-related uses which do not alter, degrade or reduce estuarine resources or values and are compatible with existing committed uses.

(b) Because Lincoln County's estuaries support a variety of vitally important natural resource values, the overall management of each estuary shall include adequate provision for both conservation and preservation of natural resources.

(c) Because Lincoln County's estuaries represent a recreational resource of both local and statewide importance, management of each estuary shall protect recreational values and ensure public access to the estuary.

(3) Lincoln County shall establish the following kinds of estuarine management units:

(a) *Natural Management Units*: Natural management units are those areas which are needed

to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Unless exceptions are provided for, such areas shall include, at a minimum, all major tracts of salt marsh, tide flats, and sea grass and algae beds. Natural management units shall be designated in all estuaries. Permissible uses in natural areas shall be undeveloped low-intensity water-dependent recreation, research and educational observation, navigational aides, such as beacons and buoys; protection of habitat, nutrient fish, wildlife and aesthetic resources, and passive restoration measures, and where consistent with the resource capabilities of the area and the purposes of this management unit, aqua culture, communication facilities, and active restoration measures. Management Objective: To preserve, protect and where appropriate enhance these areas for the resource and support values and functions they provide.

(b) *Conservation Management Units*: In all estuaries except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aqua culture. They shall include tracts of significant habitat smaller or of less biological importance than those in paragraph (a) of this subsection, and oyster and clam beds. Partially altered areas or estuarine areas adjacent to existing development of moderate intensity shall also be included in this classification unless otherwise needed for preservation or development consistent with the overall Oregon Estuary Classification. Permissible uses in conservation areas shall be those allowed in subparagraph (a) of this subsection, active restoration measures, aqua culture, and communication facilities. Where consistent with resource capabilities of the area and the purposes of this management unit, high-intensity water dependent recreation, maintenance dredging of existing facilities, minor navigational improvements, mining and mineral extraction, water-dependent uses requiring occupation of water surface area by means other than fill, and bridge crossing, shall be appropriate. Management Objective: To conserve, protect and, where appropriate, enhance renewable estuarine resources for long term uses and to manage for uses which do not substantially degrade the natural or recreational resources or require major alterations of the estuary.

(c) *Development Management Unit*: In estuaries classified in the overall Oregon Estuary Classification for development, development management units shall be designated for navigation and other identified needs for public, commercial and industrial, water dependent uses, consistent with the level of development or alteration allowed by the Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, sub tidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alteration of the estuary. Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses. Where consistent with the resource capabilities and the purposes of this management unit, water related and non-dependent, non-related uses not requiring fill, mining and mineral extraction, and activities identified in paragraphs (a) and (b) of this subsection, shall be appropriate. Management Objective: To provide for water dependent and water related development.

d. **Lincoln County Code Section 1.0090, Coastal Shorelands Goals:**

- (1) To identify coastal shore lands.
- (2) To identify appropriate uses in coastal shorelands.
- (3) To recognize the value of coastal shore lands for protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources, and recreation and aesthetics

e. **Lincoln County Code Section 1.0095, Coastal Shorelands Policies:**

- (1) Lincoln County shall establish a Coastal Shorelands Boundary and determine appropriate uses within.
- (2) The shoreland boundary shall be defined to include areas as follows: (a) Lands which are directly affected by hydraulic action of the coastal water body, including the 100 year floodplains and lands which limit and control hydraulic action; (b) Areas of geologic instability which may affect or may be affected by adjacent coastal waters; (c) Identified headlands; (d) Identified areas of exceptional scenic or aesthetic qualities including lands within the state park system; and (e) Identified areas of significant shoreland and wetland biological habitats.
- (3) Lincoln County shall allow coastal shoreland uses according to the following general priorities (from highest to lowest): (a) Uses which maintain the integrity of estuaries and coastal waters; (b) Water-dependent uses; (c) Water-related uses; (d) Non-dependent/non-related uses which retain flexibility of future use and do not prematurely or inalterably commit shore lands to more intensive uses.
- (4) For shorelands identified in the inventory as major marshes, significant wildlife habitat, headlands, areas having exceptional aesthetic resources or historic and archaeological sites, Lincoln County shall adopt land use designations and standards which are consistent with the protection of natural values.
- (5) Shorelands in rural areas other than those identified in Policy 4, above, shall be designated as appropriate for: (a) Farm uses; (b) Forest uses; (c) Private and public water-dependent recreation developments; (d) Aquaculture, where consistent with the adjacent estuarine management unit; (e) Water-dependent and water-related commercial and industrial uses upon a finding that such uses satisfy a need which cannot be accommodated on shore lands in urban and urbanizable areas; (f) Subdivisions and major and minor partitions upon a finding that such uses satisfy a need that cannot be accommodated at other upland locations or in urban or urbanizable areas and are compatible with the objectives or protecting wildlife habitat and riparian vegetation; (g) Single-family residences on existing lots when compatible with objectives of protecting wildlife habitat and riparian vegetation.
- (6) Lincoln County recognizes that shore land policies and estuarine policies need to be closely coordinated. Shore land uses shall be compatible with the management unit designation on contiguous estuarine areas.
- (7) Lincoln County shall require the maintenance and, where appropriate, restoration of riparian vegetation in coastal shore land areas, consistent with water-dependent uses. For forest operations within the shore lands boundary, tile maintenance and restoration of riparian vegetation shall be governed by the Forest Practices Act.
- (8) Lincoln County shall protect shore lands identified as dredged material disposal sites from land uses which would prevent their use for dredged material disposal.
- (9) Lincoln County shall protect identified mitigation sites from land uses which would prevent their ultimate use for restoration or enhancement of the estuarine ecosystem.
- (10) Lincoln County shall protect shore lands in urban or urbanizable areas which are especially suited for water-dependent development from uses which would commit those shore lands to non-water dependent uses.

(11) Policies concerning natural hazards relating to the shore land boundary shall apply to land areas adjacent to coastal lakes. Riparian vegetation policies relating to estuarine shore lands shall apply to such vegetation surrounding coastal lakes. For coastal lakes in rural areas, land use densities will be determined on the basis of carrying capacity, with particular care being taken to ensure that subsurface sewage disposal systems do not degrade water quality of the adjacent water bodies

f. Lincoln County Code Section 1.0180, Public Facilities Goals:

- (1) To maintain a respect for human needs and individual freedom while exercising those controls which are in the best interests of the total county population.
- (2) To promote, on an equitable basis, the highest level of services the citizens are willing to support.
- (3) To achieve intergovernmental harmony and improved public service through closer cooperation with other units of government operating in the County.
- (4) To encourage the public, quasi-public and private county services and related facilities which maintain and insure the safety, health and welfare.

g. Lincoln County Code 1.0185; Public Facilities Policies:

- (1) Lincoln County, with the cooperation of others shall prepare a program, units of government, of coordination, and where possible, facility sharing to maximize the use of available public resources of both the County and other units of government.
- (2) Lincoln County shall encourage a quality system of public, semi-public and private facilities services that includes: (a) Adequate fire and policies protection service and facilities; (b) Convenient locations for facilities used frequently by citizens; (c) Solid waste disposal facilities which meet existing and future needs; (d) Recycling facilities in accordance with identified needs; and (e) Properly located sanitary landfills.
- (3) Lincoln County shall work with and encourage the Lincoln County School District in the provision of educational services for the citizens of the County. Lincoln County shall: (a) Encourage the development of physical facilities which offer an atmosphere conducive to learning and development. This includes the replacement, improvement and expansion of facilities to accommodate present and future student needs. Such facilities should be conveniently located, and well designed, or facilities related to the activities and needs of the County. (b) Encourage the provision of adequate site facilities which are useful both to students and the general County. Coordinate educational facility site development with city and county recreation and community programs to enhance the potential advantages of shared use. (c) Encourage the development of programs relating to basic education, adult continuing education, special education, and vocational training.
- (4) Lincoln County shall encourage the development of a system of health facilities which is located with regard to population distribution.
- (5) Lincoln County shall encourage the provision of general hospital facilities to meet present and future health needs, developed in coordination with local hospital districts.
- (6) Lincoln County shall encourage the development of specialized medical and health care programs to meet the needs of the County's population.

(7) Lincoln County shall coordinate and promote a standardized street address numbering system.

(8) The overall land use classification system shall include the following categories: (a) Rural Community Centers and Rural Service Centers:

(A) Rural Community Centers and Service Rural Centers shall be defined on the basis of population, a history of settlement, the existence of commercial/industrial facilities, adequate public services and facilities and permanent commitment to residential land use, consistent with the requirements of OAR Chapter 660, Division 22.

(B) Rural Community Centers shall be delimited by Rural Community Boundaries.

(C) Those public and private services and facilities considered appropriate for Rural Community Centers and Rural Service Center designation shall include but not be limited to community water systems, sanitary sewerage (or approved subsurface or alternative waste disposal systems), rural fire protection, rural police protection, energy, communications and emergency services.

(D) Residential density within Rural Community Centers shall ensure that cumulative development: (i) Will not result in public health hazards or adverse environmental impacts that violate state and federal water quality regulations; and (ii) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

(E) Subdivisions shall be encouraged within Rural Community Centers.

h. Lincoln County Code, Section 1.0190, Plan Designations:

(4) Rural Community Centers: Rural Community Center is an overlay designation intended to identify and establish the boundaries of unincorporated communities pursuant to OAR 660, Division 22. Rural community centers are existing service communities where small lots have been platted, commercial services have developed and community facilities are located. These are areas where utility systems may be present or would be appropriate in the future to solve identified problems. These factors indicate a need for a certain level of residential growth to accomplish and pay for needed improvements. The Rural Community Center designation may also be applied to unincorporated communities where an exception to Goal 14 has been authorized. Plan designations within Rural Community Centers may provide for uses such as residential, public uses and facilities, and commercial and industrial activities limited to those which are existing or are small scale and low impact, or are uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. In communities where an exception to Goal 14 has been authorized, commercial and industrial uses of any scale and intensity may be provided for, consistent with the acknowledged exception.

(10) Water Dependent/Water Related: The water dependent/water related designation is intended to recognize the unique values of certain coastal shore land areas consistent with the priority of uses set forth in the coastal shore lands policy element. This designation shall apply to shore land areas which may be suitable for a mixture of water-dependent and water-related uses. Uses which are consistent with the designation of the adjacent coastal water

body and are waterdependent or water-related, as defined in the Lincoln County Estuary Management Plan, are primary.

(11) Coastal Shorelands: Coastal shore lands is an overlay designation which applies to areas within the Coastal Shorelands Boundary, as defined in Coastal Shorelands policy element. Within this designation when such uses are found to be consistent with the additional policies of this designation.

(12) Estuarine Management Units: The estuarine management unit designation applies to estuarine areas below the head of tide and includes estuarine waters, tidelands and submerged lands up to Mean Higher High Water (MHHW) and tidal marshes inland to the line of non-aquatic vegetation. This designation is assigned in order to recognize and protect the unique environmental, economic and social values of each of the County's estuaries and associated wetlands. The estuarine management unit designation is further defined into "natural," "conservation," and "development" areas as specified in the Estuarine Resources policy element. Uses are as set forth in the Lincoln County Estuary Management Plan.

i. Lincoln County Code, Section 1.1205, Application Procedures:

Applications, and appeals provided for in this chapter shall be made on forms prescribed by the Planning Division. Applications shall be accompanied by plans, specifications, and such other information as specified on the application form and shall include any other information deemed necessary by the Director to permit a complete review of the application. An applicant may apply at one time for all approvals and amendments required by this chapter for a development project. County action on a consolidated application is subject to the time limitations provided in LCC 1.1207.

j. Lincoln County Code, Section 1.1209, Review Types:

All applications provided for in this chapter will be reviewed by the County using one of the following review types:

(3) Type III Public Hearing Review. Decisions on Type III reviews (with the exception of a quasi-judicial map amendment) are made by the Commission or designated hearings body following public notice and a public hearing. A decision by the Commission or a designated hearings body on a Type III review may be appealed to the Board. A decision on a quasi-judicial map amendment is a Type III decision made by the Board after a public hearing before and recommendation by the Commission or designated hearings body. Type III reviews involve the application of existing policies and criteria that require the exercise of discretion and judgment.

k. Lincoln County Code, Section 1.1210(3), Review Procedures:

(3) Type III Procedures:

(a) A party described in LCC 1.1203 shall submit an application or appeal to the Planning Division.

(b) Upon receipt of the application or appeal, the Planning Division shall schedule the matter for public hearing before the Commission or designated hearings body.

(c) When the application is deemed complete pursuant to LCC 1.1206, the Planning Division may refer the application to affected cities, districts, and local, state or federal agencies for comments, and shall refer the application to the Oregon Department of Transportation and other public agencies providing transportation facilities and services that may be impacted by the application.

(d) Notice for, and conduct of, public hearings provided for in this section shall be in accordance with LCC 1.1250 and 1.1255.

(e) Decisions of the Commission or designated hearings body may be appealed to the Board pursuant to LCC 1.1268.

i. Lincoln County Code, Section 1.1225, Amendments:

The purpose of LCC 1.1225 to 1.1235 is to describe general requirements and criteria to be considered in reviewing an application for an amendment to the provisions of this chapter. An amendment may be made to the text of the Lincoln County Comprehensive Plan (LCC 1.0001 to 1.0190), Zoning and Land Division Regulations (LCC Chapter One), the Comprehensive Plan and Zoning Maps, or to the related land use ordinances incorporated into this chapter by reference. An amendment may be accomplished in either a legislative or quasi-judicial manner as follows:

(1) Legislative amendments may be made only for the establishment of policy. Such an amendment may be initiated only by the Board or the Commission. A person may petition the Board or the Commission to initiate such a legislative amendment but may not initiate the amendment by making direct application. Such amendments shall be made only after a public hearing has been held pursuant to LCC 1.1250.

(2) Quasi-judicial amendments may be made only for the application of established policy to specific properties in the county. Such amendments may be initiated by a party described in LCC 1.1203. An application for an amendment by an owner or agent shall be made in accordance with the application procedure specified in LCC 1.1205. All quasi-judicial amendments shall be subject to the public hearing requirements of LCC 1.1250 and 1.1255.

m. Lincoln County Code, Section 1.1235, Quasi-Judicial Amendments:

Quasi-judicial amendments to the comprehensive plan and zoning maps shall be reviewed as a Type III review in accordance with LCC 1.1210(3). A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that the change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals and that:

(1) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone;

(2) Zoning previously adopted for the area was in error; or

(3) There is a public need for the change being sought.

n. Lincoln County Code, Section 1.1310, Residential Zone R-1:

In an R-1 zone, the following regulations shall apply:

(1) Uses Permitted Outright: The following uses and their accessory uses are permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599 and 1.1901 to 1.1999: (a) A one-family dwelling unit excluding single wide mobile homes; (b) Duplex on a corner lot each unit fronting on a separate street; (c) A recreational vehicle or other approved temporary housing to be used for dwelling purposes during the construction of a single-family residential dwelling unit for which a building permit has been issued. The use shall not exceed a period of one year; (d) Farm and forest use: Livestock and primary processing or forest products are prohibited; (e) Beach front protective structures.

(2) Conditional Use Permitted: The following uses and their accessory uses may be permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699 and 1.1901 to 1.1999: (a) Cemetery; (b) Church, non-profit religious or philanthropic use; (c) Community center; (d) Day nursery, nursery school-kindergarten, day care center, or similar facility; (e) Governmental structure or use of land; (f) Home occupation; (g) Hospital, nursing home, retirement home or similar facility; (h) Golf course and ancillary uses, but excluding golf driving range, miniature golf course or similar facility; (i) Mobile home park; (j) Private, non-commercial recreation club, such as archery, swimming or tennis; (k) Private school; (l) Public park, playground, swimming pool or similar recreation facility; (m) Public or private utility facility; (n) Radio or television transmitter or tower; (o) Temporary real estate office; (p) Excavating, filling, dredging or wetland drainage; (q) Single-wide mobile home; (r) Recreational vehicle park; (s) Keeping of livestock; (t) Pilings, piers, docks, and similar in-water structures; (u) Heliports; (v) Transfer stations; (w) Bed and breakfast inns.

o. Lincoln County Code, Section 1.1367, Planned Marine Zone M-P: In an M-P zone the following regulations shall apply:

(1) Uses Permitted Outright: The following uses and their accessory uses are permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, and 1.1901 to 1.1999: (a) A use permitted outright in the adjacent M-W zone.

(2) Conditional Uses Permitted: The following uses and their accessory uses may be permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999: (a) A conditional use permitted in the adjacent M-W zone.

12. Staff Analysis:

The applicant has submitted materials and exhibits in support of the request for a land use plan change by removing the existing Water-Dependent / Water-Related plan designation from the subject property, and to change the zoning designation from Planned Marine (M-P) to Residential (R-1). Such action, if approved, would leave in-place the existing Rural Community Center comprehensive plan designation for the Kernville community established by Resolution # 04-21-7D on July 21, 2004.

Exhibit "A" of Resolution # 04-21-7D, Page 11, includes a description of Kernville as follows: "*Kernville is situated on the north bank of the Siletz River at the intersection of highway 229 and Highway 101. The community covers an area of approximately 28 acres. The community originally developed around the Kern salmon cannery prior to the turn of the century. Subsequent development included additional marine related development, including recreational facilities and commercial boat building*

*operations. Historically, the community of Kernville included marinas, boat launch and repair facilities, store, recreational vehicle park, and a tavern/restaurant. **NOTE:** When the Lincoln County Comprehensive Plan map was originally adopted for the area, the mapped community boundary erroneously excluded the commercial/low impact industrial properties described in the Exceptions Inventory. This resulted in the present rural community consisting of primarily residential uses. Consequently, Lincoln County proposes to correct this mapping error by incorporating those parcels originally described in the exceptions inventory.'*

The community of Kernville consists of 30 existing lots or parcels; 21 of which are developed and 9 remain vacant. The Siletz Moorage, an existing boat launch facility and part-time recreational vehicle park, is open to the public. This facility provides access to the Siletz River for recreational boating and fishing. This area is served by public water and delivered by the Kernville-Lincoln Gleneden Beach Water District." (See Applicant's Exhibit "K")

The applicant has submitted various materials and evidence so support a finding that the subject property was zoned in error and the existing M-P zoning and Water-Dependent / Water-Related plan designation are in conflict with the Rural Community Center plan designation.

Alternatively, if the Planning Commission does not find the property was zoned in error, it may consider whether there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone. Currently, of the nine properties included in the Planned Marine zone, six are devoted to residential use and the 2 subject tax lots are now vacant. None of the water dependent or water-related uses described in the Kernville description (see above) still exists today.

Staff has not identified any potential conflicts between the applicant's request and Lincoln County's adopted Comprehensive Plan Goals and Policies related to estuarine or coastal shorelands resources. The property is upland and although it is partially adjacent to the estuary, presents no conflicts if a residential use is established in the future. The existing high bank is not conducive to uses requiring direct access, and the land is not especially suited to water-dependent uses.

The Oregon Department of Land Conservation and Development has not objected to the proposed Comprehensive Plan Map and Zone Map changes, and the existing Kernville Rural Community Center plan designation is appropriate for R-1 zoning. Because the Lincoln County Comprehensive Plan has been acknowledged as consistent with the Oregon Statewide Planning Goals, a decision to approve the request following the above-identified procedural requirements and amendment criteria will be consistent with the Goals.

It is incumbent on the Planning Commission to consider whether all applicable standards from Lincoln County Code and Statewide Planning Goals have been met, considering the facts, evidence, and testimony entered into the record.

- C. SUMMARY AND CONCLUSION:** The Planning Commission should determine whether the proposal meets the requirements stated above for an amendment to the Lincoln County Comprehensive Plan Map and Zoning Map. If the Planning Commission finds that the criteria for amending the Comprehensive Plan and Zoning Map are met, it can move to recommend to the Board of County Commissioners that the official maps be amended as proposed, with the applicant's representative directed to prepare findings to support the decision.

A motion to deny the request should state the facts relied on and conclusions reached, and direct staff to prepare findings to implement the denial.

Submitted by:

A handwritten signature in blue ink, appearing to read "Jay Sennewald", with a long horizontal flourish extending to the right.

Jay Sennewald
Planner

Attached:

Exhibit A – Location Map

Exhibit B – Zoning Map

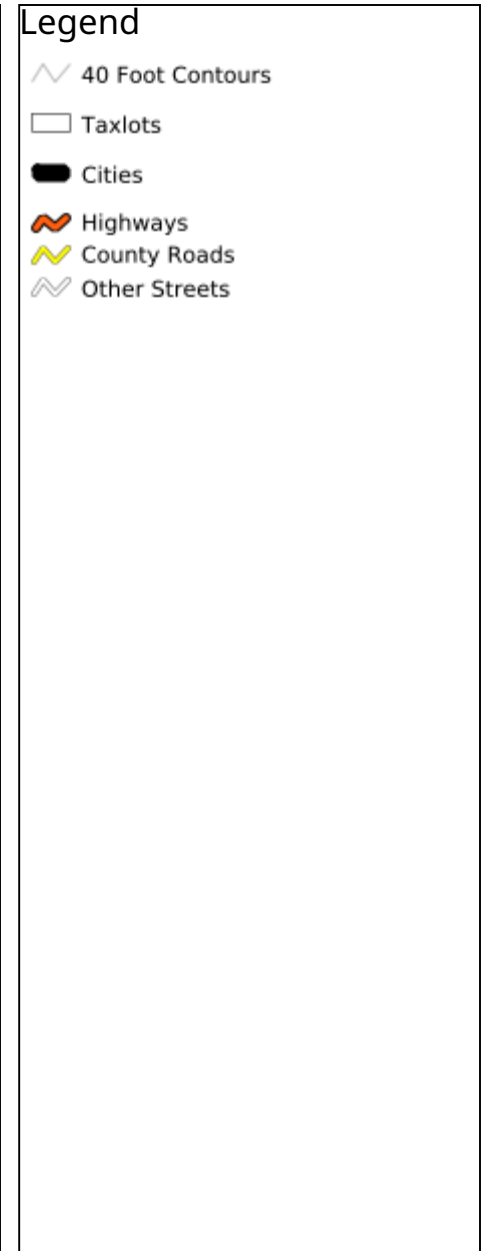
Exhibit C – Topographic Map

Exhibit D – Flood Map

EXHIBIT - A

01-LUPC-ZC-25

Location Map
Joseph & May Tam



Printed on 3/31/2026

Tax Lot Data For Assessment Purposes Only

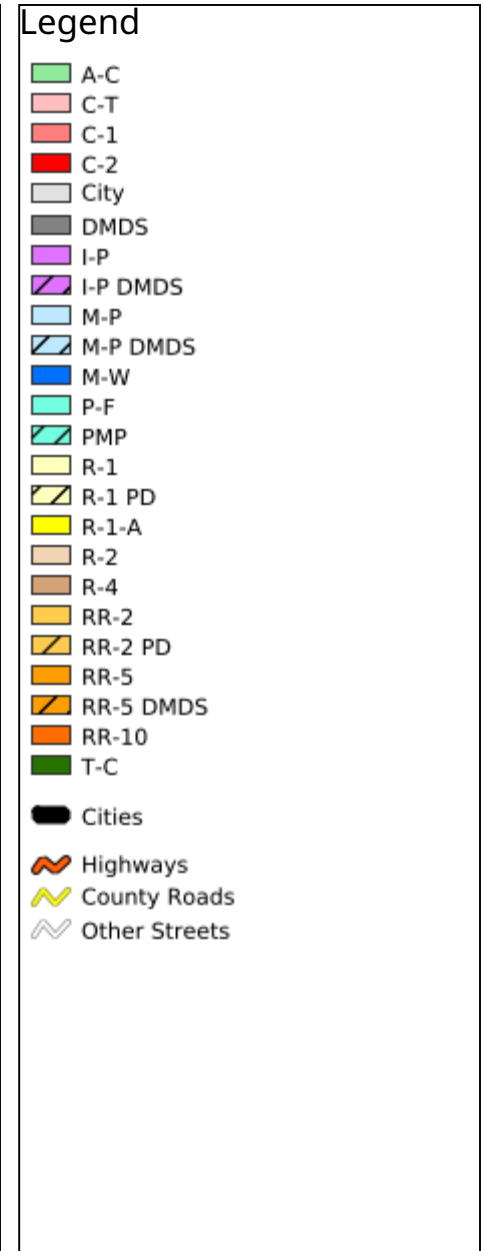
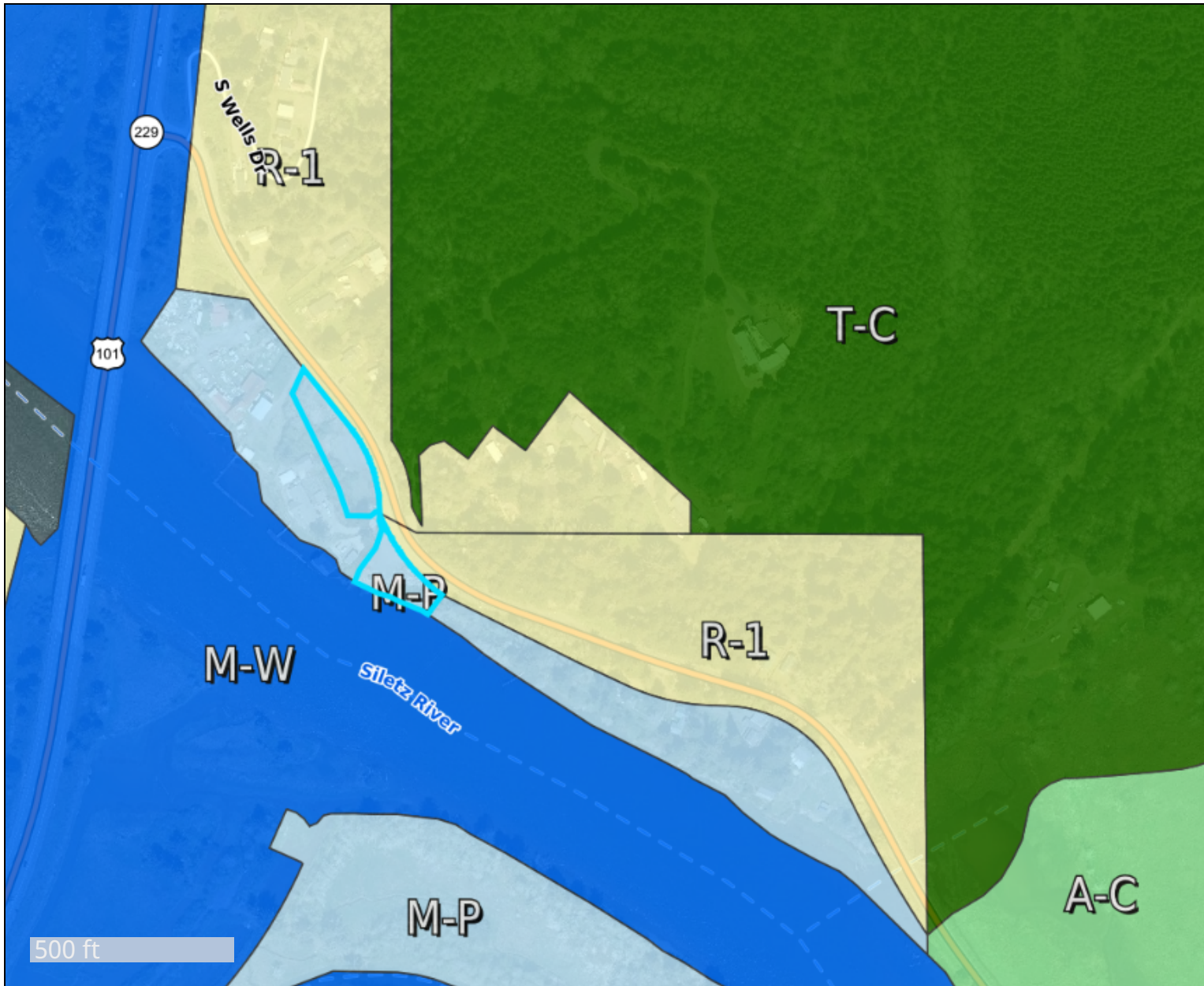
Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



EXHIBIT - B

01-LUPC-ZC-25

Zoning Map
Joseph & May Tam



Printed on 3/31/2026

Tax Lot Data For Assessment Purposes Only

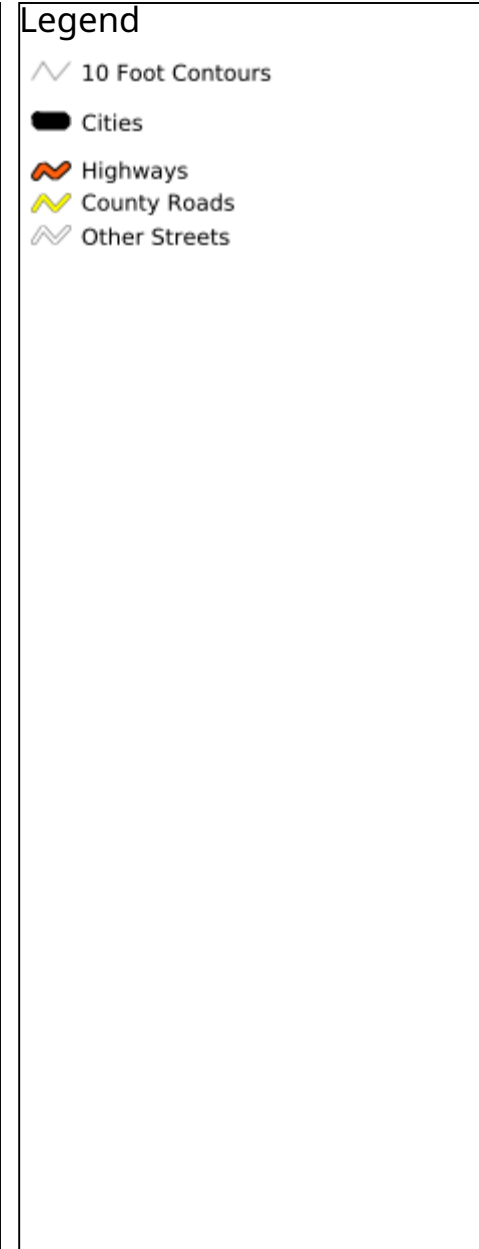
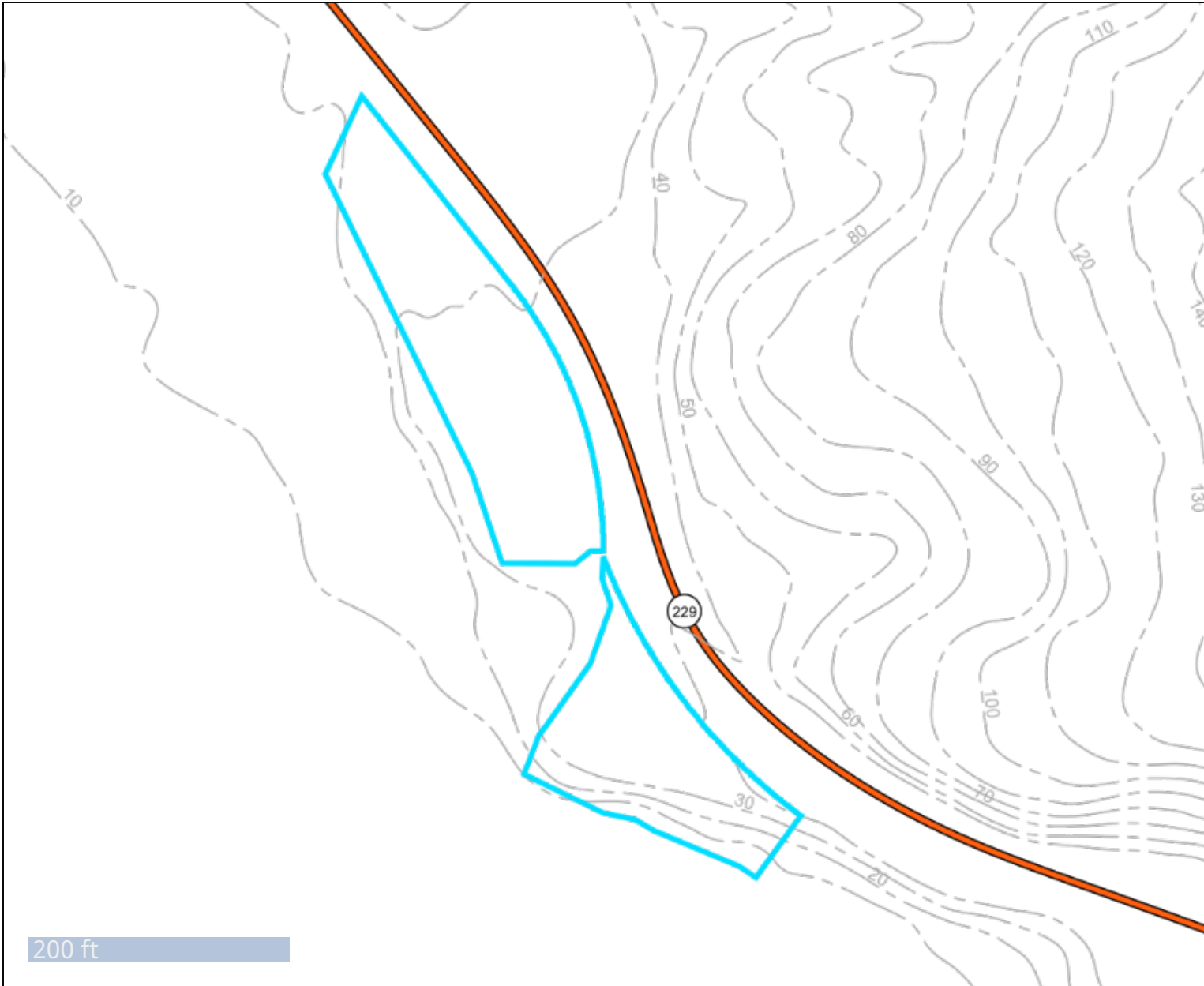
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EXHIBIT - C

01-LUPC-ZC-25

Topographical Map
Joseph & May Tam



Printed on 3/31/2026

Tax Lot Data For Assessment Purposes Only

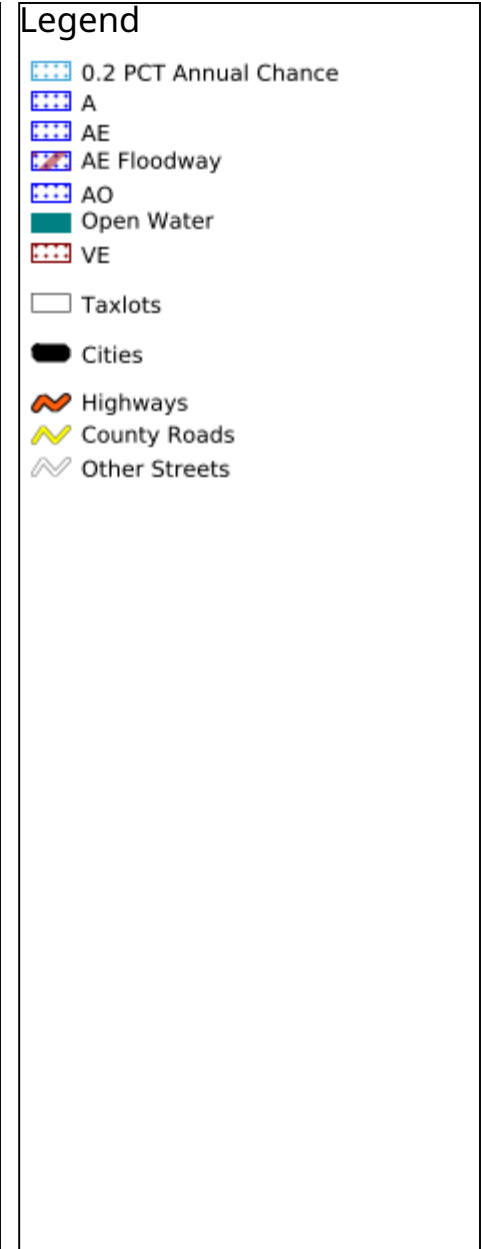
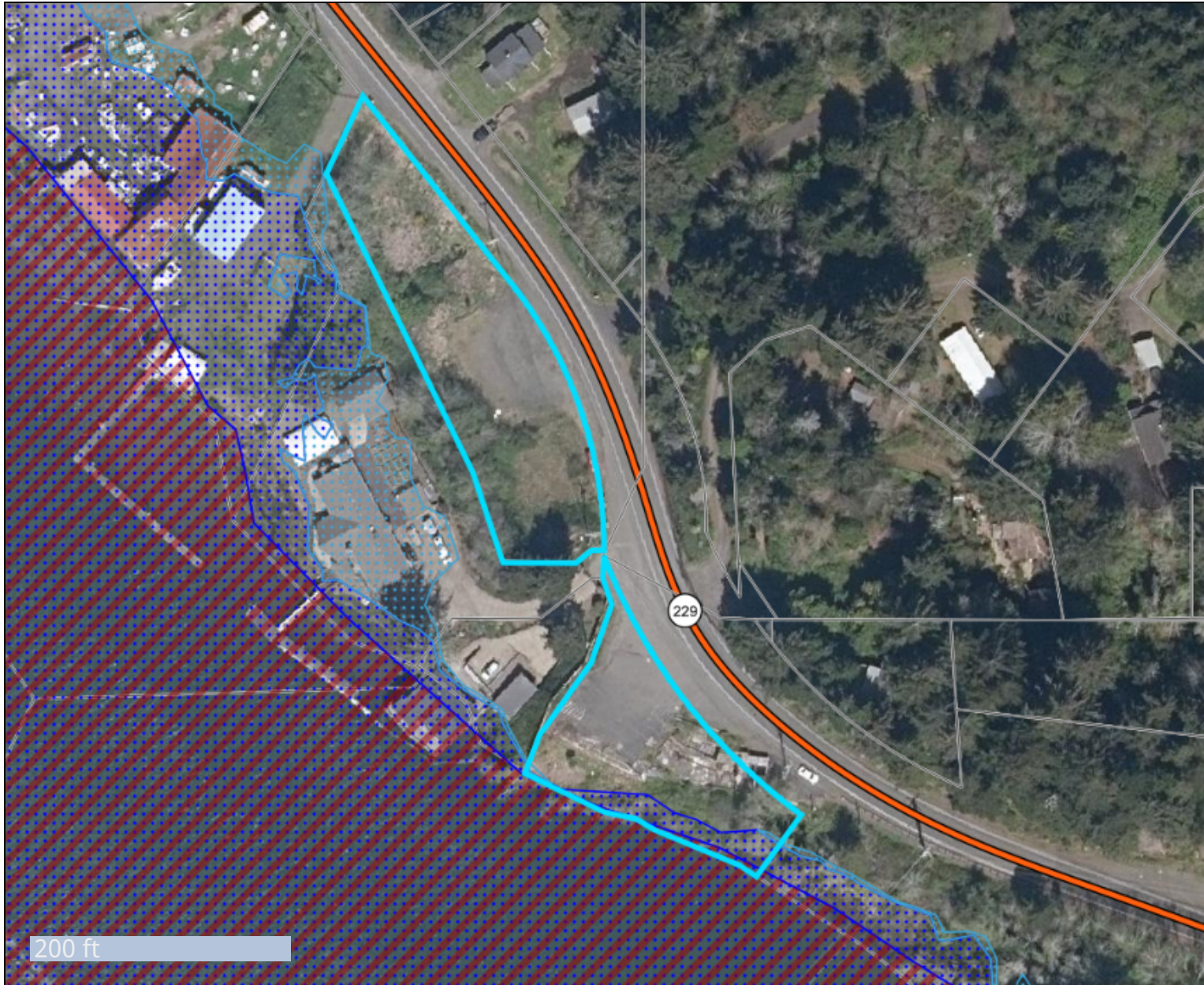
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EXHIBIT - D

01-LUPC-ZC-25

Flood Map Joseph & May Tam



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