



01-LUPC-ZC-25

519-25-000349 PLW6

Lincoln County Department of Planning & Development
210 SW 2nd Street, Newport, OR 97365
Phone (541) 265-4192 Fax (541) 265-6945

LAND USE APPLICATION

TO BE COMPLETED BY STAFF

Form section for staff completion including checkboxes for Conditional Use, Non-Conforming Use, etc., and handwritten entries for Case File Number (01-LUPC-ZC-25), Staff Initials (J.S.), Current Zoning (M-P), and Number of Lots Involved (2).

TO BE COMPLETED BY APPLICANT

Form section for applicant completion including 'What is proposed' (plan amendment from Marine to Residential), Name of Applicant (Tam Joseph & May), Mailing Address (PO Box 126, Depoe Bay, OR 97341), and Name of Contact Person (Jed Truett).

Form section for legal description: Legal Description: T 08 R 11 Section 11-BA Tax Lot(s) 601; Adjacent Properties Under Same Ownership: T --- R --- Section --- Tax Lot(s) 900

Form section for present use and water/sewage: Present Use of Property: Vacant. Past use as a restaurant. Existing/Proposed Source of Water: On-site Well Existing/Proposed Method of Sewage Disposal: On-site Septic

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

Signature of Owner: [Handwritten Signature]
Owner's Signature (Required)
Date: 7/30/25

Signature of Applicant: [Handwritten Signature]
Applicant's Signature
Date: 7/30/25



DEPARTMENT OF PLANNING AND DEVELOPMENT

210 SW 2nd Street
Newport, OR 97365
(541) 265-4192
Fax (541) 265-6945

GENERAL INFORMATION

REGARDING AN APPLICATION FOR A LAND USE ACTION

IMPORTANT – PLEASE READ BEFORE STARTING YOUR APPLICATION

Attached is an application for an approval of a land use action. Completion of this application form and providing the supporting information is the most important part of the application process. The information requested is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or it may result in a denial of the request.

In all land use actions, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request. In preparing your application, a planner can explain which sections of the ordinances pertain to your specific request. **You must address each of the ordinance criterions in writing, on a point-by-point basis, in order for this application to be deemed complete.**

The planning staff can answer questions regarding the process and procedures, but they cannot prepare responses to the applicable criteria. If you require assistance with the application, you may want to confer with a professional land use consultant or attorney.

INFORMATION REQUIRED

For

ZONE CHANGE

For all applications requesting a zone change, the following minimum information must be submitted for the application to be considered complete:

1. Plot plan, drawn to scale, of the subject property showing:
 - A. all property lines
 - B. all existing and proposed buildings and setbacks from all property lines
 - C. the location of the septic system, well and all easements
 - D. access to the property, and whether it is a state highway, county road, public road or private easement. Note: Applicant should check to determine if an access permit is required.
 - E. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
2. Location of all off-street parking and loading facilities, if any.
3. A written narrative shall be submitted which addresses in detail all items contained in LCC 1.1235, including, but not limited to:
 - A. Is the requested change in accordance with the Comprehensive Plan goals and policies, and the Statewide Planning Goals?
 - B. Why the proposed zone change meets at least one (1) of the following criteria:
 - 1) There has been a substantial change in the character of the area around the subject property since zoning was adopted and which warrants changing the zone.
 - 2) The zoning previously adopted for the area was in error.
 - 3) There is a public need for the change being sought.
4. Other information as determined by staff.

NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

Joseph A. Tom
Signature of Property Owner

7/30/25
Date

May Tom
Signature of Applicant (if other than property owner)

7/30/25
Date

PLAN AND ZONE MAP AMENDMENTS

Plan and zone map amendments require consideration in public hearings by both the Planning Commission and the Board of County Commissioners. The Planning Commission first reviews the application and prepares a recommendation to the Board; the Board is the final decision maker, and implements an amendment through the adoption of an ordinance.

Application Procedure Once an applicant submits to the Planning Division a complete application, the request is placed on the agenda of the Planning Commission, and a staff report is prepared. Applicants should expect to wait approximately 4-6 weeks for a hearing date; the staff report details the request and evaluates it against the following criteria:

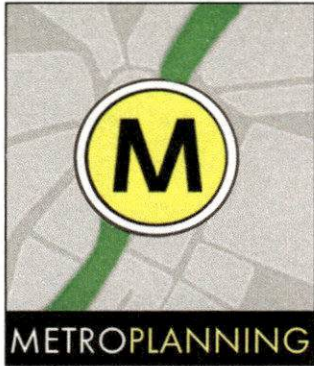
The questions that must be addressed in the applicant's submittal include:

1. Whether or not the change is in accord with the Comprehensive Plan goals and policies and the Statewide Planning Goals, and
2. Does it satisfy one of the following tests:
 - A. Has there been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
 - B. Was the zoning previously adopted for the area in error: or
 - C. Is there a public need for the change being sought?

It is the responsibility of the applicant to address these criteria in his or her application.

Prior to the hearing, written notice is sent to property owners within 250 feet of the subject property, informing them of the nature of the application and the time and place of hearing.

At the Public Hearing At the meeting the staff report is presented, and the Planning Commission hears testimony (oral or written) from proponents and



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
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NARRATIVE IN SUPPORT ZONE CHANGE

December 4, 2025

Ono Husing; ohusing@co.lincoln.or.us
John O'Leary joleary@co.lincoln.or.us
Lincoln County Planning Dept
210 SW 2nd Street
Newport, OR 97365

Re: Tam; Zone Change; Map/TL 08-11-11-BA, TL 601 and 900; Co file No. _____

I. PROPERTY INFORMATION

Applicant: Joseph and May Tam, PO Box 126, Depoe Bay, OR 97341
Owner: Joseph and May Tam, PO Box 126, Depoe Bay, OR 97341
Agent: Metro Planning and Consulting, Inc., 846 A Street, Spfd, OR 97477
Map/TL: 08-11-11-BA-00601 and -00900
Site Address: 186 Siletz Highway
Zoning/Des: Zoning: Planned Marine (M-P); Designation: Water Dep/Water Rel
Overlays: Exhibits E and F
Acres: .39 ac +/- and .64 ac +/-
Services: Available on site and via Siletz Hwy.
Use: Vacant. Past use as a restaurant
Access: Siletz Hwy
Soils: NA

II. EXHIBITS

A: Site Plans	H. Nat Res
B: Vicinity/Location	I. Aerial
C: A&T Map	J. Correspondence
D: Zoning	K. Ord 431; Res 04-21-7D; Comp Plan
E: Property Info	Exception Area excerpts
F: Survey	L. Comp Plan map
G: Deed	

III. PROPOSAL AND BACKGROUND

The proposal is a zone change from Planned Marine (M-P) to Residential¹. Historically, the property was developed with the Kernville Steak House. The restaurant burned years ago. Current zoning and designation prohibit placement of a new restaurant and severely limit development opportunities. Further, current zoning, which favors water-dependent/water related activities, is inconsistent with topography and constrained by state and federal regulations. The M-P zoning is no longer a good match for the site.

The properties are within an exception area identified in the Comprehensive Plan as the Kernville Exception Area. The exception area is defined as "*The historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11-2 and 11.*" Exhibit K. Pursuant to the Exception Area findings, the subject properties should be designated Rural Community Center and mapped as such,

Description - Area : Historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11- 2 and 11.

Findings: An area of approximately 26 acres, in 33 parcels, 25 structures including 20 houses, 2 marinas, boat/saw and repair facilities, store, RV park and tavern. Kernville development and Publishers Paper own forested parcels to the north and east. Topography is steep. Water is available from Kernville-Gleneden Beach-Lincoln Beach Water District. One large parcel of 10 acres was striped of top soil to provide fill for the highway bridge.

Rationale: The existing commercial services, highway access, as well as alternative access, many dwellings and community water commit this land to non-forest uses.

Plan: Rural Community Center.

Based on this designation, the property should have been rezoned to R-1. Under the comprehensive plan and zoning ordinance, the M-P zoning cannot implement the RCC designation. As such, the current M-P zoning is inconsistent with the RCC designation (supported by rural comprehensive plan findings), which is improper under the Statewide Planning scheme. This proposal corrects the zoning inconsistency and ensures the County's compliance with State statutes and OARs.

In addition, the properties are not conducive to water dependent/water related uses. This property was zoned in the late 1970's, almost 50 years ago. Times have changed, the economy of the State of Oregon has changed, and regulations for preservation of natural resources have become more strict.

¹ Based on surrounding residential zoning.

Topography: The property is not conducive to water-dependent or water related uses. There is no good river access. Based on USGS data, there is a 30'- 40' steep ledge dropping to the river. Exhibit H. This ledge is covered in riparian vegetation that provides protection to the river. Exhibit I. Disturbance of this vegetation would be detrimental to the river and be inconsistent with state and local riparian protection guidelines and policies. Further, TL 900 is completely disconnected from the river. The parcel is separated from the river by TL 800. Even if access across TL 800 could be gained, the existing ledge and riparian vegetation would be a barrier. In short, TL 600 is disconnected from the river by the ledge and riparian vegetation, and TL 900 is disconnected by a parcel and the ledge and riparian vegetation. Development with a water dependent or related use would be extremely difficult and functionally unfeasible.

Demand: Demand for water dependent/water related uses has declined in recent years. Within the description of the RCC area, there is discussion of an RV park and a Marina, neither of which continue to exist and neither of which were rebuilt. This is a good indicator that such uses were not and are not economically feasible and/or the demand is low. The character of the area has changed over time, with 6 of the 9 parcels south of the highway now developed with residences. The subject parcels are outliers. The County has had minimal (almost nonexistent) requests for development of water dependent uses in the last 20 years. To use this area for water related/water dependent uses, dredging is required. Dredging is discouraged by the State for environmental reasons. Further, dredging is extremely expensive, making such use cost prohibitive. The current demand in this area is for residential use. The surrounding area is highly developed with residential structures. As stated above, six of the nine parcels south of the highway are now developed with residences. Allowing residential development is more consistent with the development pattern of the area. In summary, the socio-economical changes to the area have made water related/water dependent uses largely obsolete in this area.

Regulations: Regulations protecting river and riparian vegetation discourage new water dependent/related uses that result in impacts to the water or the adjacent vegetation. Because of slope, it would be impossible to develop this site without substantial impact to vegetation and water. The amount of disturbance required to connect the upland use to the water would run afoul of protection regulations.

Size: The subject properties are small, with TL 900 being .64 acre and fully cut off from the river. TL 601 is .39 acre and separated from the river by a steep bank. Once the bank is taken into consideration, the parcel size is substantially reduced.

Other Constraints: TL 601 is impacted by floodway. Exhibit H. TL 900 is burdened by an existing septic system that serves TL 601.

Other items of note: The old restaurant extended into the right of way. No new development would be allowed in this area. However, this is evidence that the site is highly constrained by the bank, as the building did not fit between the bank and the ROW. TL 601 was the site of the old Highway bridge crossing. All utilities exist.

Below is the applicant's attempt to address rezone criteria, Comp Plan goals and policies and Statewide Planning Goals. The narrative also addresses plan amendment criteria, though those criteria are no longer relevant. If additional criteria are identified, or if additional findings are needed on any of these items, the applicant requests that they be listed as part of a completeness review. The applicant will be happy to file a supplemental narrative to address each.

Based on surrounding zoning and use, and in light of the constraints and needs identified above, the best zoning for the property is residential. The parcels lie in a sea of R-1 zoning. The property is pre-existing, and no division can occur.

IV. CRITERIA

LCC. 1.1235:

Pursuant to LCC 1.1235, and changed in zoning and designation are allowed if,

1.1235 Quasi-Judicial Amendments

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.

RESPONSE: As discussed above, there is a substantial change in the character of the area since first zoned and there is a public need for the change.

Substantial change. See above. Site conditions, topography, demand and regulations all work against use of the site for water-dependent uses.

The public need is not served where nonresource land sits vacant, fallow and unused. Stagnant development is directly contrary to the vitality and economy of the area. This property was once a thriving restaurant. Since being rezoned, and the use lost, it has not attracted any development. The proposed plan amendment and zone change will allow a broader range of uses, which will attract development and improvement. This will add to the economy by providing jobs and uses on site.

As discussed above, the current zoning is in error because it is inconsistent with the adopted designation. The property is designated RCC, which cannot be implemented by the M-P zoning district. Exhibit K. This proposal corrects the zoning error so that it matches designation, making the County compliant with State law. While the existing M-P zoning was consistent with the designation in late 1970's when it was adopted, the County Board subsequently changed the designation to RCC. When the designation changed, zoning should have been updated. The applicant's request rectifies the situation.

A. Comprehensive Plan Goals and Policies

- (1) Urbanization. This goal relates to UGB and City limits. The proposal does not affect the UGB or City limits. The goal is not applicable to the request. As such LCC 1.0030 is not applicable.
- (2) Air, Land and Water Quality. The proposed zone change will not affect air, land or water quality. No development is proposed at this time. Any development will require compliance with local sanitation standards, proof of water, and pollution limitations and prohibitions. Further, the site was previously developed, having adequate water and sanitation. Most of the policies of 1.0045 are instructional to the County, and not directly relevant to the rezone. Rezone to residential does not conflict with any goal or policy of 1.0040 and 1.0045.
- (3) Natural Hazards. The proposed plan zone change will not impact inventoried natural hazards. No development is proposed at this time. Both the current and proposed districts allow development. Thus, consistent with this goal, zoning and performance standards will guide development and hazard mitigation at the time of development. As such, the goals and policies of 1.0050 and 1.0055 are not applicable or are otherwise met.
- (4) Forest lands. The property is not inventoried as forest lands. The proposed rezone will not impact the forestland inventory. As such, LCC 1.0060 and 1.0065 are not applicable.
- (5) Agricultural Lands. The property is not inventoried as agricultural lands. The proposed rezone will not impact the agricultural lands inventory. As such, LCC 1.0070 and 1.0075 are not applicable.
- (6) Estuarine Resources. The proposal does not impact Estuarine Resources. As such, 1.0080 and 1.0085 do not apply.
- (7) Coastal Shorelands. The proposal is not an “especially suited water dependent” shoreland. As such, it is not protected under Goal 17. The proposal does not impact Goal 17 or the coastal shorelands inventory. As such, 1.0090 and 1.0095 do not apply.
- (8) Beaches and Dunes. The property is not inventoried as beaches and dunes. The proposed rezone will not impact the beaches and dunes inventory. As such, 1.0110 and 1.0105 are not applicable. The property is not in the Bayshore Dune management area. 1.0108 does not apply.
- (9) Open Space. The property is not inventoried as needed open space. The proposed rezone will not impact the open space inventory. As such, LCC 1.0110 and 1.0115 are not applicable.

- (10) Mineral and Aggregate resources. The property is not inventoried as a mineral or aggregate resource. The proposed rezone will not impact the aggregate or mineral inventory.
- (11) Energy sources. The property is not inventoried as an energy resource. The proposed rezone will not impact the energy resource inventory.
- (12) Fish and Wildlife Habitat. The property itself is not inventoried fish or wildlife habitat. However, the river is adjacent. No development is proposed as part of this rezone. However, any future development will be required to comply with adopted Code provisions to mitigate impacts.
- (13) Significant Natural Areas. The property is not inventoried as a significant natural area. The proposed rezone will not impact the significant natural area inventory.
- (14) Outstanding Scenic Views and Sites. The property is not inventoried as a outstanding scenic view or site. The proposed rezone will not impact the outstanding scenic view or site inventory. As such, LCC 1.0110 and 1.0115 are not applicable.
- (15) Water resources. The property is not inventoried as a significant water resource. However, it is adjacent to the river. Consistent with this element, any future development will be required to comply with existing regulatory programs which control point and nonpoint pollution. As such, 1.0110 and 2.0115 do not apply.
- (16) Historic and Cultural Areas and Sites. The property is not inventoried as a historic or cultural area or site. The proposed rezone will not impact the historic or cultural area/site inventory. As such, LCC 1.0110 and 1.0115 are not applicable.
- (17) Potential and Approved Oregon Recreational Site. The property is not on this inventory. As such, 1.0110 and 1.0065 do not apply.
- (18) Scenic Waterways. The property is not inventoried as a scenic water. As such, 1.0110 and 1.0115 do not apply.
- (19) Economy.
 - 1.0130 Economic Goals**
 - (1) *To establish an economic planning process in the county.*
 - (2) *To support and encourage the expansion of existing industrial and commercial activities in appropriate locations.*

(3) To support and encourage the creation of new industrial and commercial activities in appropriate locations.

(4) To recognize the environmental and developmental constraints in expansion of industrial, commercial, and residential activities.

(5) To improve the average wage in the county.

(6) To improve the quality of employment opportunities in Lincoln County.

1.0135 Economic Policies

(1) Lincoln County shall designate suitable lands for the creation and expansion of industrial and commercial activities.

(2) Lincoln County shall monitor employment on a systematic and periodic basis as a prime tool in estimating population change and land use demand.

(3) Lincoln County shall encourage, through the possible use of incentives, the location of preferred industrial activities in areas suited to and capable of supporting those activities and land uses.

(4) Lincoln County shall encourage the development of facilities supportive of the vocational and higher educational needs of the community.

(5) Lincoln County shall work with the State of Oregon to recognize host recreation county's need for greater support than other counties for public facility improvements to continue to meet the regional recreation needs.

(6) Lincoln County shall encourage the use of local contractors.

(7) Lincoln County shall encourage labor intensive commercial and industry.

(8) Lincoln County shall work with cities, port districts and the Administrative District 4 Council of Governments in the maintenance and support of the overall economic development plan to establish clear and concise long range economic goals.

(9) Lincoln County shall work with the cities, port and special districts to promote commerce and industry.

(10) When conflicting land uses are proposed, the alternatives shall be evaluated based upon economic, social, energy, and environmental costs and benefits.

Arguably, the M-P zone adds to the economy of the County by allowing water-related and water-dependent commercial and industrial uses. However, this site has been unable to attract such uses. It has remained fallow and stagnant for years, which does not benefit the economy. While the rezone removes roughly one acre from the commercial/industrial inventory, the change is supported by Economic Goals (2) and (3) by recognizing that this site is not an appropriate site or suitable site for MP uses. As discussed elsewhere, the property is highly constrained.

Note that the policies are largely instructional to the county and thus not directly applicable.

- (20) Transportation. The proposed rezone to Residential would allow minimal residential development. Transportation impacts are likely to be less under the proposed zoning than if the site was developed with a water dependent and water related use. 1.0138 is not triggered.

(21) Energy. The proposal is not expected to negatively impact any energy resource.

(22) Housing.

1.0160 Housing Goals

Housing goals:

(1) To assist in providing housing.

(2) To provide opportunities for a variety of housing choices, including low and moderate income housing to meet the needs, desires, and financial capabilities of all Lincoln County residents.

(3) To make housing more efficient.

1.0165 Housing Policies

(1) Lincoln County shall cooperate with interested cities in creating a county wide housing task force made up of citizens and policy makers, with a professional staff capability which if funds are available shall:

(a) Make known the scope and content of existing energy conservation and housing rehabilitation programs and encourage the use of these programs by assisting public and private groups and individuals in obtaining loan and grant monies; and

(b) Develop a plan for housing assistance which shall:

(A) Increase the amount of decent and affordable housing, including rentals;

(B) Increase the amount of lower-cost rental housing available to the elderly; and

(C) Decrease the proportion of their income which the elderly spend for housing.

(2) Lincoln County shall make the provisions of the Residential Landlord and Tenant Act (RLTA), ORS chapter 90, available to the public.

(3) Lincoln County shall designate suitable land area to meet rural residential needs.

The proposed rezone is supported by Housing Goal (1), (2) and (3). The rezone will provide one variety of housing and, by placing the housing on a pre-developed parcel in an area already full of residential development, the housing is efficient.

(23) Recreation. The site is not an inventoried recreation site. LCC 1.0170 and 1.0175 are not applicable.

(24) Public Facilities. All public facilities are available to the site by either private or public facilities. LCC 1.0180 and 1.0185 are met.

Goal/Policy 1.0025 Citizen Involvement.

The County has adopted the requirements of ORS 215 and ORS 197 into their code. As such, the requirements for citizen involvement (including, as applicable, notice, opportunity to comment, opportunity to appeal) have been met.

Goal/Policy 1.0015 Land Use Planning; 1.0020 Intergovernmental Coordination

These provisions have been adopted into the code and acknowledged by LCDC.

B. Statewide Planning Goals

The Lincoln County Comprehensive Plan has been reviewed and acknowledged by LDCD as in compliance with the Statewide Planning Goals. As such, compliance with the Comp Plan automatically ensures compliance with the Statewide Planning Goals. To the extent additional analysis is required, the responses to the corollary Comp Plan Goal are herein incorporated:

Oregon Statewide Planning Goals	Comp Plan Corollary (Goals/Policies)
1. Citizen Involvement	1.0025 Citizen Involvement
2. Land Use Planning	1.0015 Land Use Planning 1.0020 Intergovernmental Coordination
3. Agricultural Lands	1.0070 Ag Lands 1.0075 Ag Lands
4. Forest Lands	1.0060 Forest Lands 1.0065 Forest Lands
5. Natural Resources	1.0110 Open Spaces, Scenic and Historic 1.0115 Open Spaces, Scenic and Historic (10) Mineral and Aggregate Resources (12) Fish and Wildlife Habitat (13) Sig Natural Resources (14) Outstanding Scenic Views and Sites (15) Water Resources (16) Historic and Cultural sites (17) Oregon Recreational Trails (18) Scenic Waterways
6. Air, Water and Land	1.0040 Air, Land and Water Quality 1.0045 Air, Land and Water Quality
7. Natural Hazards	1.0050 Natural Hazards 1.0055 Natural Hazards
8. Recreational Needs	1.0170 Recreational 1.0175 Recreational
9. Economic Development	1.0130 Economic

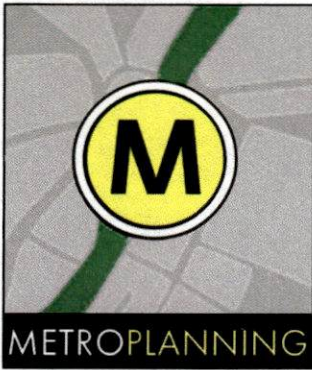
	1.0135 Economic
10. Housing	1.0160 Housing 1.0165 Housing
11. Public Facilities and Services	1.0180 Public Facilities 1.0185 Public Facilities
12. Transportation	1.0138 Trans Plan 1.0140 Transportation 1.0145 Transportation
13. Energy Conservation	1.0150 Energy 1.0155 Energy
14. Urbanization	1.0030 Urbanization
15. Willamette River Greenway	Not Applicable
16. Estuarine Resources	1.0080 Estuarine Resources 1.0085 Estuarine Resources
17. Coastal Shorelands	1.0090 Coastal Shorelands 1.0095 Coastal Shorelands
18. Beaches and Dunes	1.0110 Beaches and Dunes 1.0105 Beaches and Dunes 1.0108 Bayshore Dune MP
19. Ocean Resources	1.0120 Ocean Resources 1.0125 Ocean Resources

C. Other Requirements of Chapter 1

1.1301 Location of Zones

(2) Zone boundaries, zone modifications, additions or reclassifications may be made at subsequent times and shall be made by amendment to this chapter, in accordance with the provisions of this chapter.

The applicant is following the amendment provisions of this chapter.



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RESPONSE TO DLCD COMMENTS ZONE CHANGE

March 20, 2026

Jay Sennewald jsennewald@co.lincoln.or.us
Lincoln County Planning Dept
210 SW 2nd Street
Newport, OR 97365

Re: Tam; Zone Change; Map/TL 08-11-11-BA, TL 601 and 900; 01-LUPC-ZC-25

Dear Jay:

The below responds to DLCD request for additional findings related to Metro Plan policies on Goals 16 and 17, specifically items (6) and (7). The comments are difficult to decipher, but I believe DLCD staff is simply asking for more clarity. Section IV.A of the applicant's original narrative addresses Comprehensive Plan Policies. Item 6 is Estuarine Resources. Item 7 is Coastal Shorelands.

I. Comp Plan Section 1.0085: Estuarine Resource Policies:

Perhaps some policies are potentially applicable in general, but not applicable in this case because this zone change **corrects** an error in zoning, not designation. **The underlying designation is not changing.** Comp Plan policies relate to designation. As such, the County has already done an analysis that the designation is consistent with the Comprehensive Plan, including Policies contained in Section 1.0085 and Section 1.0095. As stated in the original narrative,

The properties are within an exception area identified in the Comprehensive Plan as the Kernville Exception Area. The exception area is defined as "*The historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11-2 and 11.*" Exhibit K. Pursuant to the Exception Area findings, the subject properties should be designated Rural Community Center and mapped as such,

Description - Area : Historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11- 2 and 11.

Findings: An area of approximately 26 acres, in 33 parcels, 25 structures including 20 houses, 2 marinas, boat/saw and repair facilities, store, RV park and tavern. Kernville development and Publishers Paper own forested parcels to the north and east. Topography is steep. Water is available from Kernville-Gleneden Beach-Lincoln Beach Water District. One large parcel of 10 acres was striped of top soil to provide fill for the highway bridge.

Rationale: The existing commercial services, highway access, as well as alternative access, many dwellings and community water commit this land to non-forest uses.

Plan: Rural Community Center.

Based on this designation, the property should have been rezoned to R-1. Under the comprehensive plan and zoning ordinance, the M-P zoning cannot implement the RCC designation. As such, the current M-P zoning is inconsistent with the RCC designation (supported by rural comprehensive plan findings), which is improper under the Statewide Planning scheme. This proposal corrects the zoning inconsistency and ensures the County's compliance with State statutes and OARs.

This is a matter of fact, not of interpretation. As such, this rezone request is unique in that designation has already been addressed and approved by DLCD. Only the zoning is being corrected. Based on this information, the applicant believes LDCD Staff's comments are misplaced.

However, the applicant is addressing LDCD's comments as a matter of courtesy. LDCD staff requested analysis of the following under Goal 16,

Management Objective

Management unit 6 shall be managed to provide for recreational opportunities and development, consistent with the conservation of natural resources.

Special Policies

1. Individual, single purpose docks and piers shall not be permitted in new subdivisions and planned developments. Community facilities common to several users are encouraged.

I cannot find this provision under the policies of the 2009 Comprehensive Plan. However, if present, the applicant's response is below.

The properties are not conducive to water dependent/water related uses, including recreational opportunities and development. There is no good river access for either industrial or recreational purposes. Based on USGS data, there is a 30'- 40' steep ledge dropping to the river. Exhibit H.

This ledge is covered in riparian vegetation that provides protection to the river. Exhibit I. Disturbance of this vegetation would be detrimental to the river and be inconsistent with state and local riparian protection guidelines and policies. Further, TL 900 is completely disconnected from the river. The parcel is separated from the river by TL 800. Even if access across TL 800 could be gained, the existing ledge and riparian vegetation would be a barrier. In short, TL 600 is disconnected from the river by the ledge and riparian vegetation, and TL 900 is disconnected by a parcel and the ledge and riparian vegetation. Development with a water dependent or related use, including recreational access, would be extremely difficult and functionally unfeasible. When originally designated and developed, the County decided not to require recreational access. As stated above, designation and the findings adopted with that designation, are not changing.

While dryland access is limited, river access could be obtained even with the proposed zoning. The proposed development does not impact the area waterward of the ledge. The corrected rezone does not impact recreational opportunities waterward of the ledge. No development is proposed in that area.

The property cannot be subdivided by regulation division or PUD division under the proposed zone. Special policy 1 is not applicable.

Policy 1.0085 (2)(a)(C) is also potentially relevant,

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

As discussed throughout this narrative and the original narrative, the site is already developed and impacted. New development will not impact the estuarine resource because: the footprint of disturbance area and related impacts remain the same or less than the commercial use already there, the estuary itself is protected by the ledge because this topography prohibits impingement, and vegetation on the ledge and land waterward of the ledge will remain intact.

In summary, site designation has already been approved by DLCD. The proposed rezone is requested to correct an error. Such correction is required by State law. Further, the site has limited recreational value because of topography and vegetation. Access to the river would be difficult and dangerous and require much vegetation and ground disturbance. Nearby access areas are safer. The area of the property nearest the river is not impacted by the proposed development, so recreational uses, when access by the river, remain an option.

Based on surrounding zoning and use, and in light of the constraints and needs identified above and in the original narrative, the best zoning (and only zoning compatible with designation) for the property is residential. The parcels lie in a sea of R-1 zoning. The property is pre-existing, development is pre-existing, and no division can occur.

That being said, should this rezone be approved and should the city be able to justify recreational river access, such access could be imposed as a condition to a property development application under the zoning.

II. Comp Plan Section 1.0095: Coastal Shorelands Policies:

The above is repeated here for clarity.

Perhaps some policies are potentially applicable in general, but not applicable in this case because this zone change corrects an error in zoning, not designation. The underlying designation is not changing. Comp Plan policies relate to designation. As such, the County has already done an analysis that the designation is consistent with the Comprehensive Plan, including Policies contained in Section 1.0085 and Section 1.0095. As stated in the original narrative,

The properties are within an exception area identified in the Comprehensive Plan as the Kernville Exception Area. The exception area is defined as “*The historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11-2 and 11.*” Exhibit K. Pursuant to the Exception Area findings, the subject properties should be designated Rural Community Center and mapped as such,

Description - Area : Historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11- 2 and 11.

Findings: An area of approximately 26 acres, in 33 parcels, 25 structures including 20 houses, 2 marinas, boat/saw and repair facilities, store, RV park and tavern. Kernville development and Publishers Paper own forested parcels to the north and east. Topography is steep. Water is available from Kernville-Gleneden Beach-Lincoln Beach Water District. One large parcel of 10 acres was striped of top soil to provide fill for the highway bridge.

Rationale: The existing commercial services, highway access, as well as alternative access, many dwellings and community water commit this land to non-forest uses.

Plan: Rural Community Center.

Based on this designation, the property should have been rezoned to R-1. Under the comprehensive plan and zoning ordinance, the M-P zoning cannot implement the RCC designation. As such, the current M-P zoning is inconsistent with the RCC designation (supported by rural comprehensive plan findings), which is improper under the Statewide Planning scheme. This proposal corrects the zoning inconsistency and ensures the County’s compliance with State statutes and OARs.

This is a matter of fact, not of interpretation. As such, this rezone request is unique in that designation has already been addressed and approved by DLCD. Only the zoning is being corrected. Based on this information, the applicant believes LDCD Staff's comments are misplaced.

That being said, the following policies are addressed as a courtesy.

Policy (3) provides for allowed uses. Subsection (d) states,

Non-dependent/non-related uses which retain flexibility of future use and do not prematurely or inalterably commit shore lands to more intensive uses.

Policy (5) states,

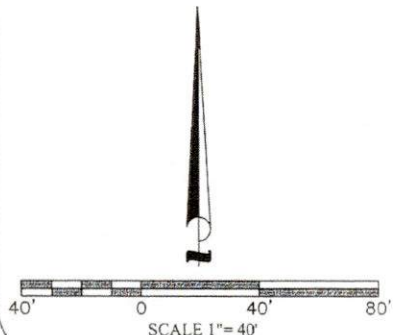
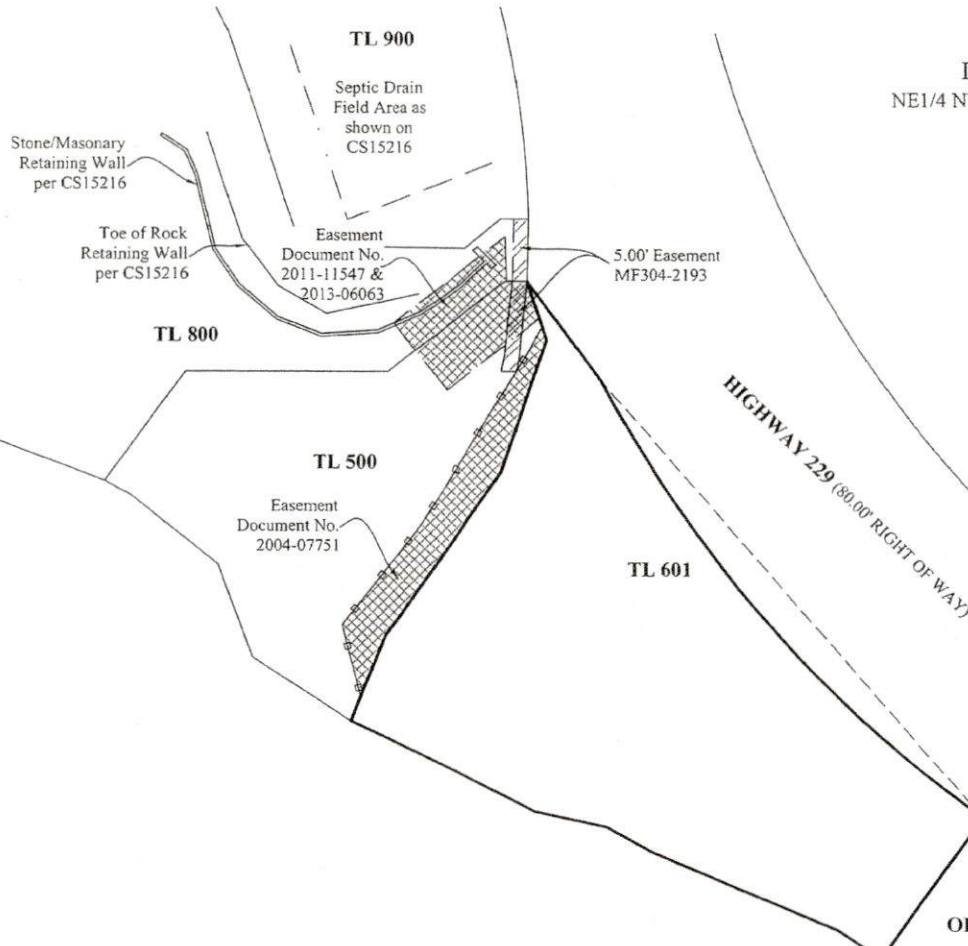
*Shorelands in rural areas other than those identified in Policy 4, above, shall be designated as appropriate for: *** (g) Single-family residences on existing lots when compatible with objectives of protecting wildlife habitat and riparian vegetation.*

For the site constraint and compatibility reasons set out in the original narrative and above under Goal 16, all shorelands within the ledge and waterward of the ledge remain available for shoreland uses. The remainder of the property is already irrevocably committed to development. Residential development is arguably of equal or lesser intensity than the existing commercial development. For these reason, Policy 3 and Policy 5 do not prohibit the rezone. Further, the rezoned is not incompatible with Policy 3 or Policy 5.

BASE MAP

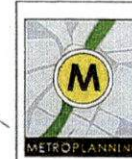
FOR

DAVID TAM- 186 SILETZ HWY, LINCOLN CITY
NE1/4 NW 1/4, SECTION 11, TOWNSHIP 18 SOUTH, RANGE 11 WEST, W.M
LINCOLN COUNTY, OREGON
DATE PREPARED: JULY 2024



ASSESSORS MAP/LOT: 08-11-11-BA-00601-00

Map compiled from record data, Lincoln County GIS data, CS17142 and CS17143. Survey field data was not gathered, and this map is not a survey.



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 24-050

BASE MAP

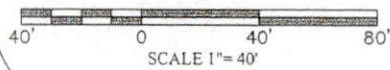
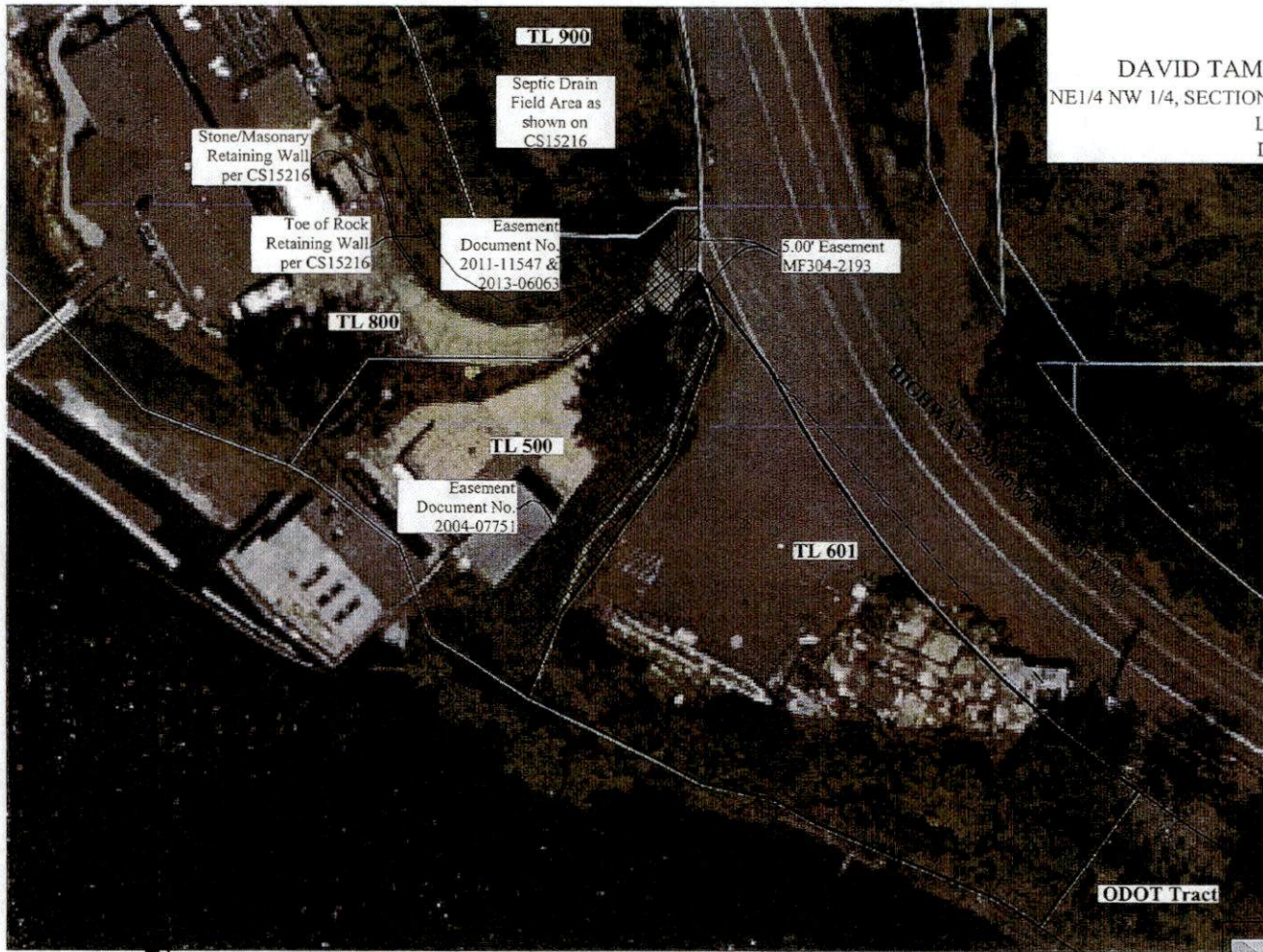
FOR

DAVID TAM- 186 SILETZ HWY, LINCOLN CITY

NE1/4 NW 1/4, SECTION 11, TOWNSHIP 18 SOUTH, RANGE 11 WEST, N

LINCOLN COUNTY, OREGON

DATE PREPARED: JULY 2024



ASSESSORS MAP/LOT: 08-11-11-BA-00601-00

Map compiled from record data, Lincoln County GIS data, CS17142 and CS17143. Survey field data was not gathered, and this map is not a survey.



METRO PLANNING, INC

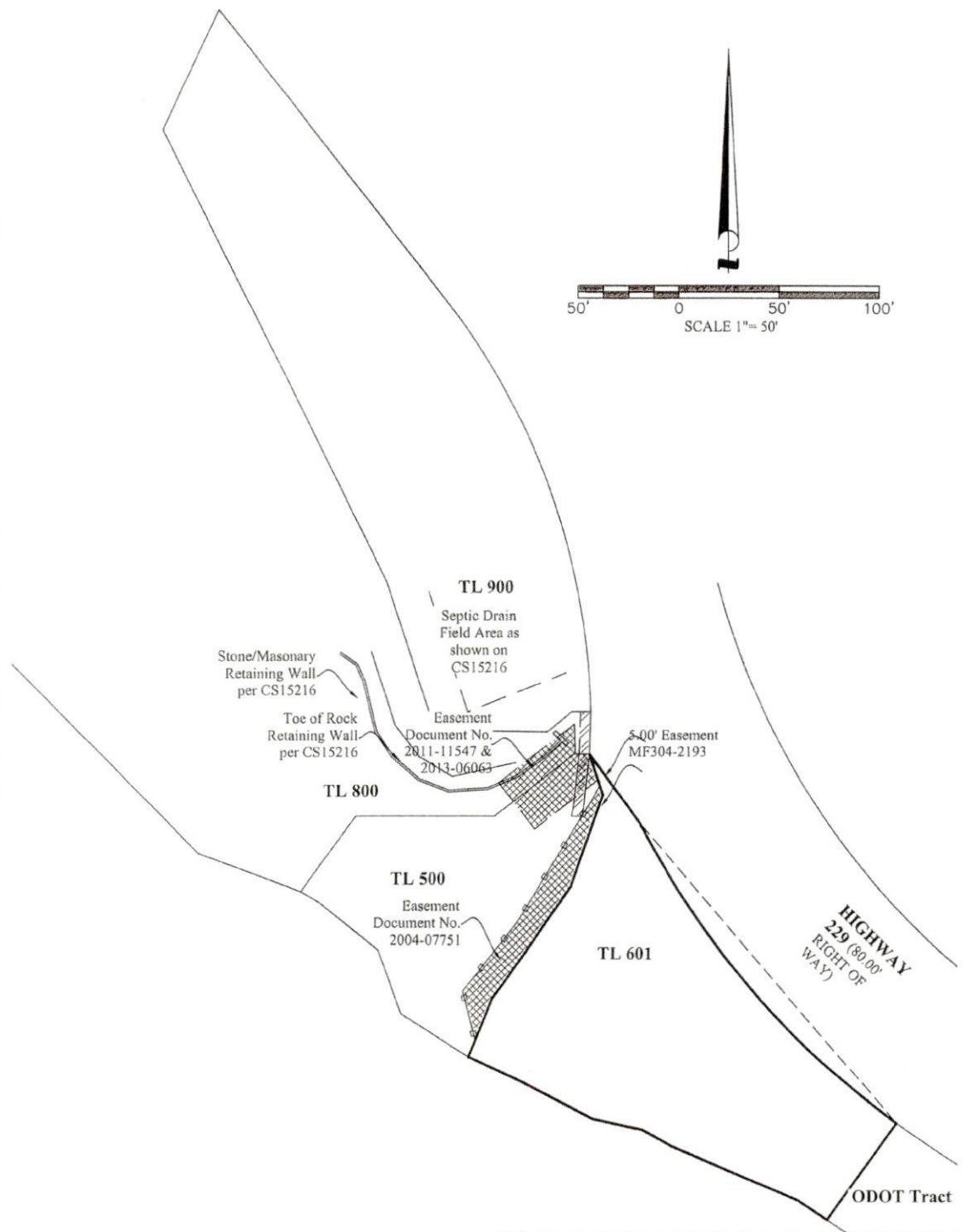
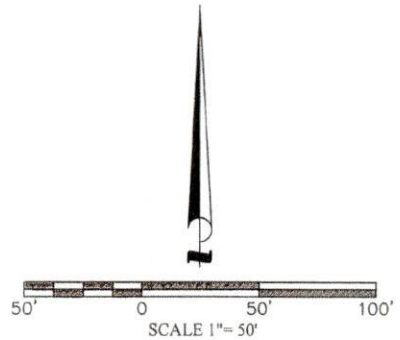
846 A STREET
SPRINGFIELD, OR. 97477

541-302-9830

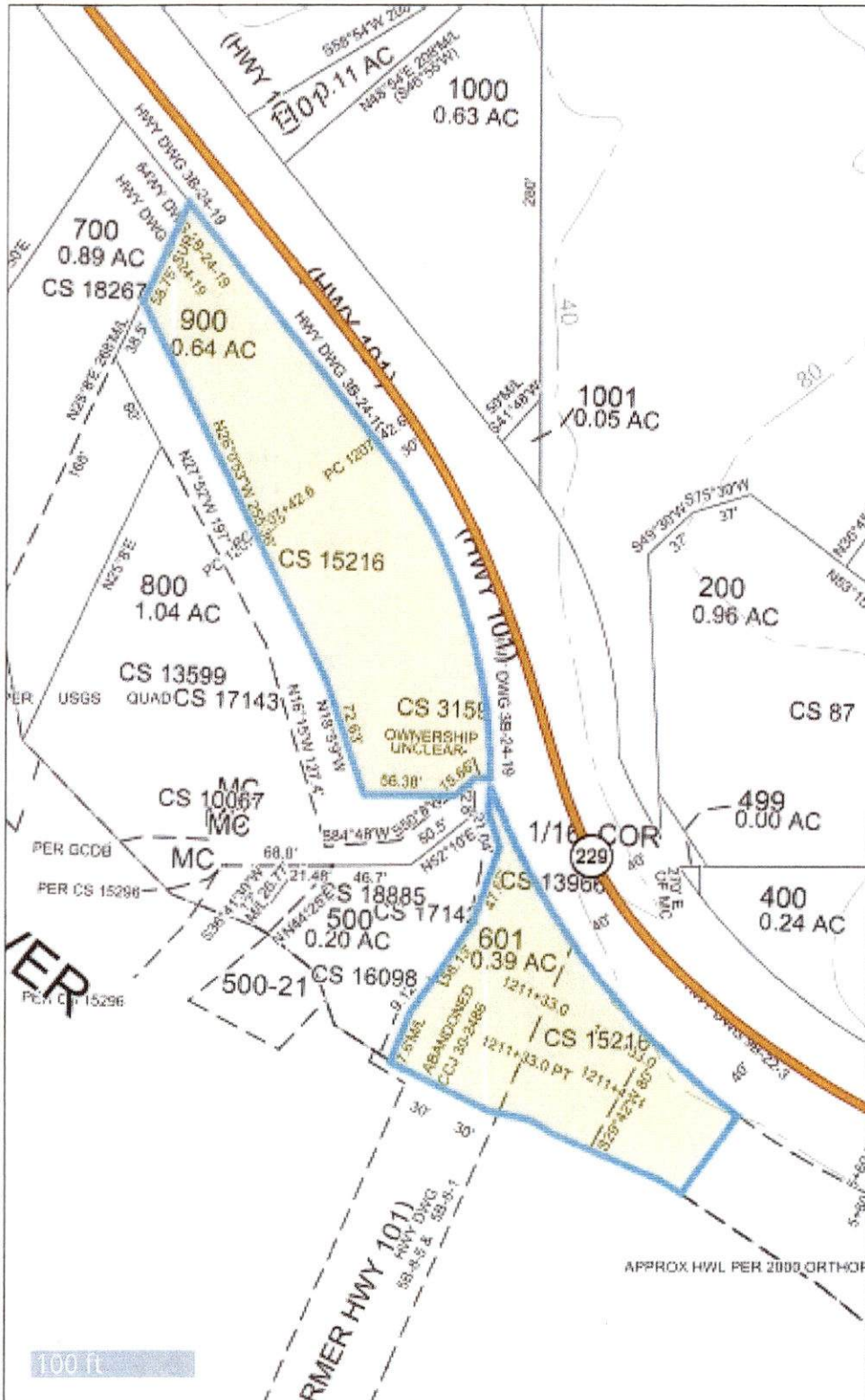
JOB NO. 24-050





BASE MAP
(including all of tax lot 900)

FOR
DAVID TAM- 186 SILETZ HWY, LINCOLN CITY
NE1/4 NW 1/4, SECTION 11, TOWNSHIP 18 SOUTH, RANGE 11 WEST, W.M.
LINCOLN COUNTY, OREGON
DATE PREPARED: OCTOBER 2025



METRO PLANNING, INC
846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830



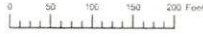
- Legend**
-  Areas Impacted by Fire - Sept 2020
 -  Cities
 -  Sections
 -  40 Foot Contours

Printed on 10/14/2025 **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.



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.E. 1/4 N.W. 1/4 SEC. 11 T.8S. R. 11W. W.M.
LINCOLN COUNTY
1" = 100'

08 11 11 BA

Cancelled
300
601-21

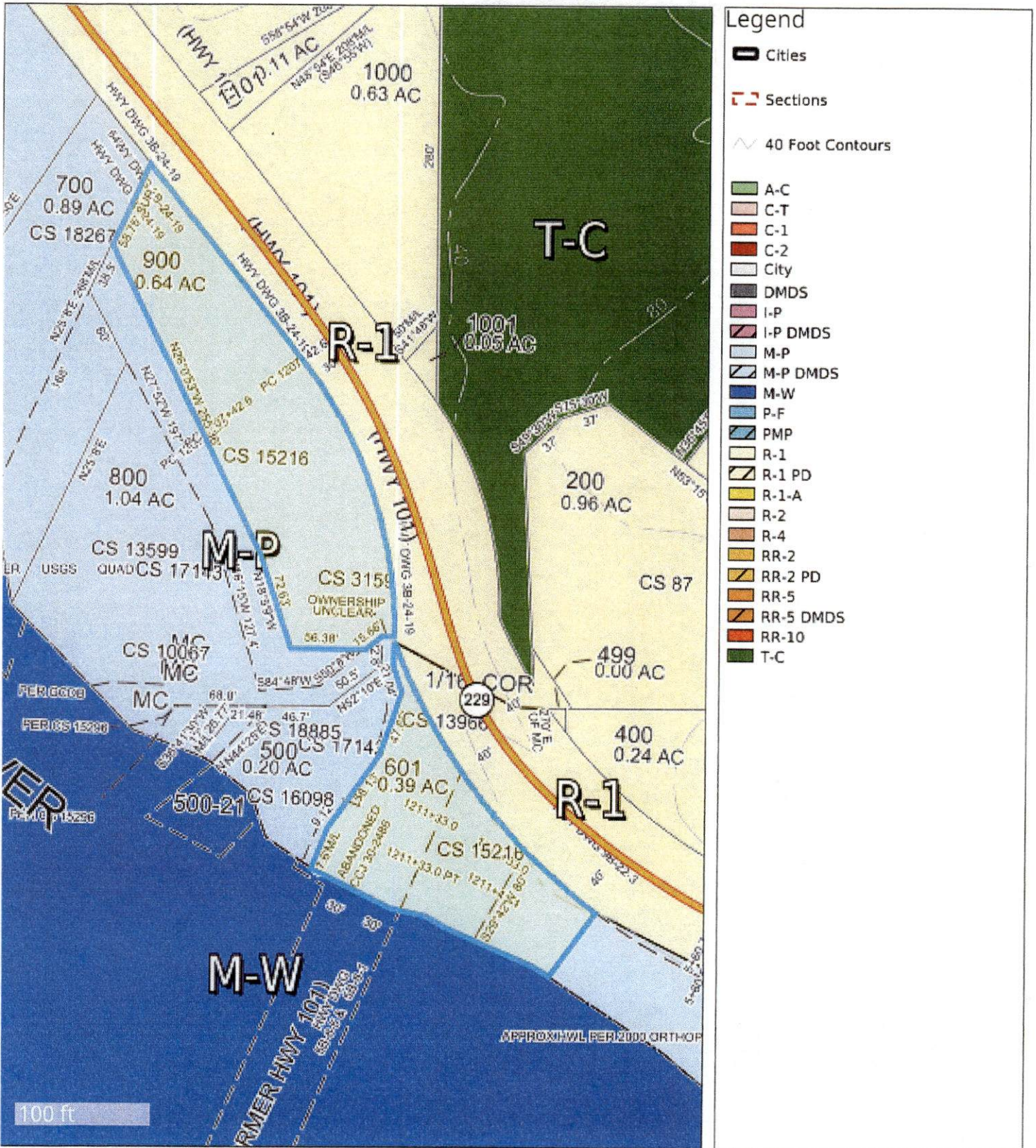


EXHIBIT C

Revised: SEB
02/20/2015

08 11 11 BA

Exhibit D



Legend

- Cities
- Sections
- 40 Foot Contours
- A-C
- C-T
- C-1
- C-2
- City
- DMDS
- I-P
- I-P DMDS
- M-P
- M-P DMDS
- M-W
- P-F
- PMP
- R-1
- R-1 PD
- R-1-A
- R-2
- R-4
- RR-2
- RR-2 PD
- RR-5
- RR-5 DMDS
- RR-10
- T-C

Printed on 10/14/2025 Tax Lot Data For Assessment Purposes Only

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EXHIBIT D



Exhibit E

Features

1

 Restart Tool



Account #: [R404675](#)
Map Image: [Tax Map](#)
Map Taxlot: 08-11-11-BA-00601-00
Situs Address(es): 186 SILETZ HWY
Owner: TAM JOSEPH & TAM MAY
Mailing Add1: PO BOX 126
Mailing Add2:
Mailing Add3:
CityStateZip: DEPOE BAY, OR 97341

Disclaimer: Lincoln County government use only. Use

Property	Owner	Property Address	2025 In Process Real Market Value
R404675	TAM JOSEPH & TAM MAY	186 SILETZ HWY	\$90,600

[Details](#) [Bills](#) [Payment History](#) [Map](#) [Appraisal Card](#) [Print](#)

2025 GENERAL INFORMATION

Property Status: A Active
Property Type: Commercial
Legal Description: TOWNSHIP 08, RING 11, ACRES 0.39, DOC202405206
Alternate Account Number: -
Neighborhood: R132: RURAL NORTH COMMERCIAL RIVERFRONT LAND
Map Number: 08-11-11-BA-00601-00
Property Use: 200: C - VACANT LAND
Levy Code Area: 499
Zoning: M-P

RELATED PROPERTIES

Linked Properties: -

2025 OWNER INFORMATION

Owner Name: TAM JOSEPH & TAM MAY
Mailing Address: PO BOX 126 DEPOE BAY, OR 97341

2025 IMPROVEMENTS

Improvement #1	Improvement Type
-	C: COMMERCIAL

▼ Expand/Collapse All

2025 LAND SEGMENTS

STATE CODE	SEGMENT TYPE	LAND SIZE
L1	CSURF: COM UNDEY RIVERFRONT SITE	0.36 Acres
L2	MTL: MARINE TIDE LAND	0.03 Acres
TOTALS		0.39 acres

CERTIFIED / IN PROCESS VALUES

YEAR	IMPROVEMENTS	LAND	RAV	SPECIAL USE	ASSESSED VALUE
2025 (In Process)	\$19,010	\$71,590	\$90,600	\$0	\$90,600
2024	\$19,010	\$198,000	\$217,010	\$0	\$163,480
2023	\$19,010	\$171,000	\$190,010	\$0	\$158,720
2022	\$16,490	\$161,100	\$177,590	\$0	\$154,100
2021	\$13,610	\$154,800	\$168,410	\$0	\$149,620
2020	\$12,380	\$154,800	\$167,180	\$0	\$145,270
2019	\$20,640	\$120,400	\$141,040	\$0	\$141,040
2018	\$20,640	\$120,400	\$141,040	\$0	\$138,320
2017	\$20,640	\$122,120	\$142,760	\$0	\$134,300
2016	\$21,600	\$127,800	\$149,400	\$0	\$130,390

SALES HISTORY

SALE DATE	SELLER	BUYER	INST #	SALE PRICE	INST TYPE
7/26/2024	RUGGERI JAMES L TSTEE & RUGGERI CAROL B TSTEE	TAM JOSEPH & TAM MAY	202405206	\$250,000	WD WARRANTY DEED
	RUGGERI JAMES L & RUGGERI CAROL B	RUGGERI JAMES L TSTEE & RUGGERI CAROL B TSTEE	202301050	-	WD WARRANTY DEED
12/20/2004	B GREEN LLC	RUGGERI JAMES L & RUGGERI CAROL B	200419253	\$360,000	WD WARRANTY DEED
4/16/2001	SEVIGNY GEORGIA G	B GREEN LLC	MF419-1112	\$361,721	WD WARRANTY DEED
	SEVIGNY GEORGIA G	SEVIGNY GEORGIA G	MF419-1109	-	BSD BARGAIN AND SALE OFFD

LINCOLNPROD PROPERTY RECORD CARD

Property ID: R404675

Map and Taxlot: 08-11-11-BA-00601-00

Tax Year: 2025

Run Date: 7/22/2025 1:52:03 PM

PROPERTY SITE ADDRESS

3 SILETZ HWY
Inteance Area: 3-95

OWNER NAME AND MAILING ADDRESS

M JOSEPH
M MAY
BOX 126
POE BAY, OR 97341

LEGAL DESCRIPTION

NSHP 08, RNG 11, ACRES 0.39,
C202405206

GENERAL PROPERTY INFORMATION

Prop Class: 200
NBH Code: R132
Prop Type Code: COM
Prop Code: Z8: COMMERCIAL NORTH & SILETZ.
Next Appr Date:
Next Appr Reason:
Last Appr Date: 01/09/2025
Appraiser: PPB, CW
Zoning: M-P
Code Area: 499
Related Accts:

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2024	198,000	19,010	217,010	163,480	
2023	171,000	19,010	190,010	158,720	
2022	161,100	16,490	177,590	154,100	
2021	154,800	13,610	168,410	149,620	
2020	154,800	12,380	167,180	145,270	
2019	120,400	20,640	141,040	141,040	

ASSESSMENT INFORMATION

Land Non-LSU:	71,590	Prior MAV:	163,480	Except RMV:	
Improvement:	19,010	Prior MAV Adj:	0	CPR:	
Non-LSU RMV Total:	90,600	Prior AV:	163,480	EX. MAV:	
Land LSU:	0	Prior AV Adj:	0	LSU:	
RMV Total:	90,600	AV +3%:	168,384	New M50 AV:	90,60

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
07/26/2024	15			SALE	WD WARRANTY DEE	202405206
12/20/2004	09			SALE	WD WARRANTY DEE	200419253
04/16/2001	13			SALE	WD WARRANTY DEE	MF419-1112

res: 0.39 Sqft: 15520
ective Acres: 0.39

BUILDING PERMITS AND INSPECTIONS

Appraiser Issue Date Date Checked % Comp Comment

PANEL COMMENTS

1Flag- M_20C,M_25C
1Com- 2015-16 JV#430 ADD CANCELLED T1601-21, ENTERED 2-25-15. JV#439 LESS PTN IMPS TO R521064 INPUT 3-2-06
p-Note- KERNVILLE STEAK & SEAFOOD RESTAURANT //7/26/14 FIRE DESTROYED IMPS
id- SEPTIC/SANDFILTER ON 8-11-2-CC-900. RUN AS ONE FOR SIZE

EXEMPTIONS

Code Exempt RMV

EXEMPTIONS

Code	Year	Amount	Metho
ADJ	2015	-344,510	
CON	2015	7,110	
RC	2006	-71,090	
LL	2004	-5,620	
NI	2003	108,290	

MARKET LAND INFORMATION

Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
URF: COM UNDEV RIVERFF	R11 LB	0.360	55,000	R1LS-250,PRO-36,EFF-145	0.000	1.305	71,570
L: MARINE TIDE LAND	CTL A	0.030	500		0.000	0.000	20
Total Acres:		0.390			Total Market Land Value:		71,590

LAND SPECIAL USE

Code SAV Unt Pr MSAV Unt Pr LSU

Total LSU:

Exhibit F1

LINCOLNPROD PROPERTY RECORD CARD

perty ID: R404675

Map and Taxlot: 08-11-11-BA-00601-00

Tax Year: 2025

Run Date: 7/22/2025 1:52:03 PM

COMMERCIAL IMPROVEMENTS																	
Inst. ID	OAA Seg	Business Name	Occupancy Class	Occ %	Stories	Hgt	Rank	Yr Blt	Eff Yr	Area	Perim	Adjustment Code-%	NBHD %	Total Adj.%	RCNLD	MS.Depr %	RMV
2597874	AS		163-Site Imp	100	1		2.0	1800		0			2.640	2.640	7,200	0	19,010
Total RMV:																19,010	

COMMERCIAL ADDITIONS			
Instance ID	Type	Desc	Value

COMMERCIAL BASEMENTS				
No.	Instance ID	Bsmt Type	Area	Depth

COMMERCIAL COMMENTS

LINCOLNPROD PROPERTY RECORD CARD

Property ID: R364594

Map and Taxlot: 08-11-02-CC-00900-00

Tax Year: 2025

Run Date: 10/14/2025 11:27:5

PROPERTY STATUS ADDRESS

Maintenance Area: 3-95

GENERAL PROPERTY INFORMATION

Prop Class: 201
 NBH Code: R136
 Prop Type Code: COM
 Prop Code: Z8: COMMERCIAL NORTH & SILETZ.
 Next Appr Date:
 Next Appr Reason:
 Last Appr Date: 01/09/2025
 Appraiser: PPB.
 Zoning: M-P
 Code Area: 499
 Related Accts:

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2024	49,150		49,150	41,600	
2023	42,450	0	42,450	40,390	
2022	40,000		40,000	39,220	
2021	38,430	0	38,430	38,080	
2020	38,430	0	38,430	36,980	
2019	35,950	0	35,950	35,910	

OWNER NAME AND MAILING ADDRESS

AM JOSEPH
 AM MAY
 O BOX 126
 EPOE BAY, OR 97341

ASSESSMENT INFORMATION

Land Non-LSU:	162,130	Prior MAV:	41,600	Except RMV:	
Improvement:	0	Prior MAV Adj:	0	CPR:	
Non-LSU:RMV Total:	162,130	Prior AV:	41,600	EX. MAV:	
Land LSU:	0	Prior AV Adj:	0	LSU:	
RMV Total:	162,130	AV +3%:	42,848	New M50 AV:	4

LEGAL DESCRIPTION

WNSHP 08, RNG 11, ACRES 0.64,
 OC202405206

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale F
07/26/2024	15			SALE	WD WARRANTY DEE	2024052
12/20/2004	09			SALE	WD WARRANTY DEE	2004192
04/16/2001	13			SALE	WD WARRANTY DEE	MF419-1

Acres: 0.64 Sqft: 27880

Effective Acres: 0.64

BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
------	-----------	------------	--------------	--------	---------

PARCELS COMMENTS

tenFlag- M_20C,M_24NC,M_25C
 tenCom- JV#1156 LL ADJ TO 800 INPUT 8-5-04.
 and- SEPTIC/SAND FILTER FOR 08-11-11-BA-00601. RUN AS ONE FOR SIZE,ONSITES FOR 08-11-11-BA-00601.

EXEMPTIONS

Code	Exempt RMV
------	------------

EXEMPTIONS

Code	Year	Amount	Met
LL	2004	-5,860	

MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %
SU: COM UNDEV SITE	R11	LB	0.640	55,000	R1LS-250,PRO-64,EFF-121
SD: COMMERCIAL SITE DEVI	R10S	LT	0.000	35,000	
Total Acres:			0.640		

NBHD %	Total Adj %	Final Value
0.000	1.936	127,130
0.000	0.000	35,000
Total Market Land Value:		162,130

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
------	------------	-------------	-----

Total LSU:

After recording return to:

Smith, Davison & Brasier, PC
PO Box 830
Corvallis, OR 97339-0830

Grantors:

James L. Ruggeri and Carol B. Ruggeri
2664 NW Bluebell Place
Corvallis, OR 97330

Mail tax statements to Grantees:

James L. Ruggeri and Carol B. Ruggeri, Trustees
2664 NW Bluebell Place
Corvallis, OR 97330

Lincoln County, Oregon
02/21/2023 03:02:13 PM
DOC-WD

2023-01050

Cnt=1 Pgs=3 Str=10

\$15.00 \$11.00 \$80.00 \$10.00 \$7.00 - Total = \$103.00



0022848020230010500030035

I, Amy A Southwell, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.



Amy A Southwell, Lincoln County Clerk

WARRANTY DEED

James L. Ruggeri and Carol B. Ruggeri, husband and wife, hereinafter called Grantors, do hereby grant, convey, and warrant to James L. Ruggeri and Carol B. Ruggeri, Trustees of the James and Carol Ruggeri Living Trust dated August 3, 2022, hereinafter called Grantees, and unto Grantees' heirs, successors, and assigns all of that certain real property with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, free of encumbrances except as specifically set forth herein, situated in the County of Lincoln, State of Oregon, described as follows, to-wit:

Legal description attached hereto as Exhibit A.

This property is free from encumbrances except covenants, easements, and restrictions of record.

To Have and to Hold the same unto said Grantees and Grantees' heirs, successors, and assigns forever. This is a transfer to a living trust, and there is no consideration for the transfer.

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of Grantors to preserve any existing title insurance coverage.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

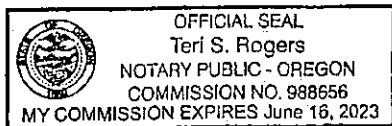
In Witness Whereof, Grantors have executed this instrument August 3, 2022.

James L. Ruggeri
James L. Ruggeri

Carol B. Ruggeri
Carol B. Ruggeri

STATE OF OREGON, County of Benton)ss.

This Warranty Deed is signed and acknowledged before me August 3, 2022, by James L. Ruggeri and Carol B. Ruggeri, Grantors.



Teri S. Rogers
Notary Public for Oregon
My Commission Expires: June 16, 2023

Exhibit A

PARCEL I:

Beginning at the intersection of the Southerly right of way line of the Siletz-Kernville Road No. 229 and the Easterly right of way line of the old U.S. Highway 101 in Section 11, Township 8 South, Range 11 West of the Willamette Meridian and running thence Southerly along the East line of said Highway 101, to the right bank of the Siletz River; thence Easterly along the right bank of said river 300 feet; thence Northerly parallel to the Easterly right of way line of Highway 101 to the Southerly right of way of the said Road No. 229; thence Westerly along said road to the place of beginning, in Lincoln County, Oregon.

EXCEPTING THEREFROM that portion deeded to the State of Oregon by instrument recorded June 28, 1984 in Book 151, Page 950; described as follows:

A parcel of land lying in Lot 2, of Section 11, Township 8 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and being a portion of that property described in that deed to The Bank of Newport, recorded in Film Records, Book 124, Page 149, Filing No. D-44863 of Lincoln County Deed Records; the said parcel being that portion of said property lying Southeasterly of a line at right angles to the retraced centerline of the Siletz Highway at Engineers Station 4 plus 80 which centerline is described as follows:

Beginning at Engineer's centerline Station 2+00, said station being 101.16 feet North and 190.93 feet East of the meander corner of the Northeasterly bank of the Siletz River between Sections 2 and 11, Township 8 South, Range 11 West, Willamette Meridian; thence on a 409.26 foot radius curve left (the long chord of which bears South 37°10' East, 349.2 feet) 360.70 feet to Engineer's centerline Station 5+60.7 back equals 5+60.55 ahead; thence South 62°25' East, 416.29 feet (415.8 feet record) to Engineer's centerline Station 9+76.84 back equals 9+76.5 ahead.

TOGETHER WITH that portion of former U.S. Highway 101 that inures thereto by Abandonment Resolution No. 522A, filed February 29, 1984 in Book 30, Page 2486, Commissioners Journal, Lincoln County, Oregon.

PARCEL II:

A parcel of land lying in Lot 2, of Section 11, Township 8 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 69, Page 566, of Lincoln County Record of Deeds; the said parcel being that portion of said property situated in said Lot 2 and that portion of the abandoned Oregon Coast Highway inuring to said property lying Southwesterly of a line parallel with and 40 feet Southwesterly of the retraced centerline of the Siletz Highway which centerline is described as follows:

Beginning at Engineer's centerline Station 2+00, said station being 101.16 feet North and 190.93 feet East of the meander corner on the Northeasterly bank of the Siletz River between Sections 2 and 11, Township 8 South, Range 11 West, Willamette Meridian; thence on a 409.26 foot radius curve left (the long chord of which bears South 37°10' East, 349.2 feet) 360.70 feet to Engineer's centerline Station 5+60.7 back equals 5+60.55 ahead; thence South 62°25' East, 416.29 feet (415.8 feet record) to Engineer's centerline Station 9+76.84 back equals 9+76.5 ahead.

Bearings are based upon the Oregon Co-Ordinate System, North Zone.

TOGETHER WITH that portion of former U.S. Highway 101 that inures thereto by Abandonment Resolution No. 522A, filed February 29, 1984 in Book 30, Page 2486, Commissioners Journal, Lincoln County, Oregon.

Excepting that portion described in Warranty Deed recorded May 21, 2004, Document 200407751, Film Records.

TOGETHER WITH an easement benefitting Parcels I and II above as included in instrument,

From: Cyril K. Green, Personal Representative of the Estate of Beverly Ann Green, deceased

To: B Green LLC

Recorded: May 21, 2004

Document No.: 200407751, Microfilm Records

PARCEL III:

That portion of U.S. Lot 9, in Section 2, Township 8 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point that is 153 feet East and 53.6 feet North of the fractional corner between Sections 2 and 11, Township 8 South, Range 11 West, of the Willamette Meridian on the right bank of the Siletz River; running thence South 50°08' West, 59.4 feet; thence South 84°48' West, 46.4 feet; thence North 16°15' West, 127.4 feet; thence North 27°52' West, 197 feet; thence North 25°08' East,

100 feet to the West boundary of the Oregon Coast Highway; thence Southeasterly along the West boundary of the highway to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon Highway Commission by deed recorded April 17, 1935, in Book 69, page 566, Deed Records, all being in Section 2, Township 8 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon.

Further excepting that portion described in Warranty Deed recorded May 21, 2004, Document 200407750, Film Records.

TOGETHER WITH an easement 5 feet in width over the following described tract of land:

Beginning at a point that is 68.8 feet East of the meander corner between Sections 2 and 11, in Township 8 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon, and on the East bank of the Siletz River; and running thence East on the Section line, 46.7 feet; thence North 52°10' East 50.5 feet, to the true point of beginning of the herein described easement, said point being on the Westerly right of way of Highway 101; thence North 3°34' West 22.8 feet along the said Highway 101 right of way to the Southeasterly line of the Dill tract described in deed recorded May 23, 1938, in Book 78, Page 377, Deed Records; thence South 50°08' West along said Dill tract to a point on a line which is 5 feet Westerly of and parallel to the Westerly right of way of Highway 101; thence South 3°34' East to a point which is South 52°10' West of the true point of beginning; thence North 52°10' East to the true point of beginning.

TOGETHER WITH an easement 5 feet in width over the following described tract of land lying in Sections 2 and 11, Township 8 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon:

Beginning at the intersection of the Westerly right of way of Highway 101 and the most Northeast corner of that tract conveyed to Donald L. and Florence Olson by instrument recorded May 13, 1980, in Book 111, Page 266, Microfilm Records for Lincoln County, Oregon; thence Southerly along said Westerly right of way 30 feet, more or less, to a section line between said Sections 2 and 11; thence West 5 feet, more or less, to a point on a line which is 5 feet Westerly of and parallel to said highway right of way; thence Northerly 5 feet from and parallel to said West highway right of way 25 feet, more or less, to the North line of the said Olson tract; thence North 52°10' East along said Olson North line to the true point of beginning.

Exhibit H

Lincoln County, Oregon - Maps

Home Extent Measure Print Identify Select Search Advanced Tools Start Over

Catalog Results

Assessment

- Taxlots
- Taxlot Text

Planning

- Special Flood Hazard Area (SFHA)
 - X (Non-Regulatory)
 - A
 - AE
 - AE Floodway
 - AO
 - Open Water
 - VE
 - City
- Base Flood Elevation
- FIRM Panels
- Zoning

Survey Map

- Surveys

Base Map

- Basemap

10 Foot Contours

Areas Impacted by Fire - Sept. 2020

- Areas Impacted by Fire - Sept. 2020
- Aerial Imagery - 9/28/2020

Aerial Photos

Highest Resolution Imagery

- 2023 Aerial Imagery
- 2021 Aerial Imagery
- 2018 Aerial Imagery
- 2013 Aerial Imagery
- 2007 Aerial Imagery

Lower Resolution Imagery

- 2016 Aerial Imagery
- 2011 Aerial Imagery
- 2009 Aerial Imagery
- 2005 Aerial Imagery
- 2000 Aerial Imagery
- 1995 Aerial Imagery

Lidar Hillshade Imagery

- 2009 - 2011 Ground Hillshade
- 2009 - 2011 Canopy Hillshade

- None

Sketch Tools

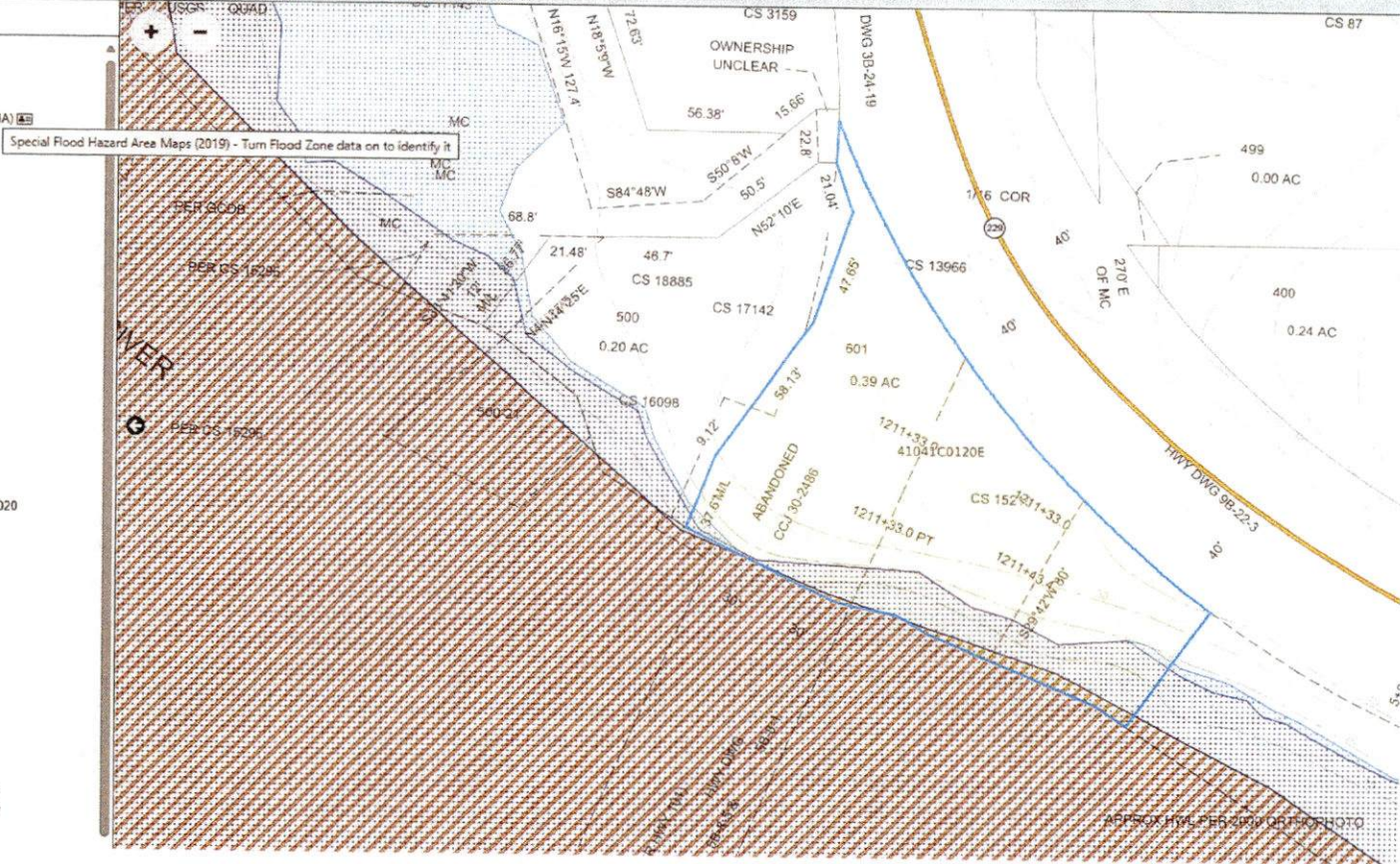
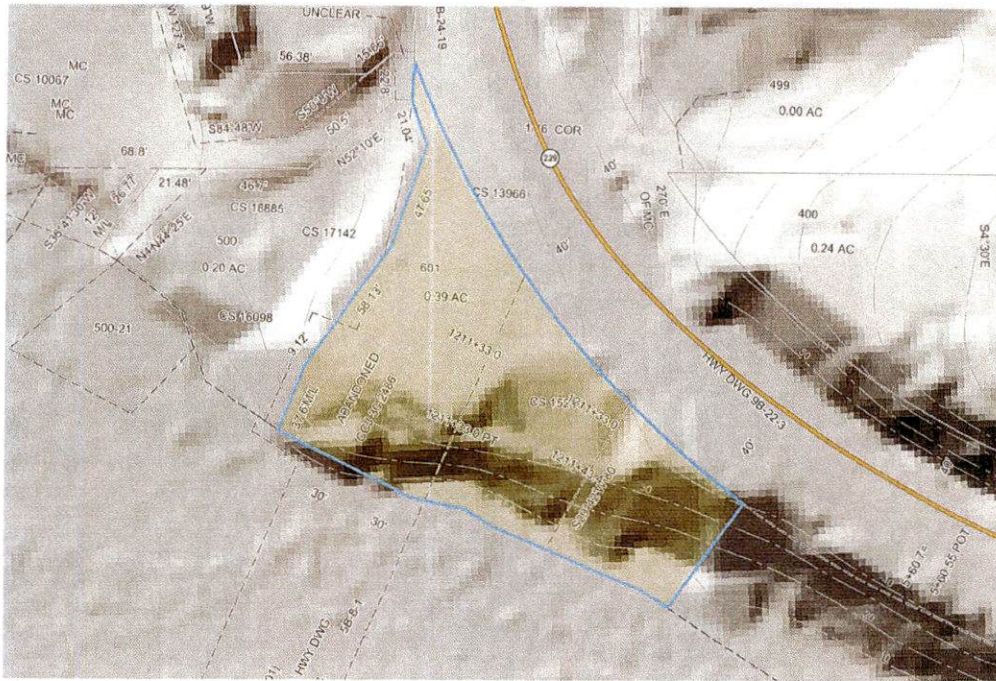


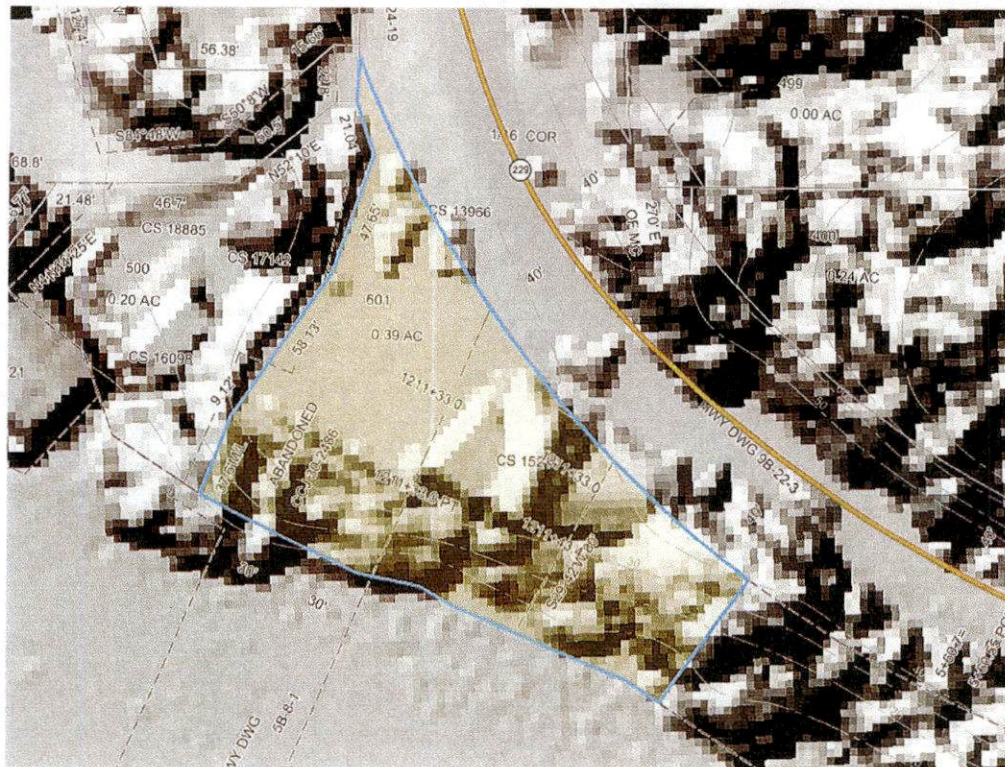
EXHIBIT H

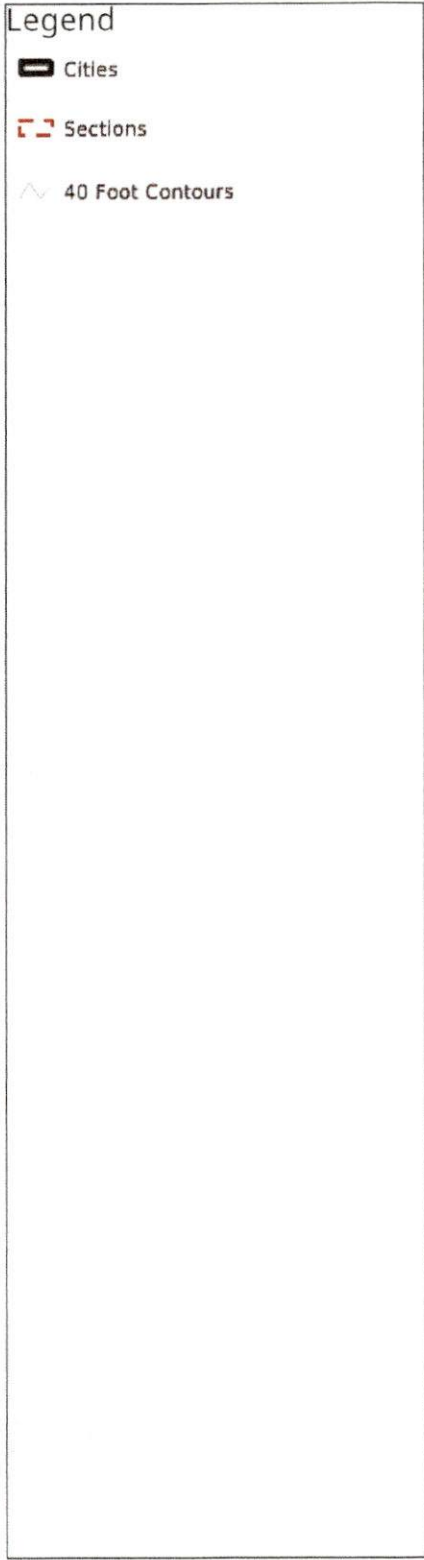
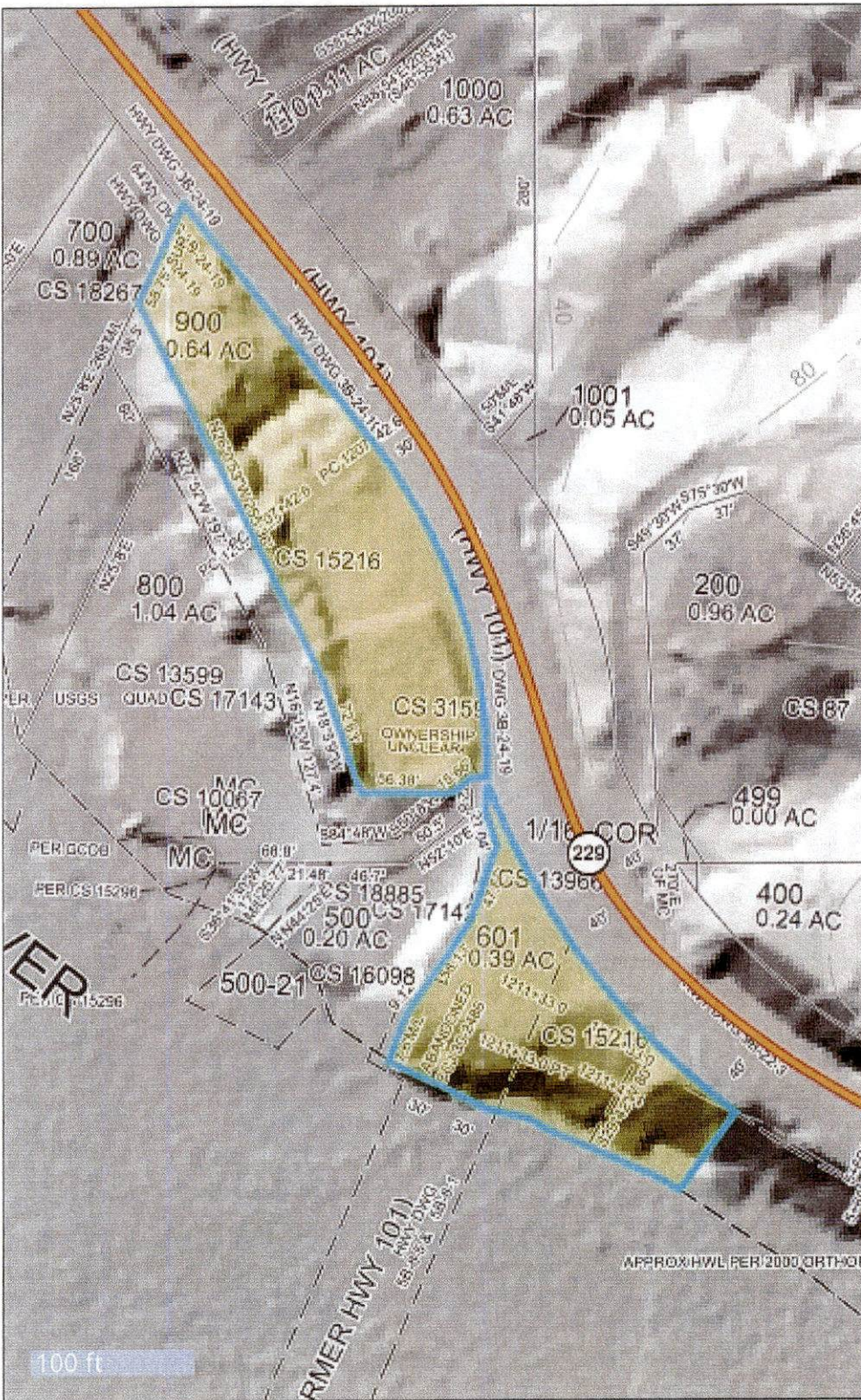
Exhibit H

Ground Hillshade (2009-2011):



Canopy Hillshade (2009-2011):



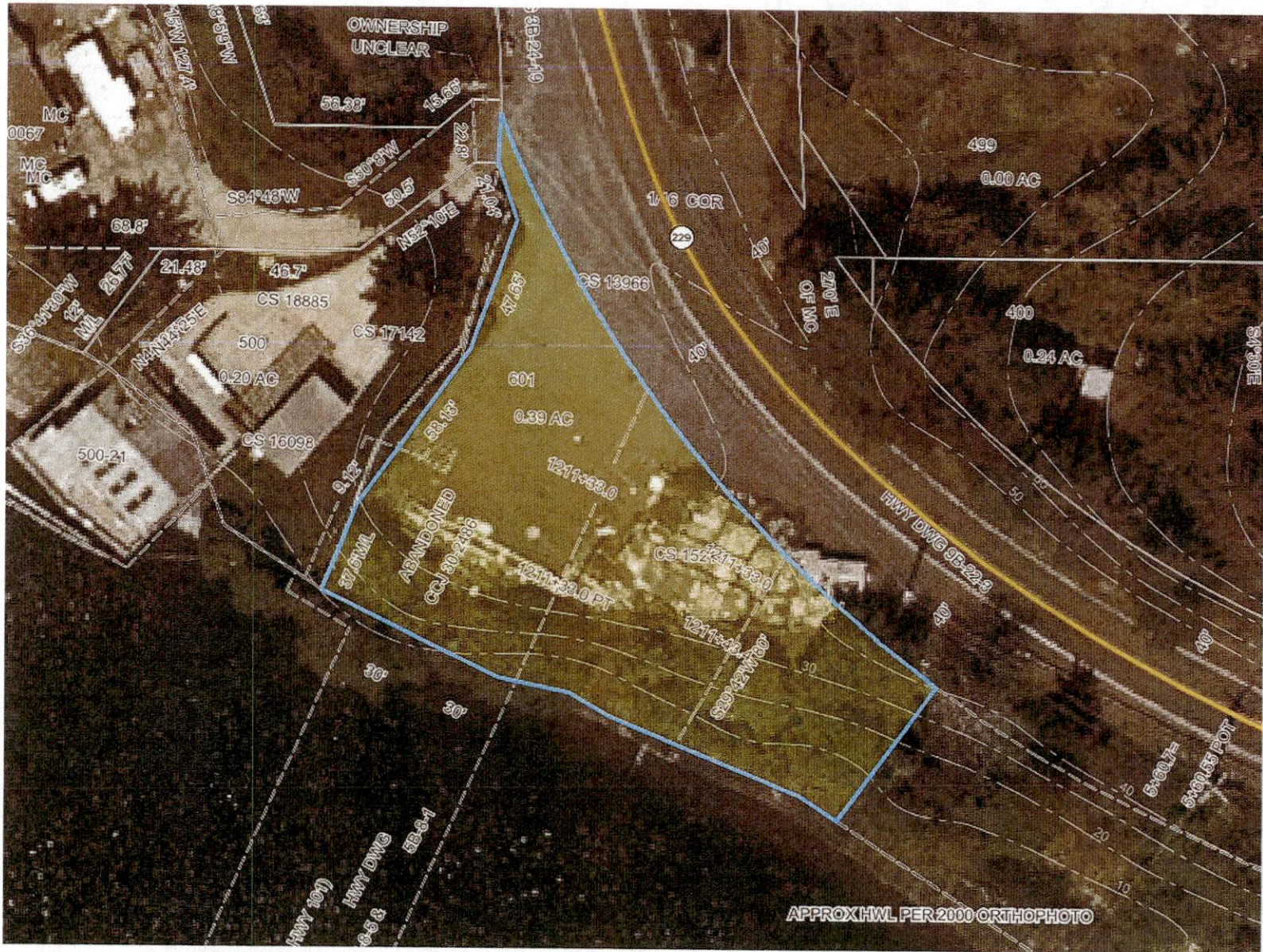


Printed on 10/14/2025 **Tax Lot Data For Assessment Purposes Only**

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.



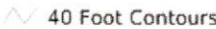


Exhibit I





Legend

-  Cities
-  Sections
-  40 Foot Contours

Printed on 10/14/2025 **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 I

EXHIBIT J:
CORRESPONDENCE

From: [John W. O'Leary](mailto:John.W.O'Leary@metroplanning.com)
To: kim@metroplanning.com
Cc: [Lindsay Bedingfield](mailto:Lindsay.Bedingfield@co.lincoln.or.us); [Planning](mailto:Planning@co.lincoln.or.us); [Jay Sennewald](mailto:Jay.Sennewald@co.lincoln.or.us)
Subject: RE: Tam PA/ZC filing
Date: Tuesday, October 21, 2025 4:01:59 PM
Attachments: [image002.png](#)

Email your application to us and let us get back to you. If it looks like we can accept it as-is we'll have Angele send you a link to pay the fee. I'm copying Jay Sennewald on this email. He's a contract planner working for the County who can evaluate your application for completeness, so make sure you copy him with your response/email. Thank you,



John O'Leary | Senior Planner

a: Second Street Annex | 210 SW Second St. | Newport, Oregon
e: joleary@co.lincoln.or.us | **w:** www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0223

From: kim@metroplanning.com <kim@metroplanning.com>
Sent: Tuesday, October 21, 2025 3:42 PM
To: John W. O'Leary <joleary@co.lincoln.or.us>
Subject: RE: Tam PA/ZC filing

John:

I was just getting ready to file this.

Yes, let's schedule a follow up though I think amending the application will be quite easy. I'd like to get this filed ASAP, so the sooner the better. In the alternative, I can just amend the application, and we can deal with any discrepancies as part of completeness review.

Thank you!

Kim

From: John W. O'Leary <joleary@co.lincoln.or.us>
Sent: Monday, October 20, 2025 3:42 PM
To: Kim O'Dea <kim@metroplanning.com>; Truett Jed <jed@metroplanning.com>
Cc: [Planning](mailto:Planning@co.lincoln.or.us) <[planning@co.lincoln.or.us](mailto:Planning@co.lincoln.or.us)>; [Lindsay Bedingfield](mailto:Lindsay.Bedingfield@co.lincoln.or.us) <lbedingfield@co.lincoln.or.us>
Subject: RE: Tam PA/ZC filing

Hello Kim and Jed,

I don't believe I have been part of this discussion to date, but I wanted to let you know that Megan Hoff has taken another position with the Midcoast Watershed Council, here in Lincoln County, and no longer works for the Lincoln County Planning Division. For all future questions or requests please contact myself and Lindsay Beddingfield, Associate Planner, and please always copy our planning@co.lincoln.or.us email.

Additionally, I need to revise some of the information we have already provided to you. I believe we

informed you that the underlying comprehensive plan designation for the subject parcel was agricultural land. We recently discovered that Lincoln County already moved the rural community center boundary for the community of Kernville in July of 2004 as part of a periodic comprehensive plan review. These reviews would normally result in various map adjustments, corrections and code amendments, and, in this case, it appears that the actual comprehensive plan map was not annotated after the boundary adjustment was made through Ordinance #431. Regardless, that ordinance changed the boundary and the subject property is, in fact, within the Kernville Rural Community Center, meaning that the zoning could be changed from M-P to R-1 without a comp plan amendment.

I've attached the relevant documents on this matter for your reference. This would change the application you would submit for a zone change, so if you are still planning to make this application to Lincoln County, please let us know. We can schedule follow up to the pre-app meeting you already paid for to clarify what this means and how to incorporate this information into a future application. If you have any questions please let us know.

Thank you,



John O'Leary | Senior Planner

a: Second Street Annex | 210 SW Second St. | Newport, Oregon
e: joleary@co.lincoln.or.us | w: www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0223

From: Megan Hoff <mhoff@co.lincoln.or.us>
Sent: Tuesday, September 23, 2025 4:49 PM
To: Kim O'Dea <kim@metroplanning.com>; Truett Jed <jed@metroplanning.com>
Cc: Planning <planning@co.lincoln.or.us>; John W. O'Leary <joleary@co.lincoln.or.us>;
Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>
Subject: Re: Tam PA/ZC filing

Hi Kim and Jed,

It was nice meeting you both today!

As discussed, please find attached the Kernville Exception Papers as well as the adopted comp plan map.

Also, our Environmental Health Specialists are Brian Crawford (bcrawford@co.lincoln.or.us) and Zak Hovey (zhovey@co.lincoln.or.us)- you can contact them with any septic related questions. To request any information about the septic records and/or new applications, you can email the Onsite Division Permit Specialist, Shonna, at lconsite@co.lincoln.or.us

Please let us know if you have any other questions.

Thank you!

Megan

Due to the high volume of inquiries I am receiving, my responses are delayed. Thank you for your patience.



Megan Hoff | Senior Planner

a: 210 SW Second St., Newport, Oregon 97365
e: mhoff@co.lincoln.or.us | **w:** www.co.lincoln.or.us
p: Main 541-265-4192

From: Angela Gaudet <agaudet@co.lincoln.or.us>
Sent: Monday, August 4, 2025 8:24 AM
To: Kim O'Dea <kim@metroplanning.com>
Cc: Megan Hoff <mhoff@co.lincoln.or.us>; Truett Jed <jed@metroplanning.com>; Planning <planning@co.lincoln.or.us>
Subject: RE: Tam PA/ZC filing

I will find out and let you know.



Angela Gaudet | Planning Technician

a: 210 SW Second St., Newport, Oregon 97365
e: agaudet@co.lincoln.or.us | **w:** www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0237

From: Kim O'Dea <kim@metroplanning.com>
Sent: Saturday, August 2, 2025 7:37 AM
To: Angela Gaudet <agaudet@co.lincoln.or.us>
Cc: Megan Hoff <mhoff@co.lincoln.or.us>; Truett Jed <jed@metroplanning.com>; Planning <planning@co.lincoln.or.us>
Subject: Re: Tam PA/ZC filing

Yes, that works. Please schedule.

Will this be in person or via zoom?

Sent from my iPhone

On Aug 1, 2025, at 1:41 PM, Angela Gaudet <agaudet@co.lincoln.or.us>

wrote:

Hello – After speaking with the planners and reviewing their schedules, we found that the earliest date for a pre-application meeting is the morning of Tuesday, September 16. Let me know what time works for you and I can get it scheduled.

Thank you.

[<image001.png>](#)

Angela Gaudet | Planning Technician

a: 210 SW Second St., Newport, Oregon 97365

e: agaudet@co.lincoln.or.us | **w:** www.co.lincoln.or.us

p: Main 541-265-4192 | Direct 541-265-0237

From: kim@metroplanning.com <kim@metroplanning.com>

Sent: Thursday, July 31, 2025 9:39 AM

To: Megan Hoff <mhoff@co.lincoln.or.us>; 'Jed Truett'

<jed@metroplanning.com>; Planning <planning@co.lincoln.or.us>

Subject: RE: Tam PA/ZC filing

Angela:

Pleased disregard the applicant's filing request. Attached is a copy of our materials (consider this a draft). Please schedule a preapplication meeting.

Thank you,

From: Megan Hoff <mhoff@co.lincoln.or.us>

Sent: Thursday, July 31, 2025 9:17 AM

To: kim@metroplanning.com; Jed Truett <jed@metroplanning.com>

Cc: John W. O'Leary <joleary@co.lincoln.or.us>; Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>; Planning <planning@co.lincoln.or.us>; Onno Husing <ohusing@co.lincoln.or.us>

Subject: Re: Tam PA/ZC filing

Hello,

Thanks for your response.

There has been no pre-application meeting for a zone change or plan

amendment application with this Department for map and tax lot 08-11-11-BA-00601. See Lincoln County Code 1.1204, attached.

In short, a pre-application meeting is required prior to submittal. We generally need a minimum of two-three weeks to review the draft application materials but it could be longer if the application is complex, such as a plan amendment.

Please email your draft application materials and request for a pre-application to planning@co.lincoln.or.us and our Planning Technician, Angela, will then work to schedule a pre-application meeting and give you the relevant information on fees.

Thank you,

Megan

Due to the high volume of inquiries I am receiving, my responses are delayed. Thank you for your patience.

[<image001.png>](#)

Megan Hoff | Senior Planner

a: 210 SW Second St., Newport, Oregon 97365
e: mhoff@co.lincoln.or.us | w: www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0233

From: kim@metroplanning.com <kim@metroplanning.com>
Sent: Thursday, July 31, 2025 9:12 AM
To: Megan Hoff <mhoff@co.lincoln.or.us>; Planning <planning@co.lincoln.or.us>
Cc: Jed Truett <jed@metroplanning.com>
Subject: RE: Tam PA/ZC filing

Megan:

It was my understanding that Mr. Tam had already had a meeting with the department. If that is not the case, please confirm. I will withdraw and request a pre-app.

Also, what is the code citation for the pre-app requirement so that I can reference it in my email?

Thank you and sorry for the confusion.

From: Megan Hoff <mhoff@co.lincoln.or.us>
Sent: Thursday, July 31, 2025 9:01 AM
To: Planning <planning@co.lincoln.or.us>
Cc: kim@metroplanning.com; John W. O'Leary <joleary@co.lincoln.or.us>;
Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>; Onno Husing
<ohusing@co.lincoln.or.us>
Subject: Re: Tam PA/ZC filing

Hello,

A pre-application meeting is required prior to any submittal of a zone change or plan amendment at Lincoln County.

Please withdraw this application and email planning@co.lincoln.or.us to set up a pre-application meeting first. A fee is required.

Thank you,

Megan

08-11-11-BA-00601

Due to the high volume of inquiries I am receiving, my responses are delayed. Thank you for your patience.

<[image001.png](#)>

Megan Hoff | Senior Planner

a: 210 SW Second St., Newport, Oregon 97365
e: mhoff@co.lincoln.or.us | w: www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0233

From: kim@metroplanning.com <kim@metroplanning.com>
Sent: Thursday, July 31, 2025 8:52 AM
To: Planning <planning@co.lincoln.or.us>
Cc: Megan Hoff <mhoff@co.lincoln.or.us>
Subject: Tam PA/ZC filing

Good morning:

Attached is an application for a Plan Amendment and Zone change for David Tam. Please let us know how to pay the filing fee. Please confirm receipt of this email.

<image002.png>

Metro Planning, Inc.

Urban and rural land use planning, development and consulting services

846 A Street

Springfield, OR 97477

541-302-9830

www.metroplanning.com

Exhibit J



Vanessa Truett <vanessa@metroplanning.com>

Tam: Exhibit J

kim@metroplanning.com <kim@metroplanning.com>

Wed, Jul 30, 2025 at 10:19 AM

To: Jacob Roth <jacob@metroplanning.com>, Vanessa Truett <vanessa@metroplanning.com>

Please print this email and the attachments. Include in the Tam submission as Exhibit J. Email on top.

----- Forwarded message -----

From: **John W. O'Leary** <joleary@co.lincoln.or.us>

Date: Mon, Jul 8, 2024 at 9:31 AM

Subject: RE: 186 Siletz Hwy

To: Onno Husing <ohusing@co.lincoln.or.us>, david tam <davidyuentam@gmail.com>

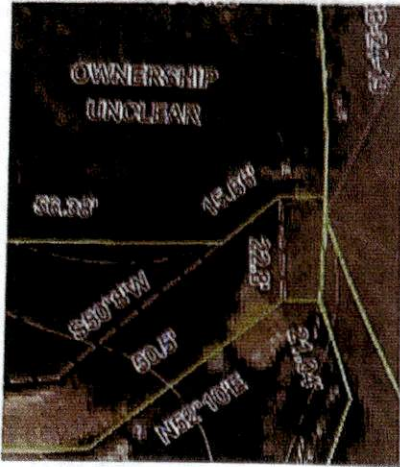
Cc: Brian L. Crawford <bcrawford@co.lincoln.or.us>, Zachary Hovey <zhovey@co.lincoln.or.us>, Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>, Megan Hoff <mhoff@co.lincoln.or.us>, Vanessa Howard <vhoward@co.lincoln.or.us>

Hello Mr. Tam,

I briefly looked over the documents you sent and I would agree that these appear to establish access and utility easements for the properties at 170 and 182 Siletz Hwy (08-11-02-CC-00800 and 08-11-11-BA-00500). That being said, Lincoln County Planning staff cannot provide legal interpretations of deeds, easements and legal descriptions – i.e. I could be wrong, so you should verify this with your own legal counsel. If you submitted an application to the County for some sort of development or land use permit that required us to consider the existing access to the properties noted above, we would apply our standards based on your assertion that the easements described in those documents existing and was valid. Without going into a lot of detail about where we start and stop with this analysis, we will assume, based on the information you provide with any application for this property, that there's a private road serving those other two properties, and any development you propose is going to have to accommodate that access.

So, the most important thing I think you should know about this is that a private vehicular access easement is treated as a private road under Lincoln County Code, and requires a minimum 20-foot setback for all building and structures. Given the configuration of the easement, I'm going to guess that this is not going to be an issue, but please plan accordingly. Also, you have a minimum 30-foot setback from the Hwy property line, and 10-foot setback from the higher-high water line of the river. There's regulated floodplain along the river anyway, so I would plan on staying out of that entirely with any proposed development and that should accommodate the minimum setback in most/all cases.

In context to some of your statements, there appears to be a small portion of the easement noted above that may have some conflicting ownership. This is based on a notation found on the Lincoln County Tax Assessor's Map; see below:



I have no idea what this is, so you may want to contact the Assessor's Office for information on this notation. I would strongly encourage you to sort this out before moving forward with a zone change application. These types of complications can get in the way of decision by the County on a zone change or other land use application – not always, but you don't want to take any chances with an application like this.

Finally, I want to emphasize that, while planning staff agrees that changing the zoning at this location would facilitate other development such as a single family dwelling, our opinion is not a guarantee that a zone change application will be feasible. These types of requests are complicated and tedious to prepare, and I would not recommend that you do this without consulting with attorney or planning consultant who has experience with county land use processes in Oregon.

I hope this helps; if you have any other questions please let us know,



John O'Leary | Senior Planner

a: Second Street Annex | 210 SW Second St. | Newport, Oregon
e: joleary@co.lincoln.or.us | w: www.co.lincoln.or.us
p: Main 541-265-4192 | Direct 541-265-0223

08-11-02-CC-00900

08-11-11-BA-00601

From: Onno Husing <ohusing@co.lincoln.or.us>
Sent: Friday, July 5, 2024 12:43 PM
To: david tam <davidyuentam@gmail.com>; Lindsey Bedingfield <lbedingfield@co.lincoln.or.us>
Cc: Brian L. Crawford <bcrawford@co.lincoln.or.us>; Zachary Hovey <zhovey@co.lincoln.or.us>
Subject: Re: 186 Siletz Hwy

David, you impress me.

I would encourage you to ground truth the log-work you have done with a real estate attorney. The issues related to the septic system, since it was approved by DEQ, need to be directed to DEQ.

Onno Husing

From: david lam <davidyuonlam@gmail.com>
Sent: Friday, July 5, 2024 11:22 AM
To: Onno Husing <ohusing@co.lincoln.or.us>; Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>
Subject: Fwd: 186 Siletz Hwy

Onno and Lindsay,

I did a lot of heavy lifting doing research on the site as well as the neighboring sites and the list of the docs that correspond to them.

182 Siletz Hwy Deed doc 2020-8424

Easement for West wall of Kernville property 2004-07751

Easement for driveway 2011-11547

Easement for driveway 2013-6063

170 Siletz Hwy Deed Doc 2013-6064

186 Siletz Hwy Deed Doc 2023-1050

Screenshot of lot lines according to county

Here is what I found:

1. I believe that there is already an easement from the kernville site to the other land owners, granting them ingress and egress.
2. In document 2013-6063 it even says that the easement is to allow the installation and maintenance of utilities to serve both lots.
3. I have reviewed the other properties of 170 and 182 and they both reference the same easement documents.
4. The grantor is the Kernville site to Grantees 170 Siletz and 182 Siletz

I would like to see if you read the documents the same way I do or am I wrong?

If worse case scenerio, I am wrong, can I put an ATT system in because when talking with the septic company, they informed me that we could remove the blacktop and put an ATT system in place where the BLUE is on the screenshot that I shared. It takes about 3 of the parking spaces and would be viable with the setback requirements.

They also shared the following:

They think that drainfield is likely just fine if it was a pressure transport situation vs gravity but we should have the lines checked if the septic system is still functioning and if the easements are there.

He also believes if a piece of property has had a system on it/has had a structure on it that has been taxed, the county should be able to make accommodations that allow you to update the system.

His last statement was that between the property lines and the road along the hwy, there are Oregon HWY 229 setbacks for utilities. The beginning of everybody's driveway is not owned by them. From white lines on road to property lines is the public utility easement owned by ODOT.

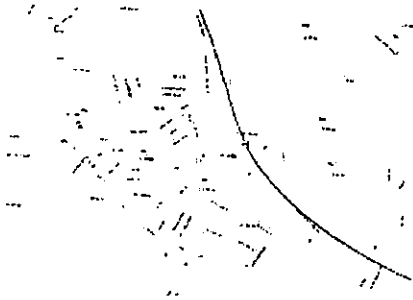
With all of this being said and my research is correct, then we will move forward in acquiring and if successful, I will like to arrange another call or meeting in person to take notes about what I need to prepare and how to change the zoning.

Sincerely,


David Yuen Tam


541.554.9350


6 attachments




Screenshot 2024-07-01 230227.png
225K

 Document 2013-6063 (1).pdf
343K

 Document 2004-7751 (1).pdf
306K

 Document 2020-8424.pdf
218K

 Document 2011-11547.pdf
328K

 Document 2023-1050.pdf
215K

Thanks
Jed

----- Forwarded message -----

From: Onno Husing <ohusing@co.lincoln.or.us>
Date: Thu, Apr 3, 2025 at 1:30 PM
Subject: Re: 186 Siletz Hwy
To: Vanessa Truett <vanessa@metroplanning.com>
CC: Megan Hoff <mhoff@co.lincoln.or.us>, John W O'Leary <joleary@co.lincoln.or.us>, Lindsay Bedingfield <lbedingfield@co.lincoln.or.us>, Angela Gaudet <ngaudet@co.lincoln.or.us>

RE: 08-11-11-BA-00601

Vanessa, I am not a fellow PPPM from several decades ago. I got a masters degree in city and regional planning from the U of North Carolina at Chapel Hill. I am a graduate of the U of O School of Law (Class of 88).

There are major issues with that property. The original steak house was a non-conforming use of that property. It is zoned Planned Marine (along with other properties on that side of the road in that vicinity). So, that property, under that zoning, cannot support a new restaurant to replace the old restaurant that burned down because after a year of non-use under our code, the non-conforming use (the restaurant) was discontinued, and is no longer valid.

At this point, a case can be made that that parcel and several other parcels in the vicinity with the same zoning (planned marine) may need to be re-zoned. Why? Several of those parcels on the hill don't have access to the river and the demand for marine usage of that area has declined radically. And, I understand the chances Oregon DSL will provide permits to dredge the estuary to allow for marine usage of properties that front the river is remote. That makes using those properties for water-dependent activities exceedingly difficult.

In addition, that parcel, the old restaurant, has a septic system on a second lot nearby. But, I have been told, by a respected source, that the septic line from the restaurant parcel crosses private property (not in the ownership of the current owners) to get to the drainfield on the other parcel. I understand there is no easement. I can't or won't confirm the status of that septic line because that's not our job to check on that.

Onno Husing
LINCOLN COUNTY PLANNING

From: Vanessa Truett <vanessa@metroplanning.com>
Sent: Thursday, April 3, 2025 11:23 AM
To: Onno Husing <ohusing@co.lincoln.or.us>
Subject: 186 Siletz Hwy

Greetings!

My name is Vanessa Truett and I work out of Springfield at MetroPlanning. I am a fellow PPPM from several decades ago.

I'm writing because I have a client who is looking to build at 186 Siletz Hwy (the old Steakhouse). I couldn't find much on Acaela. Are you able to access the original drawings of the Kernville Steak House, as it would have data to show the foundation structure that would help us determine usage?



Vanessa Truett <vanessa@metroplanning.com>

Ex J another email to print

1 message

kim@metroplanning.com <kim@metroplanning.com>

Wed, Jul 30, 2025 at 10:23 AM

To: Jacob Roth <jacob@metroplanning.com>, Vanessa Truett <vanessa@metroplanning.com>

----- Forwarded message -----

From: **Onno Husing** <ohusing@co.lincoln.or.us>
Date: Tue, Jun 24, 2025 at 12:33 PM
Subject: Re: Spam: 186 Siletz Hwy Zoning Inquiry
To: Jacob Roth <jacob@metroplanning.com>

Uh, our plan does not designate "future zones." What seems logical to me is an R-1 residential use.

Please note we have received credible information that the drainfield for the former restaurant is on a separate parcel and part of the system may cross a third parcel under a different ownership without authorization.

Onno Husing

LINCOLN COUNTY PLANNING

From: Jacob Roth <jacob@metroplanning.com>
Sent: Tuesday, June 24, 2025 12:12 PM
To: Onno Husing <ohusing@co.lincoln.or.us>
Subject: Spam: 186 Siletz Hwy Zoning Inquiry

Hi Onno,

My name is Jacob Roth and I work for Metro Planning. I am currently trying to find what zone the Lincoln County Comprehensive Plan designates the old steakhouse for a future re-zone. If you don't mind pointing me in the right direction of a diagram/map showing this info that would be greatly appreciated.

Thank you,

Jacob Roth

--

Metro Planning, Inc.
Urban and rural land use planning, development and consulting services
846 A Street
Springfield, OR 97477
541-302-9830
www.metroplanning.com

EXHIBIT K
KERNVILLE
GOAL EXCEPTION

LINCOLN CITY II CONTINUED

Description - Area : An area south of Schooner Creek adjacent to the City limits of Lincoln City in 7-11-26 and 35.

Findings: Approximately 24 acres in 31 lots, located on steep forestland. This is an old town plat. The City of Lincoln City's sewage treatment plant lies to the northeast. Longview Fibre owns 242 acres of land to the east and south. The city limits is adjacent to the west. 3 houses are existing. The area is served by a paved road.

Rationale: The average lot size is less than one acre. The proximity to city services and paved road combined with the existing dwellings commits this land to a non-forest resource use.

Plan: Dispersed Residential.

Description - Area : An area north of Drift Creek adjacent to Drift Creek County Road (109) in 7-11-35.

Findings: An area of approximately 60 acres, divided into 52 parcels. Longview Fibre owns forest land to the north and Drift Creek borders the south. Drift Creek Road divides the property. A dike forms the bank of the creek near the intersection with Hemlock Drive; the roadbed is also a dike. Approximately 25 houses exist in the area.

Rationale: The average parcel size is less than 2 acres. The existing parcels and houses commit this land to a non-farm or forest uses.

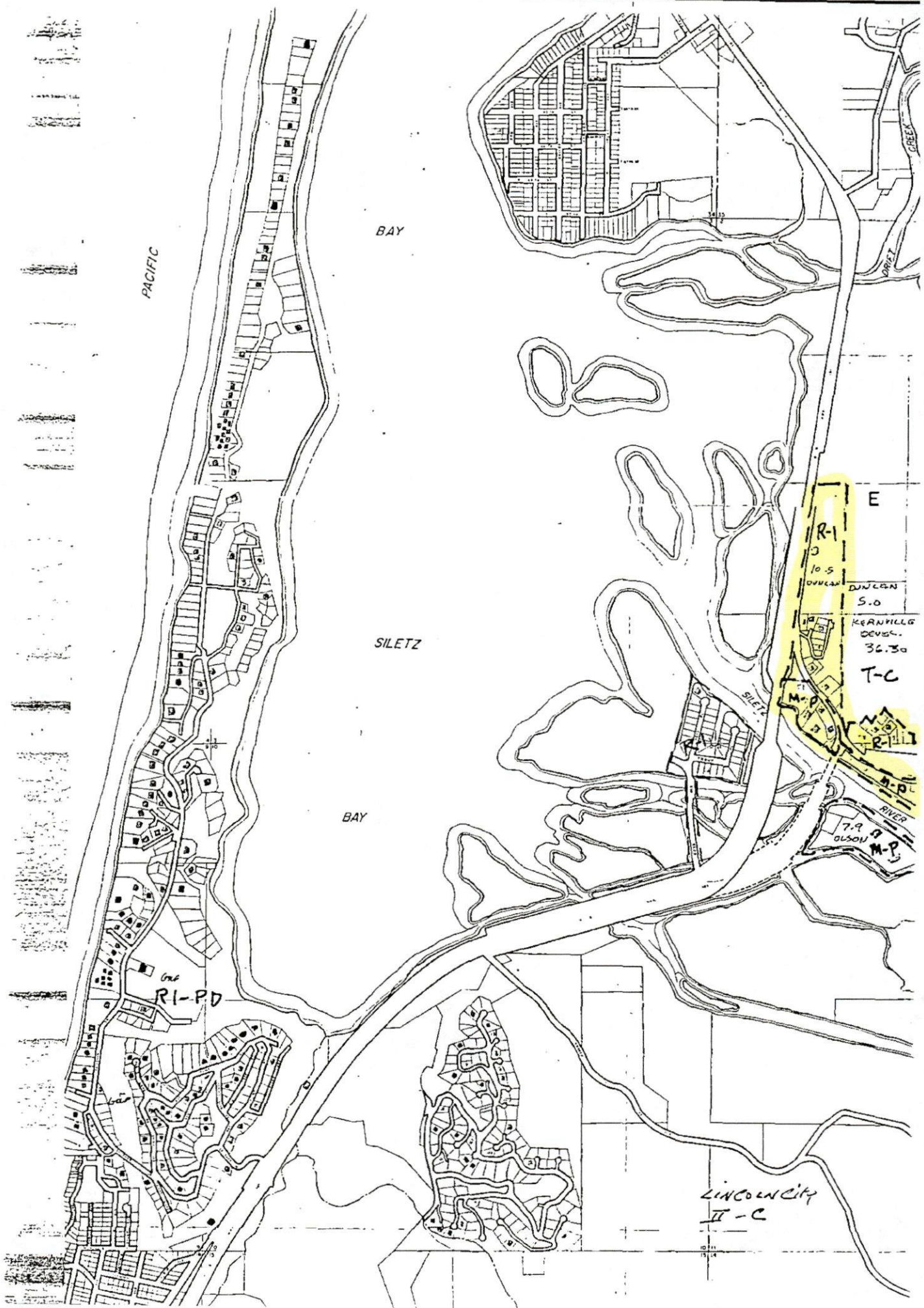
Plan: Dispersed Residential

Description - Area : Historic community of Kernville at the junction of Highway 101 and Highway 229. North of the Siletz River in 8-11- 2 and 11.

Findings: An area of approximately 26 acres, in 33 parcels, 25 structures including 20 houses, 2 marinas, boat/saw and repair facilities, store, RV park and tavern. Kernville development and Publishers Paper own forested parcels to the north and east. Topography is steep. Water is available from Kernville-Gleneden Beach-Lincoln Beach Water District. One large parcel of 10 acres was striped of top soil to provide fill for the highway bridge.

Rationale: The existing commercial services, highway access, as well as alternative access, many dwellings and community water commit this land to non-forest uses.

Plan: Rural Community Center.



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1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 In the Matter of:)
4)
5 *Amendment of Comprehensive Plan Inventory*)
6 *for Lincoln County (Rural Unincorporated*)
7 *Communities)*)

RESOLUTION # 04-21-7D

8
9 WHEREAS periodic review of the Lincoln County Comprehensive Plan, Task 5 for the
10 Lincoln County Work Program as modified April 8, 2003, Department of Land Conservation and
11 Development Order 001458, requires evaluation of rural, unincorporated communities in relation
12 to Statewide Planning Goal 14 (urbanization) as implemented by the Oregon Land Conservation
13 and Development Commission (LCDC) through adoption of Administrative Rules establishing
14 planning standards for those unincorporated communities. Those rules are found in OAR Chapter
15 660, Division 22, Unincorporated Communities; and

16 WHEREAS the Lincoln County Planning Commission has completed its review of the
17 task and has made recommendations to the Lincoln County Board of Commissioners, which
18 include an amended Comprehensive Plan Inventory, attached as Exhibit "A" to this Resolution,
19 several substantive code changes, an exception to Statewide Planning Goal # 14 for the Otter
20 Rock and Lincoln Beach-Gleneden Beach Areas, and Comprehensive Plan and Zoning
21 Amendments for a number of properties; and

22 WHEREAS the Lincoln County Board of Commissioners received and reviewed the
23 recommendations of the Planning Commission, held a public hearing on the proposed changes,
24 and is now prepared to amend its Comprehensive Plan to implement the recommendations,
25 including the amendment of the Comprehensive Plan Inventory for Rural Unincorporated
26 Communities; and

Page 1 RESOLUTION No. 04-21-7D

Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108



EXHIBIT K
RESOLUTION
04-21-7D

1 WHEREAS Lincoln County adopted, in conjunction with the Comprehensive Plan, the
2 Comprehensive Plan Inventory by Resolution 80-25-6; as amended on February 24, 1982 by
3 Resolution 82-24-2; June 7, 1982 by Resolution 82-7-6, and July 12, 2000 by Resolution 00-12-7;

4 NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED THAT:

5 1. The "Lincoln County Exceptions Paper, Rural Unincorporated Communities,
6 Inventory" attached hereto as Exhibit "A" is hereby adopted as an amendment to the Lincoln
7 County Comprehensive Plan Inventory.

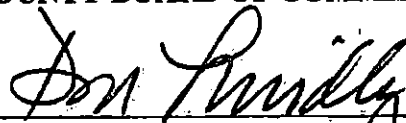
8 2. All Inventory data and information shall be maintained in the office of the Lincoln
9 County Department of Planning and Development and shall be available for use and review by the
10 public.

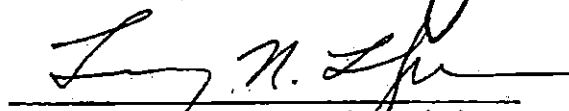
11 3. The inventory materials contain references to Comprehensive Plan and Zoning
12 Map Amendments, a Goal 14 Exception and other amendments to the Lincoln County Code.
13 Those amendments and the exception are adopted by separate ordinances by Lincoln County. To
14 the extent, if any, that this inventory document differs from those ordinances, the ordinances shall
15 control.

16 4. A copy of this Resolution be provided to the Director of Planning and
17 Development and County Counsel.

DATED this 21st day of July, 2004.

LINCOLN COUNTY BOARD OF COMMISSIONERS


DON LINDLY, Chair


TERRY N. THOMPSON, Commissioner


JEAN COWAN, Commissioner

J:\LC\VEAMES\Planning\Periodic Review Tasks 03-04\Resolution Rural Communities Comp Plan Inventory.doc

Page 2 RESOLUTION No. 04.21.7D

Office of Lincoln County Legal Counsel
225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108

Exhibit "A"

LINCOLN COUNTY EXCEPTIONS PAPER

RURAL UNINCORPORATED COMMUNITIES

Inventory

**Comprehensive Plan Periodic Review
Task 5**

**(Lincoln County Periodic Review Work Program, Task 5, as modified April 8,
2003, Department of Land Conservation and Development (DLCD) Order
001458)**

Note: This document contains references to Comprehensive Plan and Zoning Map Amendments, a Goal 14 Exception and amendments to the Lincoln County Code. Those amendments and the exception are adopted by separate ordinance by Lincoln County. To the extent, if any, that this inventory document differs from those ordinances, the ordinances shall control.

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INTRODUCTION

Historical development of identifiable "communities" in Lincoln County has not been limited to incorporated cities. Oregon's statewide land use planning laws enacted in 1973 limited "urban" growth opportunities to incorporated cities; however, throughout Oregon small "rural communities" had been established which were essentially unrecognized in the state's planning framework. Shaped by economic and social influences, Lincoln County's rural communities took different forms: some communities developed along the coastline as recreational and vacation centers while others were centers of commerce as the location of sawmills, fish processing or other resource based economic activities. Commonly, these communities featured a general store or other commercial services, and a public gathering place. Often Granges, churches, schools or other organizations were the social focal point of these communities.

At the time that the Oregon Statewide Planning Goals went into effect, many of these "rural communities" were well established as identifiable communities. During the development of the Lincoln County Comprehensive Plan in the late 1970s, a number of historically developed communities were identified as being irrevocably committed to non-resource uses. Though some of these rural communities included some urban-type development, most were not developed to the intensity that they could be considered truly "urban" areas. Under Lincoln County's Comprehensive Plan these unincorporated communities were identified as resource goal "exception areas" and were designated as "Rural Community Centers" or "Rural Service Centers".

In 1994 the Land Conservation and Development Commission adopted new administrative rules establishing planning standards for Unincorporated Communities (OAR 660, Division 22). This rule establishes parameters for planning and zoning of unincorporated communities in relation to the requirements of Statewide Planning goal 14 (Urbanization). The purpose of this element of the Lincoln County Comprehensive Plan is to integrate the Unincorporated Communities Rule into the Lincoln County Comprehensive Plan and land use code.

UNINCORPORATED COMMUNITIES RULE (OAR 660, Division 22)

LCDC's Unincorporated Communities Rule is known as Oregon Administrative Rule (OAR) 660, Division 22. The purpose of this division is "to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities". (OAR 660-22-000(1)). Division 22 interprets Goals 11 and 14 with regard to urban and rural development outside urban growth boundaries.

The OAR for unincorporated communities contains the following sections:

OAR 660-22-000: Purpose
OAR 660-22-010: Definitions
OAR 660-22-020: Designation of Community Areas
OAR 660-22-030: Planning and Zoning of Unincorporated Communities
OAR 660-22-040: Urban Unincorporated Communities
OAR 660-22-050: Community Public Facility Plans
OAR 660-22-060: Coordination and Citizen Involvement
OAR 660-22-070: Applicability

(see Appendix A for OAR 660-22)

The OAR defines an "Unincorporated Community" as a settlement which:

- a) is made up of lands subject to an exception to Statewide Planning Goal 3, or Goal 4, or both;
- b) is designated in a county's acknowledged comprehensive plan as a "rural community", "service center", rural center or similar term before the Unincorporated Communities Rule was adopted;
- c) lies outside the urban growth boundary of any city;
- d) is not incorporated as a city; and
- e) meets the definition of one of the four types of unincorporated communities (Resort Community, Rural Community, Rural Service Center, or Urban Unincorporated Community). (OAR 660-22-101(9))

UNINCORPORATED COMMUNITY CLASSIFICATIONS

OAR 660-22-010 defines four types of unincorporated communities: 1) Rural Communities; 2) Rural Service Centers; 3) Resort Communities; and 4) Urban Unincorporated Communities. Classifications 1 through 3 apply to rural unincorporated communities; classification 4 applies only to urban unincorporated communities.

Resort Community

A **Resort Community** is defined as an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes; and

- a) includes residential and commercial uses; and
- b) provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations. (OAR 660-220010(5)).

Lincoln County does have areas historically developed primarily for recreation and resort purposes. While there are portions of or individual uses within certain unincorporated communities which are primarily used for recreational or resort purposes, there are no designated unincorporated communities where this is the current primary use throughout the entire community. It is concluded that, based on the OAR 660-22 criteria, there are no unincorporated communities within Lincoln County appropriate for designation as Resort Community.

Rural Community

A **Rural Community** is defined as an unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area. (OAR 660-22-010(6)).

Lincoln County has ten communities meeting the criteria for classification as Rural Communities. They are: Beverly Beach, Eddyville, Elk City, Kernville, Otter Rock, Rose Lodge, San Marine, Seal Rock, Starr Creek, and Tidewater. (NOTE: Amendments to the current Rural Community Center boundaries for the communities of Kernville, and Tidewater are required for purposes of consistency with the rule.)

Rural Service Center

A **Rural Service Center** is defined as an unincorporated community consisting primarily of commercial and industrial uses providing goods and services to the

surrounding rural area or to persons traveling through the area, but which also includes some dwellings. (OAR 660-22-010(7)).

Harlan is the one community in Lincoln County that qualifies as a Rural Service Center. Pursuant to the definition of Rural Service Center contained in the Rule, the communities of Burnt Woods, Losgden and Otis Junction will be declassified.

Urban Unincorporated Community

A Urban Unincorporated Community is defined as an unincorporated community which has the following characteristics:

- a) includes at least 150 permanent dwelling units including manufactured homes;
- b) contains a mixture of land uses, including three or more public, commercial, or industrial land uses;
- c) includes areas served by a community sewer system; and
- d) includes areas served by a community water system. (OAR 660-22-010(8)).

Lincoln County has two existing unincorporated communities (Lincoln-Gleneden Beach and The Inn at Otter Crest) which meet the minimum criteria for classification as Urban Unincorporated. However, primarily because levels of existing development in these communities exceed the size and intensity limits of the rule, it is concluded that it is not appropriate to plan and zone these communities under this rule. Instead, the county has chosen to take Goal 14 exceptions for these communities as provided for in OAR 660-22-070 (4). The findings and reasons, which provide the basis for these exceptions, are found in the Goal 14 exception element of the comprehensive plan.

LINCOLN COUNTY RURAL UNINCORPORATED COMMUNITIES (RUCs)

Listing of All Rural Unincorporated Communities

The map on the next page depicts all designated rural unincorporated communities in Lincoln County. Below is a list of these communities, grouped by their classification.

Individual maps of each community are located in the appendix.

Rural Communities

Beverly Beach
Eddyville
Elk City
Kernville
Otter Rock
San Marine
Starr Creek
Tidewater
Rose Lodge
Seal Rock

Rural Service Centers

Harlan

RURAL COMMUNITIES

As defined by the Unincorporated Communities Rule, a Rural Community is, "an unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surroundings rural area, or to persons traveling through the area." Ten rural unincorporated communities within Lincoln County fall under the classification of **Rural Community**. The County's Rural Communities are:

Beverly Beach
Eddyville
Elk City
Kernville
Otter Rock
Rose Lodge
San Marine
Seal Rock
Starr Creek
Tidewater

Rural Community Findings

1. Each rural community consists primarily of residential uses.
2. Public or community water systems provide service in eight of the ten rural communities. These eight communities are Beverly Beach, Kernville, Otter Rock, Rose Lodge, San Marine, Seal Rock, Starr Creek, and Tidewater. Eddyville School operates its own water system and serves a handful of dwellings in the community, but does not provide service on a community wide basis.
3. Fire protection is provided for eight of the ten communities by Rural Fire Protection Districts. These eight communities are Beverly Beach, Kernville, Otter Rock, Rose Lodge, San Marine, Seal Rock, Starr Creek and Tidewater.
4. Post offices are located in the communities of Eddyville, Otter Rock, Rose Lodge, Seal Rock and Tidewater.
5. There are no officially designated emergency shelters in the rural communities.
6. Churches, granges or community halls are present in six of the ten communities. These six communities are Eddyville, Elk City, Otter Rock, Rose Lodge, San Marine, Seal Rock and Tidewater.
7. The Lincoln County School District provides public education to school-aged children of Lincoln County. Eddyville School, currently operating as a charter school, is the only school facility located in a rural community.
8. Commercial uses are located in all of the ten rural communities.

9. Public land ownerships, primarily state and county parks, are located in eight of the ten rural communities. These seven communities are Beverly Beach, Eddyville, Elk City, Otter Rock, Rose Lodge, San Marine, Seal Rock and Tidewater.
10. Industrial uses or industrially zoned properties are located in two of the ten rural communities. These two communities are San Marine and Eddyville.
11. All lands within the rural community boundaries are acknowledged exception lands committed to nonresource uses. These lands are referenced in the Lincoln County Comprehensive Plan and identified in the Lincoln County Committed Lands Inventory and Exceptions document. A Goal 2 exception process was undertaken for these lands at the time of the original acknowledgment of the comprehensive plan.
12. Each of the identified rural communities contains dwellings and at least 2 other land uses.
13. Existing land use regulations applied to rural communities specify residential densities based on the available level of public facilities, i.e., sewer and water. Levels of available service vary depending on the individual community or, in some cases, the location within the community. By limiting residential densities to appropriate levels based on available levels of services, Lincoln County land use regulations ensure that densities will comply with the carrying capacity requirements of OAR 660-022-0030 (8).
14. When final comprehensive plan maps were adopted, portions of the rural community of Kernville, which were described in the acknowledged exceptions inventory, were erroneously excluded from the mapped community boundary. These lands are identified on the map of Kernville contained in this document. The lands in question are currently developed and/or committed to non-resource uses and are subject to acknowledged exceptions to Goal 4. These lands have been determined to be appropriate for inclusion within the rural community boundary in accordance with OAR 660, Division 22.
15. The rural community boundary of Tidewater currently excludes contiguous lands which are developed with commercial uses. These lands have historically been considered part of the community, and are subject to acknowledged exceptions to Goal 4 as land physically developed for other uses. In addition, the Tidewater Post Office was moved from a location within the community boundary to a location just outside the boundary after plan acknowledgment. It is currently located on lands subject to an acknowledged Goal 4 committed lands exception. These lands have been determined to be appropriate for inclusion within the rural community boundary in accordance with the criteria of OAR 660, division 22.

Residential Densities in Unincorporated Communities

The unincorporated communities rule sets no numerical limits on residential densities within unincorporated communities. It does, however, establish a performance standard that cumulative development ... "will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and, will not exceed the carrying capacity of the soil or of the existing water supply resources and sewer services." [OAR 660-022-0030 (8)].

Current land use regulations applied to unincorporated communities control residential densities by specifying varying minimum parcel sizes based on the level of available water and sewer service. In areas or circumstances where neither sewer nor community water are available, residential densities are limited to rural levels (two acre minimum parcel sizes). In situations where only community water is available, regulations require a transitional density of 15,000 square foot minimum lot sizes in order to provide sufficient area to accommodate on-site sewage disposal. Suitability for installation of appropriately sited on-site sewage disposal systems is governed by DEQ rules, administered by the Lincoln County On-Site Waste Management Division. In areas where full urban services, i.e., both community water and sewer, are available, new lot creations may achieve urban densities of 6,000 square feet.

Land division regulations applicable to the review of new lot or parcel creations require the application of this density standard, together with a requirement to certify the availability of the appropriate level of service prior to final approval. This certification takes the form of verification from the appropriate service provider(s) that the required type and level of service is in place to serve the proposed new lots or parcels. Similarly, regulations require the approval for on-site disposal pursuant to DEQ rules for any proposed new lot or parcel to be served by an on-site sewage disposal system.

Currently, public or community water systems provide service in eight of the ten rural communities. These eight include Beverly Beach (portions of), Kernville, Otter Rock, Rose Lodge (portions of), San Marine, Seal Rock, Starr Creek and Tidewater. Eddyville School operates its own water system and serves a handful of dwellings, but does not provide water on a community-wide basis. Presently, sanitary sewer is available only in a portion of the Otter Rock rural community.

The use of this system of graduated density, applied through the land division provisions of county land use code requiring concurrency, (i.e. certification that the required services are available to serve any proposed new development), ensures that the carrying capacity requirements of OAR 660-02200030 (8) are met.

Rural Community Profiles

The following provides a brief profile of the general character of each of the County's Rural Communities, including a set of maps for each community (a vicinity map, and a Plan and zoning designation map). The communities appear in alphabetical order in both the profile and map sections.

Beverly Beach

Beverly Beach is situated approximately two miles north of the City of Newport, and east of Highway 101. The community covers an area of approximately 260 acres and includes Beverly Beach State Park (zoned P-F; public facilities), developed residential neighborhoods (zoned R-1; single-family residential), and commercial uses (zoned C-1; commercial). Beverly Beach is a fully functioning Rural Community with residential, local-commercial and public uses.

Managed by the Oregon State Parks and Recreation Department, Beverly Beach State Park has historically provided recreational opportunities for tourists and local residents. The Park comprises a large public ownership of approximately 127 acres. The existing convenience store and laundromat, which serve both the tourist and local resident populations, were developed in the late 1960's. Residential subdivisions in this area were first platted in the 1930's, while existing lots and parcels have historically developed over the years.

Beverly Beach Water District operates a community system serving this area, although current capacity to deliver additional services is limited. No public or community sewer service is currently available. The developed portion of the community is within the boundaries of the Carmel-Foulweather Sanitary District; however the district does not currently provide sanitary sewer service. In an area of approximately 133 acres, there are 167 existing lots or parcels. A total of 107 lots are residentially developed and 60 remain vacant.

This area is characterized as upland marine terrace with geologic hazards along the ocean shoreline.

Eddyville

The community of Eddyville is situated approximately 14 miles east of Toledo, along Highway 20 at its intersection with Nashville Rd. It encompasses land area surrounding the confluence of the Yaquina River and Little Elk Creek. The community covers an area of approximately 110 acres. Settlement in the community of Eddyville began before the turn of the century. Historically,

Eddyville was a community center providing employment and commercial services in the east-central part of Lincoln County. It included a sawmill, post office, three stores, gas station, church, a public school, a grange, a cemetery and dwellings. The Willamette Pacific Railroad Line passes through Eddyville, providing commercial service from the Willamette Valley to Toledo.

While the sawmill, stores and gas station have since closed (one of the stores is open on an intermittent basis), the Eddyville School, cemetery, church, and post office (zoned R-1; residential) are in operation. In the early 1980s, a veneer mill operation was established on the industrially zoned site of the former sawmill. This mill provided a local employment base for several years, but has recently ceased operation. Additional lands are publicly owned by the Lincoln County School District and State of Oregon. A mushroom farm, selling product both retail and wholesale, is also located within the community. Eddyville is a fully functioning Rural Community with residential, local-commercial and public uses.

The Eddyville School water system serves several homes in the area, otherwise there is no public or community water or sewer system serving the community. Of the 24 existing lots or parcels, 14 are residentially developed and 10 remain vacant.

This area is characterized by inland alluvial bottom lands associated along the Yaquina River floodplain, surrounded by rising coastal hillsides. Constraints to development are a function of the relatively isolated location of Eddyville and limitation of employment opportunities and services. New home construction has been essentially non-existent within the community for the past several years.

Elk City

Elk City is situated at the confluence of the Yaquina River and Big Elk Creek, at the intersection of Harlan Rd. (County Road #538) and Elk City Rd. (County Rd. #533). The community covers an area of approximately 11 acres and includes a County Park and boat ramp (zoned P-F; public facility), the Elk City Store and Recreational Vehicle Park (zoned C-1; commercial), Elk City Grange, and a number of dwellings (zoned R-1; residential). Settlement in the area of Elk City began before the turn of the century. It is an historic rural community with existing development of small platted lots and established commercial uses providing a rural service center for this area of the east county. Elk City is a fully functioning Rural Community with residential, local-commercial and public uses.

No public or community water or sewer service is available in this area. Of the 68 existing lots or parcels, 9 are residentially developed and 53 remain vacant.

This area is characterized by inland alluvial bottomlands associated with Yaquina River floodplain. Development in Elk City is significantly affected by its location within the floodplain of the Yaquina River and Big Elk Creek. Development in the area is additionally affected by soil limitations for the installation on-site sewage disposal systems.

Kernville

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, in addition to residential uses. (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 delivered by the Kernville-Lincoln Gleneden Beach Water District.

Steeper upland slopes comprised of siltstone characterize the area immediately east of and adjacent to Highway 101. Portions of this area adjacent to Highway 101 contain massive ancient landslide topography. Farther east of the highway and north of Highway 229, the area levels out and is partially within the Siletz River floodplain. West of this community is the Siletz Bay, Salishan Spit, and ocean.

Otter Rock

The community of Otter Rock, approximately 5 miles north of the City of Newport, is situated between Highway 101 and the ocean on the south side of Cape Foulweather. The community encompasses an area of approximately 302 acres. In 1904, Willard Jones acquired the area of Otter Rock, which was then

a part of an Indian allotment. After purchasing the land, Jones filed the first subdivision of the area, the plat of Otter Rock. Prominent Lincoln County resident Benjamin F. Jones acquired the Otter Rock plat along with additional adjoining land three years later in 1907. Soon thereafter, B. F. Jones filed the plat of the Jones and Nehrbas First Addition to Otter Rock, resulting in the subdivision of most of the remaining area of present day Otter Rock. In 1908 Jones built a cottage in Otter Rock, which still exists today. With Jones' promotion, the Otter Rock area, with its scenic, sheltered beach, quickly became a popular destination for tourists for camping, beachcombing, swimming and surfing. Several sets of vacation cottages were developed in the area, along with the Horning Hotel, which was owned by Benjamin Jones' brother in law, Thomas Hart Horning. The Horning Hotel was destroyed by fire in 1927, but many of the beach cottages built in the 1920s and 1930s are still standing today. The original plats filed by Willard and B.F. Jones comprise most of the developed area of the present day Otter Rock community.

The remaining portion of the community is located on the former estate of Thomas Henry Banfield, a noted Portland industrialist and civic leader. In 1934, Banfield acquired a sizable acreage immediately north of the platted area of Otter Rock, where he built a home. Mr. Banfield died in 1950, and the home was subsequently converted into a resort called West Shore Manor. After a substantial portion of West Shore Manor was destroyed by fire in the early 1960s, the property was rebuilt with cottages, guest rooms and a restaurant and renamed Banfield by the Sea. Banfield by the Sea continued in operation until 1971, when the property was redeveloped into its present use, the Inn at Otter Crest. An additional portion of the former Banfield estate was developed in the late 1970s as the Seacrest residential planned development.

Otter Rock continues today as a popular visitor destination, with Devil's Punch Bowl State Park, the Marine Gardens and other local beach accesses attracting sightseers, beachcombers, surfers and other recreationists. The community still hosts numerous second and vacation homes, as well as an established population of permanent residents.

Present uses within the Otter Rock community include single-family residential, overnight lodging facilities, neighborhood/tourist commercial operations, public park facilities, and other public uses, including a post office, fire station and community hall.

Residential development in Otter Rock covers an area of approximately 171 acres or 57% of the total land area of the community. Most of this development is concentrated within the historically platted area of the community adjacent to Devil's Punchbowl State Park. Additional single-family development is located in the Seacrest planned development, adjacent to the Inn at Otter Crest. In all, there are 437 lots within the residential area of the community; these lots are developed with 140 single-family dwellings. Of the

437 existing lots, 297 remain vacant. In addition, there are approximately 79 acres of currently undeveloped land zoned for single-family residential use located within the community boundary. This acreage is presently held in four separate parcels/ownerships.

The historically platted area of the community is comprised mostly of lots of 5,000 square feet. In most cases, the developed properties consist of multiple subdivision lots, which have been aggregated for purposes of gaining additional area to accommodate on-site sewage disposal. However, the overall average size of these aggregated ownerships is still just over one-third of an acre. The Seacrest planned development is a densely developed neighborhood with lot sizes as small as 3,000 square feet, which are served by a private sanitary sewer facility.

Approximately 46 acres within the community are devoted to commercial uses. The dominant commercial use is the Inn at Otter Crest (for which an exception to the Rule will be taken), a resort complex with 144 condominium units, each of which can be split into two separate accommodations, for a total of 288 units. In addition to these lodging accommodations, the inn also includes a restaurant, bar and conference facilities with a floor area of approximately 14,000 square feet. Private sewer and water systems serve the inn. Additional commercial development is located adjacent to Devil's Punch Bowl State Park at the end of First Street. Uses include retail commercial and a restaurant. The Alpine Chalet, a commercial lodging facility with 11 units, is located on Otter Crest Loop at the southeastern corner of the community.

Public uses within the Otter Rock Community include the Depoe Bay Fire District station and the Otter Rock Post Office, both located near the intersection of First Street and Otter Crest Loop. The Otter Rock Community Center building, located on Gladys Street, serves as the office for the Otter Rock Water District as well as a community meeting place. The largest public land use, Devil's Punch Bowl State Park, is centrally located near the west end of First Street. This is a day-use park managed by the Oregon Parks and Recreation Department, and includes picnic facilities, parking areas, restrooms, and improved beach access.

As described previously, the community is a cohesive neighborhood of urban density uses. Geographic features, both natural and man-made, separate the neighborhood from surrounding areas and have historically defined the limits of the developed community. The place name Otter Rock has customarily been defined by these boundaries.

The historic development of the Otter Rock community was based primarily on the area's attraction to visitors: the scenic sheltered beach and outstanding natural setting. Over the years, these same natural features have continued to draw vacationers as well as an established population of permanent residents.

Two predominant geographic features have historically defined the community. Highway 101 (and before it, the railroad) established the eastern and southern boundary of the community. To the north, development of the community was limited by the rugged topography and ocean bluffs of Cape Foulweather.

Rose Lodge

Rose Lodge is situated approximately one and one-half miles east of the intersection of Highways 101 and 18 and extends east approximately 4 miles. It more or less follows Highway 18, North Bank Road and the Salmon River. The community covers an area of approximately 981 acres and includes residential lots and parcels (zoned R-1; single-family residential), public parks (zoned P-F; public facility) and commercial uses, most of which are zoned C-1; commercial. Historically, residential subdivisions were platted and have developed over the years to include both permanent residents and vacation homes. Additional commercial uses such as a garden and nursery center, a recreational vehicle park, antique shops and other assorted retail uses also serve the community. Public uses include a community center, rural fire station, the post office, and an Oregon Department of Fish and Wildlife fish hatchery. Rose Lodge is a fully functioning Rural Community with residential, local-commercial, and public uses.

Portions of the community are served by one water district (Panther Creek) and several private community water systems (Echo Mountain Park, Guptil, Salmon River Water Company and Riverbend Park Water System). No public or community sewer service is available. Of the existing 1067 existing lots and parcels, 729 are residentially developed and 338 remain vacant.

This area is characterized by varying topography ranging from steeper, upland slopes with landslide topography to a narrowly confined valley where it follows the Salmon River. Portions of the valley floor are subject to flooding and contain a high groundwater table. Historically developed subdivisions are generally found adjacent to the Salmon River and along North Bank Road.

Seal Rock

Seal Rock is situated approximately 10 miles south of the City of Newport and encompasses area on both the east and west sides of Highway 101. It covers an area of approximately 223 acres. Similar to the rural communities of San Marine and Starr Creek, Seal Rock developed around the tourism and timber industries. Historically, residential subdivisions were platted and have developed over the years to include both permanent residents and vacation homes (zoned R-1; single-family residential). Currently, the Seal Rock Rural Community

supports a number of other uses, including retail businesses, antique shops, restaurants, real estates services, a fire station, water district office, post office and community garden club (zoned C-T; tourist commercial, and C-2 ; general commercial). A number of public parks serve both the tourist and local resident populations (zoned P-F; public facilities). Seal Rock is a fully functioning Rural Community with residential, local-commercial, and public uses.

Seal Rock Water District delivers water service to this community; no public or community sewer service is available. In an area of approximately 223 acres, of the 751 existing lots or parcels, a total of 236 are residentially developed and 515 remain vacant. These existing vacant lots are mostly historically platted subdivision lots, which are generally of insufficient area to be developed on an individual basis. Therefore, the potential for additional residential development on these existing lots and parcels is significantly less, probably by a factor of four or more, than the total number of individual lots.

This area is characterized by marine terrace overlain by dune sand bounded by the west by the ocean and on the east by upland, easterly rising hills. Constraints to development include coastal recession and slope sloughing along the ocean shore, and high groundwater tables.

San Marine

San Marine is situated approximately 3 miles north of the City of Yachats, and east of Highway 101. It covers an area of approximately 168 acres. Historically, employment and housing associated with the sawmill on Camp One Road influenced development in this community. Tourism has also been a significant factor in the growth of this community, with the development of overnight accommodations and other commercial uses. Full-time and vacation dwellings have also developed over the years. The mill has since closed and been replaced by an auto wrecking yard, and tourism continues to be economically viable along the coastal strip in this community. At least 2 retail stores and 2 hotels/motels continue to provide services (presently zoned R-1; residential) in this area. Public uses include the offices of the Southwest Lincoln County Water District. San Marine is a fully functioning Rural Community with residential, local-commercial and public uses.

Southwest Lincoln Water District delivers water service to this community; no public or community sewer service is available. Of the 583 existing lots or parcels, 195 are residentially developed and 388 remain vacant.

Located east of Highway 101, this area can be characterized by gently sloping topography of marine terrace deposits and high groundwater table.

Starr Creek

Starr Creek is situated immediately north of the City of Yachats Urban Growth Boundary, encompassing area on both the east and west sides of Highway 101. It covers an area of approximately 148 acres. Similar to the Rural Community of San Marine, Starr Creek developed around the tourism and timber industries. Historically, residential subdivisions were platted and have developed over the years to include both permanent residents and vacation homes. Commercial uses include retail galleries and gift shops. In addition, a segment of the Oregon Coast Hiking Trail, known as the "804 Trail", is a public use located in this community. The "804 Trail" is a well-used pedestrian way along the ocean shoreline. Starr Creek is a fully functioning Rural Community with residential, local-commercial and public uses.

Southwest Lincoln Water District delivers water service to this community; although no public or community sewer service is available. Currently, the San Marine Rural Community supports several retail and wholesale artist galleries, retail and wholesale nursery, and a cemetery. Of the 372 existing lots and parcels, 213 are residentially developed and 159 remain vacant. A small portion of this community is designated R-4, which in addition to allowing single and/or multi-family residential development, also conditionally allows hotels, motels, and gift shops, among other uses. However, absent sewer service, development of multi-family and/or commercial uses is unlikely.

This area can be characterized gentle to steeper sloping topography consisting of marine terrace deposits and high groundwater table. Starr Creek flows through the southern end of the community from the eastern hills, crossing under the highway and discharging into the ocean. Areas adjacent to the ocean are subject to development constraints associated with coastal erosion and ocean flooding.

Tidewater

Tidewater is situated approximately 10 miles east of Waldport, adjacent to and near the head of tide of the Alsea River. The rural community covers an area of approximately 42 acres. Historically, boating, sport fishing and other outdoor recreational opportunities have long been an attraction to Tidewater. Uses in the area include permanent and recreational residential development, a post office, marina, recreational vehicle park, restaurant, gas station, fire hall, and general store. The State of Oregon also holds public ownership of lands within this rural community. Although the general store is currently closed, other uses in the area continue at their historical levels. Zoning in the rural community is C-T (Tourist Commercial) and is R-1, residential. (NOTE: The Tidewater post office has been relocated to a site immediately adjacent to, but outside of the

current rural community boundary. Lincoln County proposes to amend the boundary for purposes of incorporating the location of the new post office.

Alsea Riviera Improvement District is a cooperatively managed water system serving a number of homes in the area, although capacity to deliver additional services is limited. No other public or community sewer service is available. Of the 87 existing lots or parcels, 55 are residentially developed and 32 remain vacant.

This area can be characterized as an inland valley, river front community consisting of alluvial bottomlands associated with the Alsea River floodplain. The Alsea River floodplain further limits the potential for additional development.

RURAL SERVICE CENTERS

As defined by the Unincorporated Communities Rule, a Rural Service Center is "an unincorporated community which consists primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings. One of the eleven rural unincorporated communities within Lincoln County falls under the classification of **Rural Service Center**. The community of Harlan is the only community, which qualifies as a Rural Service Center.

Rural Service Center Findings

1. Lands within the rural service center communities are exception lands committed to nonresource use. These lands are referenced in the Lincoln County Comprehensive Plan and identified in the Lincoln County Committed Lands and Exception Inventory. All lands currently within the boundaries of the four rural service centers are subject to acknowledged exceptions to Goals 3 and/or 4.
2. The community of Harlan is the site of a former sawmill and contains property historically used and suitable for industrial uses. Harlan also contains residential uses.

Rural Service Center Profile

Harlan

Harlan is situated at the intersection of Harlan-Burnt Woods Road (County Road #547) Harlan Road (County Road #538) and Mary's Peak Road (County Road 618), in the eastern part of the county. It covers an area of approximately 52 acres. Historically, the community of Harlan developed around the 3G Lumber Company mill site, with a cluster of surrounding residences serving a local market. It functioned as a crossroads for rural east county. Presently, the mill and store are closed, but the mill property is zoned I-P (planned Industrial) and now owned by Lincoln County. Rural residents continue to occupy this rural service center.

No community public facilities serve this area. Of the 7 existing lots or parcels, 5 are residentially developed and 2 remain vacant. Under the present R-1 (residential) zoning, no additional new lots or parcels can be created.

This area can be characterized as a relatively level landscape with some areas of high groundwater.

COMPREHENSIVE PLAN MAP AMENDMENTS

Boundary Amendments

Two existing unincorporated communities in Lincoln County fall short of strictly complying with the unincorporated communities rule. These two rural communities are Kernville and Tidewater. When Lincoln County's Comprehensive Plan was originally conceived, these two historic communities consisted of residential uses and at least two other land uses consistent with the rural community plan designation. Over time, however, a number of the "other land uses" closed or changed in nature. In the case of the rural community of Kernville, a mapping error excluded rural community lands described in the acknowledged Lincoln County Comprehensive Plan Exceptions Inventory. In the case of Tidewater, the U.S. Post Office, which was once located in the now closed Tidewater Store, was relocated to a parcel just outside of, but contiguous to, the existing rural community boundary. For this reason, Lincoln County proposes to expand the Tidewater rural community boundary to incorporate this public use and, similarly to expand the Kernville rural community boundary to include those existing commercial uses that were erroneously excluded from the boundary. These expansions are for "house-keeping" purposes and will establish the boundaries of these communities consistent with the unincorporated communities rule.

Proposed Boundary Amendment for Kernville

The historic community of Kernville was settled at the confluence of the Siletz River and Bay at what eventually became the intersection of Highways 101 and 229. It was originally settled principally to support the salmon canneries built here. It later supported other uses associated with the fishing industry, both sport and commercial, and the river in this area was used extensively for water transport and storage of logs. Current uses include recreational and tourist uses, and residential uses.

At the time the Lincoln County Comprehensive Plan was drafted, the Exceptions Inventory described Kernville as including 2 marinas, boat launch and repair facilities, store, recreational vehicle park and restaurant/tavern, in addition to residential uses. However, when the Lincoln County Comprehensive Plan was adopted with final mapping, such mapping erroneously excluded several of the commercial and industrial properties described in the Exceptions Inventory from the rural community boundary. This resulted in the present rural community (as mapped) consisting of primarily residential uses.

Those areas excluded are located between the Siletz River and Highway 229, and east of Highway 101. Presently, these subject properties contain an existing marina and part-time RV Park, the Kernville Steakhouse and Tavern, and a few adjoining vacant properties under the same ownership as those

where the commercial uses are located. These properties are currently zoned M-P (Planned Marine).

The subject properties proposed for inclusion within the Kernville Rural Community include the following: Property identified on Lincoln County Assessor's Map #8-11-2CC as tax lots 500, 700, 801, 800 and 900; and Map #8-11-11BA as tax lots 500 and 601. Including these parcels within the rural community boundary will correct the original mapping error.

Proposed Boundary Amendment for Tidewater

The Tidewater community has historically included dwellings (both for permanent residents and vacationers), a post office, fire hall, general store, gas station, marina, recreational vehicle park, and restaurant. Salmon, steelhead, and cutthroat trout sport fishing on the Alsea River, along with other outdoor recreational opportunities have long been an attraction in the Tidewater area.

At the time the Lincoln County Comprehensive Plan was drafted, the Tidewater Post Office was located in the Tidewater store. The general store is presently closed and the U.S. Post Office has since relocated to a site immediately adjacent to the existing rural community boundary. Lincoln County proposes to amend the rural community boundary of Tidewater to include the U.S. Post Office property, as it provides a service integral to the community. The subject property is identified on Lincoln County Assessor's Map #13-10-27CA as tax lot 800 and is currently zoned RR-2.

Also located immediately adjacent to the existing rural community boundary is the Kozy Kove restaurant, marina with convenience store, and recreational vehicle park. Although not included within the original Rural Community boundary, this use has historically been considered a part of the Tidewater community. These commercial, small-scale, low impact uses are consistent with the types of existing and permitted uses under the Unincorporated Communities Rule, and given their contiguity to the existing boundary, Lincoln County proposes to amend the boundary to incorporate this property into the rural community boundary. The subject property is located on Lincoln County Assessor's Map #13-10-28CA as tax lots 200, 300, 400, and 500 and is currently zoned M-P (Planned Marine)

Plan Designation Amendment for Nashville

The rural community of Nashville was originally designated rural community because of its historic place name and the fact that it historically served as a center of community activity. At one time the community of Nashville supported a spruce production mill, temporary forest work camps and dwellings. The Willamette Pacific Railroad Line still cuts through the community

on its route between Toledo and the Willamette Valley. But today, the area consists predominantly of scattered rural residences and farmland. Few remnants of the old mill remain at the original site; there are no public or commercial uses. The current zoning of A-C (agricultural conservation) reflects this present use.

The applicable portion of the unincorporated communities rule states... "A Rural Community is defined as an unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area." (OAR 660-22-010(6)).

Absent "two other land uses", the community of Nashville fails to meet the OAR definition of a rural community; retaining the designation of the area as a rural community would thus be inconsistent with the rule. Pursuant to the applicable OAR requirements, Lincoln County proposes to amend the current Rural Community Center Plan Designation of Nashville to a plan designation of Agricultural Land.

Plan Designation Amendment for the Communities of Burnt Woods, and Logsdan and Otis Junction

As defined by the Unincorporated Communities Rule, a Rural Service Center is "an unincorporated community which consists primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings. Three communities currently classified as Rural Service Centers include Burnt Woods, Logsdan, and Otis Junction.

Burnt Woods is situated at the intersection (former) of Highway 20 and Spout Creek Road (County Road #547), at the eastern end of Lincoln County. It covers an area of approximately one acre and includes the Burnt Woods store and one home. Zoning of the property is C-1, commercial. No community public facilities serve the store or residence. Given the limited size of the area, existing uses and parcel sizes, no additional lots or parcels may be created.

Logsdan is situated approximately eight highway miles east of Siletz, at the intersection of Logsdan Road (County Road #410) and Moonshine Park Road (County Road #307). It covers an area of ½ acre and consists of the Logsdan Country Store and post office. Historically, the community of Logsdan developed to serve local residents engaged in the agricultural and logging industries. Today, the country store and post office are still operating and service the local surrounding community, as well as anglers and other

recreationists visiting the upper Siletz River area. The site is zoned C-2 (commercial). No community public facilities serve the store and post office. No dwellings are located within this boundary. No additional new lots or parcels can be created.

Otis Junction is situated at the intersection of Highway 18 and Old Scenic Highway 101, at the north end of Lincoln County. It covers an area of approximately 8 acres. Historically, the Otis Junction provided services to the surrounding community, including needed service for the Highway 18 corridor such as a towing business and gasoline service station. Today, Otis Junction consists of a post office, the Otis Café, a gas station/mini-market, and small retail store. It continues to provide services to neighboring communities, as well as to travelers on the Highway 18 corridor. Presently, there are no dwellings are located within this community and there is no potential for creating residential lots. Zoning in this rural service center is C-1, commercial.

Absent the presence of "some dwellings", in combination with the limited scope of commercial or industrial development, the communities of Burnt Woods, Logsdon, and Otis Junction fail to meet the OAR definition of a rural community; retaining the designation of the area as rural service centers would thus be inconsistent with the rule. Pursuant to the applicable OAR requirements, Lincoln County proposes to amend the current Rural Service Center Plan Designation of Burnt Woods, Logsdon and Otis Junction to a plan designation of Commercial.

ZONE MAP AMENDMENTS

Within unincorporated communities, existing commercial uses currently deemed non-conforming, will be rezoned to either C-T, or C-1 for purposes of consistency with the Rule. Similarly, existing public or governmental uses zoned incorrectly will be rezoned to P-F. Map amendments are proposed for the following properties:

Rural Communities

Eddyville

Lincoln County Assessor's Map #11-9-9A, tax lot 200 (owned by Lincoln County School District and adjacent to Eddyville School) and tax lot 600 contains the Eddyville School. Proposed zoning is P-F (public facilities).

San Marine

Lincoln County Assessor's Map # 14-12-11CA, tax lot 6100 contains Sea Stone Cottages (existing motel) and tax lot 8000 contains the 3 Swans Store (existing retail store). Proposed zoning is C-1.

Lincoln County Assessor's Map #14-12-11CD, tax lot 2100 contains the Holiday Motel and Market (existing motel and retail store) and tax lot 1600 contains Wayside Lodge (existing motel). Proposed zoning is C-1.

Starr Creek

Lincoln County Assessor's Map #14-12-23CD tax lot 1201 contains the Tole Tree Gallery (existing wholesale and retail art gallery), tax lot 3000 contains Myrtle Tree and Earthworks Gallery (existing wholesale and retail art gallery), and tax lot 3100 contains Oceanside Greenhouse (existing wholesale and retail nursery). Proposed zoning is C-T.

Rose Lodge

Lincoln County Assessor's Map #6-10-32AB tax lot 200 (Oregon Department of Fish and Wildlife Fish Hatchery) will be rezoned to P-F. Lincoln County Assessor's Map #6-10-34C tax lot 1500 contains the Rose Lodge Park Store (retail). Proposed zoning is C-1.

PLAN DESIGNATION AND PLAN POLICY AMENDMENTS

The following Plan Policy and Plan Designation amendments are required in order to bring the county's comprehensive plan into full conformance with OAR 660, division 22.

1.1085 Public Facilities Policies

(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 Rural Service 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 660, Division 22.

(B) Rural Community Centers shall be delimited by Rural [Service] 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) *[Developments proposed for urban]* Residential density within Rural Community Centers shall *[be allowed only when the respective special district and other private sector providers have agreed to provide an adequate level of urban type facilities at levels equal to that found in incorporated areas of the County]* 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.

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 [U]uses such as residential, [existing] public uses and [recreation] 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.. [compatible to the surrounding activities are primary. Multi-family areas may be permitted where access is directly onto a collector road, and where community sewerage is available. Commercial areas may be permitted where arterial access is available and a frontage road or potential for access to residential areas is available without crossing a highway. Secondary uses such as new public recreation facilities, public utilities, government uses, and similar uses may be included by County review.] 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.

(5) Rural Service Center: Rural service centers are areas where *[small lots have been platted and]* commercial and/or industrial uses *[service has]* have developed *[.]* which provide goods and services to the surrounding rural areas or to persons traveling through the area, and also include some residential development. Commercial and *[commercial]* industrial activities should be limited to those which are existing or necessary for providing goods and services *[and compatible]* to the surrounding rural area *[.]* or to persons traveling through the area, or which are small scale and low impact. *[Uses such as farm implement stores, grocers, laundry, auto and truck service stations, existing public recreation facilities, and community halls are primary. Secondary uses such as new recreational facilities, government use, restaurant, bar or tavern, new public utilities, or similar uses may be included by County review].*

LAND USE CODE AMENDMENTS

The following code amendments are required to ensure conformance of the county's land use regulations with the requirements of OAR 660, Division 22 for commercial and industrial uses within rural communities.

1.1340 Residential Zone R-4

In an R-4 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 1.7599, and 1.1901 to 1.1999:

(a) A use permitted outright in the R-3 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 use permitted as a conditional use in the R-3 zone.

(b) Clinic.

(c) Club, lodge, or fraternal organization.

(d) Hotel, motel, or resort, when served by a public or community sewer system, with accessory commercial uses provided that:

(A) They are located within the main building or buildings.

(B) They are limited to gift shops, eating and drinking establishments, and similar facilities.

(C) They do not exceed ten percent of the total floor area of the main use.

(e) Private museum, art gallery, or similar facility.

(f) Professional office.

(3) Standards:

Except as provided in LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699 and 1.1901 to 1.1999 the following standards shall apply:

(a) Lot Size and Dimensions:

The minimum lot size and dimensions shall be as follows:

(A) Standards for single family dwelling units shall be the same as in the R-1 zone.

(B) The minimum lot area per dwelling unit shall be 2,500 square feet when a lot is served by both a public or community water supply system and sewage disposal system,

(C) The minimum lot area per dwelling unit shall be 15,000 square feet when a lot is served by either a public or community water supply system, or a public or community sewage disposal system.

(D) The minimum lot area per dwelling unit shall be at least 2 acres when a lot is not served by either a public or community sewage or water supply system.

(E) The depth to width ratio shall not exceed 2 1/2 to 1 on lots less than 25,000 square feet and 3 1/2 to 1 on lots 25,000 square feet or larger.

(F) Hotels, motels or resorts outside of Urban Growth Boundaries or acknowledged Goal 14 exception areas shall be limited to no more than 35 units.

(b) Yards, Special Setbacks:

Yards and special setbacks shall be the same as required in the R-1 zone.

(c) Building Height:

No building shall exceed a height of 35 feet.

(d) Lot Coverage:

Buildings shall not occupy more than 40 percent of the total lot area.

1.1360 Tourist Commercial Zone C-T

In a C-T 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 R-4 zone.

(b) Automobile service station, including minor repair provided it is conducted entirely within an enclosed building.

(c) Barber or beauty shop.

(d) Boat launching or moorage facility, marina, boat charter service.

(e) Car wash.

(f) Clinic.

(g) Club, lodge, or fraternal organization.

(h) Food store.

(i) Gift shop.

(j) Hotel, motel, or resort[.] **when served by a public or community sewer system.**

(k) Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall.

(L) Laundromat.

(m) Office.

(n) Private museum, art gallery, or similar use.

(o) Restaurant, bar, or tavern.

(p) Retail sale of sporting goods, or bait.

(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 use permitted as a conditional use in the R-4 zone.

- (b) Recreational vehicle park.
- (c) Outdoor recreation development.
- (d) Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway.
- (e) Automobile repair garage provided all repair shall be conducted entirely within an enclosed building.
- (f) Signs, advertising.
- (g) Heliport.
- (h) Pilings, piers, docks, and similar in water structures.
- (i) Mini-storage.

(3) Standards:

Except as provided in LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 the following standards shall apply:

- (a) Residential uses shall be subject to lot size, dimension, coverage, yard, and building height and special setback standards of the R-4 zone.
- (b) All yards abutting a lot in a residential zone shall be a minimum of ten (10) feet.
- (c) No structure shall be located closer than 30 feet from the right-of-way of any state highway, nor 30 feet from the right-of-way of any collector or arterial street
- (d) No building shall exceed a height of 35 feet.
- (e) Outdoor storage shall be screened with a sight-obscuring fence.

(f) Non-residential uses outside of Urban Growth Boundaries or acknowledged Goal 14 exception areas shall be limited to a building or buildings not exceeding 4,000 square feet of floor space.

(g) Non-residential uses outside of Urban Growth Boundaries, acknowledged Goal 14 exception areas, Rural Community Centers, or Rural Service Centers shall be limited to a building or buildings not exceeding 3,500 square feet of floor space.

(i) Notwithstanding subsections (f) and (g) of this section, any conforming use existing as of (effective date of this amendment) may be expanded in floor area up to 30%, provided other applicable dimensional standards are met.

(i) Hotels, motels or resorts within Rural Community Centers or Rural Service Centers not subject to an acknowledged Goal 14 exception shall be limited to no more than 35 units. Hotels, motels or resorts outside of Urban Growth Boundaries, Goal 14 exception areas, Rural Community Centers, or Rural Service Centers shall be limited to no more than 25 units.

1.1361 Retail Commercial Zone C-1

In a C-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 use permitted outright in the R-4 zone.
- (b) Retail store or shop such as food store, drug store, apparel store, hardware store, furniture store, or similar establishment.
- (c) Repair shop for the type of good offered for sale in those retail trade establishments permitted in a C-1 zone provided, all repair and storage shall occur entirely within an enclosed building.

- (d) Personal or business service establishment such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment.
- (e) Clinic.
- (f) Financial institution.
- (g) Club, lodge, or fraternal organization.
- (h) Hotel[.] when served by a public or community sewer system.
- (i) Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall.
- (j) Mortuary.
- (k) Newspaper office, print shop.
- (L) Office.
- (m) Private museum, art gallery, or similar facility.
- (n) Restaurant, bar, or tavern.
- (o) Beachfront protective structures.

(2) Conditional Uses Permitted:

The following 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 use permitted as a conditional use in the R-4 zone.
- (b) Recreational vehicle park.
- (c) Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway.
- (d) A use permitted outright or a conditional use permitted in the C-1 zone with drive-in service facilities such as an automobile service station or a drive-in restaurant.
- (e) Signs, advertising.
- (f) Heliport.
- (g) Pilings, piers, docks, and similar in water structures.
- (h) Mini-storage.

(3) Standards:

Except as provided in LCC 1.140 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 all standards which apply in the C-T zone shall apply in the C-1 zone.

1.1364 Planned Industrial Zone I-P

In an I-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) Farm use.
- (b) Forestry, including the management, production, and harvesting of forest products and of related natural resources in forest areas and including rock extraction and processing for use in forest access roads.
- (c) Residence for caretaker or night watchman.
- (d) Beachfront protective structures.

(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 use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling, mini-storage, or storage provided that the use does not create a public nuisance, noise, smoke, odor, or dust, or because it constitutes a fire, explosion, or other physical hazard.

(b) Heliports and related uses.

(c) Animal hospital.

(d) Automobile, truck, or trailer sales, service, storage, rental, or repair.

(e) Automobile speedway, race track.

(f) Automobile wrecking yard, junk yard.

(g) Boat launching or moorage facility, marina, boat charter service.

(h) Boat or marine equipment sales, service, storage, rental, or repair.

(i) Extraction and processing of rock, sand, gravel, or other earth product.

(j) Feed or seed store.

(k) Governmental structure or use of land.

(L) Implement, machinery, heavy equipment sales, service, storage, rental or repair.

(m) Lumber or building materials sales and storage.

(n) Newspaper office, printing shop.

(o) Plumbing, heating, electrical, or paint contractors storage, repair, or sales shop.

(p) Public park, playground, golf course, or similar recreation area.

(q) Public utility facility.

(r) Radio or television transmitter or tower.

(s) Restaurant, bar, or tavern.

(t) Solid waste transfer station.

(u) Solid waste debris site or facility complying with LCC 2.1035 (8). A conditional use permit issued pursuant to this paragraph shall be reviewed for compliance by the Planning Division every three years on or about each three year anniversary from the date of issuance. The compliance review shall include, but is not limited to, a site visit and a review of any complaints received. The Planning Division shall refer any non-compliance to the Commission for possible initiation of proceedings to revoke the conditional use permit in accordance with LCC 1.1605. Every conditional use permit issued pursuant to this paragraph shall contain the following statement: NOTICE: This conditional use permit is subject to a mandatory compliance review every three years from the date of issuance.

(v) Tire sales, repair, retreading, or vulcanizing.

(w) Signs, advertising.

(x) Bank and similar lending institutions.

(y) Theater/performing arts center.

(z) Pilings, piers, docks, and similar in-water structures.

(3) Prohibited Uses:

The following uses are prohibited:

(a) Cement, lime gypsum, or plaster of Paris manufacturer.

(b) Explosives storage or manufacture.

(c) Fertilizer manufacture.

(d) Gas manufacture.

(e) Glue manufacture.

(f) Petroleum or petroleum refining.

(g) Pulp mill.

(h) Rendering plant.

(i) Smelting or refining of metallic ore.

(j) Other uses similar to the above.

(4) Standards:

Except as provided in LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 the following standards shall apply:

(a) All yards abutting a lot in a residential zone shall be a minimum of 20 feet.

(b) No structure shall be located closer than 30 feet from the right-of-way of any State highway or any collector or arterial street.

(c) No building height limitation for nonresidential structures.

(d) Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence.

(e) Except as otherwise allowed by ORS 197.719, uses in the I-P zone outside of Urban Growth Boundaries shall be limited to a building or buildings not exceeding 40,000 square feet of floor space.

(f) Notwithstanding subsection (e) of this section, any conforming use existing as of (effective date of this amendment) may be expanded in floor area up to 30%, provided other applicable dimensional standards are met.

(5) Special Standards:

The following procedure shall apply to all conditional uses. The Planning Division or the Planning Commission shall seek to determine whether:

(a) A proposed use is suitable for the property in question, considering the long-range industrial potential for the zone, and further considering that piece-meal development of the zone may limit the possibility for meeting this potential.

(b) Setbacks of buildings, parking and loading areas, and storage areas or development should be increased.

(c) Special landscaping, screening, and/or fencing requirements are appropriate.

(d) Any additional conditions need to be met to insure compatibility of the proposed use with existing and future development in the surrounding area. [1998 o.375 §2]

EXHIBIT K

BOUNDARY
AMENDMENTS
FROM

RESOLUTION 04-21-7D

COMPREHENSIVE PLAN MAP AMENDMENTS

Boundary Amendments

Two existing unincorporated communities in Lincoln County fall short of strictly complying with the unincorporated communities rule. These two rural communities are Kernville and Tidewater. When Lincoln County's Comprehensive Plan was originally conceived, these two historic communities consisted of residential uses and at least two other land uses consistent with the rural community plan designation. Over time, however, a number of the "other land uses" closed or changed in nature. In the case of the rural community of Kernville, a mapping error excluded rural community lands described in the acknowledged Lincoln County Comprehensive Plan Exceptions Inventory. In the case of Tidewater, the U.S. Post Office, which was once located in the now closed Tidewater Store, was relocated to a parcel just outside of, but contiguous to, the existing rural community boundary. For this reason, Lincoln County proposes to expand the Tidewater rural community boundary to incorporate this public use and, similarly to expand the Kernville rural community boundary to include those existing commercial uses that were erroneously excluded from the boundary. These expansions are for "house-keeping" purposes and will establish the boundaries of these communities consistent with the unincorporated communities rule.

Proposed Boundary Amendment for Kernville

The historic community of Kernville was settled at the confluence of the Siletz River and Bay at what eventually became the intersection of Highways 101 and 229. It was originally settled principally to support the salmon canneries built here. It later supported other uses associated with the fishing industry, both sport and commercial, and the river in this area was used extensively for water transport and storage of logs. Current uses include recreational and tourist uses, and residential uses.

At the time the Lincoln County Comprehensive Plan was drafted, the Exceptions Inventory described Kernville as including 2 marinas, boat launch and repair facilities, store, recreational vehicle park and restaurant/tavern, in addition to residential uses. However, when the Lincoln County Comprehensive Plan was adopted with final mapping, such mapping erroneously excluded several of the commercial and industrial properties described in the Exceptions Inventory from the rural community boundary. This resulted in the present rural community (as mapped) consisting of primarily residential uses.

Those areas excluded are located between the Siletz River and Highway 229, and east of Highway 101. Presently, these subject properties contain an existing marina and part-time RV Park, the Kernville Steakhouse and Tavern, and a few adjoining vacant properties under the same ownership as those

where the commercial uses are located. These properties are currently zoned M-P (Planned Marine).

The subject properties proposed for inclusion within the Kernville Rural Community include the following: Property identified on Lincoln County Assessor's Map #8-11-2CC as tax lots 500, 700, 801, 800 and 900; and Map #8-11-11BA as tax lots 500 and 601. Including these parcels within the rural community boundary will correct the original mapping error.

Proposed Boundary Amendment for Tidewater

The Tidewater community has historically included dwellings (both for permanent residents and vacationers), a post office, fire hall, general store, gas station, marina, recreational vehicle park, and restaurant. Salmon, steelhead, and cutthroat trout sport fishing on the Alsea River, along with other outdoor recreational opportunities have long been an attraction in the Tidewater area.

At the time the Lincoln County Comprehensive Plan was drafted, the Tidewater Post Office was located in the Tidewater store. The general store is presently closed and the U.S. Post Office has since relocated to a site immediately adjacent to the existing rural community boundary. Lincoln County proposes to amend the rural community boundary of Tidewater to include the U.S. Post Office property, as it provides a service integral to the community. The subject property is identified on Lincoln County Assessor's Map #13-10-27CA as tax lot 800 and is currently zoned RR-2.

Also located immediately adjacent to the existing rural community boundary is the Kozy Kove restaurant, marina with convenience store, and recreational vehicle park. Although not included within the original Rural Community boundary, this use has historically been considered a part of the Tidewater community. These commercial, small-scale, low impact uses are consistent with the types of existing and permitted uses under the Unincorporated Communities Rule, and given their contiguity to the existing boundary, Lincoln County proposes to amend the boundary to incorporate this property into the rural community boundary. The subject property is located on Lincoln County Assessor's Map #13-10-28CA as tax lots 200, 300, 400, and 500 and is currently zoned M-P (Planned Marine)

Plan Designation Amendment for Nashville

The rural community of Nashville was originally designated rural community because of its historic place name and the fact that it historically served as a center of community activity. At one time the community of Nashville supported a spruce production mill, temporary forest work camps and dwellings. The Willamette Pacific Railroad Line still cuts through the community

1 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

2 **SECTION 1.**

3 The Planning Commission's recommendations are adopted, and an exception to
4 Oregon Statewide Planning Goal 14 (Urbanization) is hereby granted for the Unincorporated
5 Communities of Otter Rock and Lincoln-Gleneden Beach as depicted in and supported by the
6 Goal 14 Exceptions Document attached hereto and incorporated herein as Exhibit "A".

7 **SECTION 2.**

8 The following amendments to the Lincoln County Comprehensive Plan Map are
9 hereby adopted:

- 10 ❖ The Kernville Rural Community Center boundary is amended to include the
11 following properties: Lincoln County Assessor's Map # 8-11-2-CC, Tax Lots
12 500, 700, 800, 801, 900; Lincoln County Assessor's Map # 8-11-11-BA, Tax
13 Lots 500, 601.
- 14 ❖ The Tidewater Rural Community Center boundary is amended to include the
15 following property: Lincoln County Assessor's Map # 13-10-27-CA, Tax Lot
16 800.
- 17 ❖ The following properties' Comprehensive Plan Map designations are changed
18 from Rural Service Center to General Commercial: Lincoln County Assessor's
19 Map # 11-8-23, Tax Lot 704; Lincoln County Assessor's Map # 9-9-33, Tax
20 Lot 901; and Lincoln County Assessor's Map # 6-10-30, Tax Lot 800.
- 21 ❖ The following properties' Comprehensive Plan Map designations are changed
22 from Rural Service Center to Agricultural: Lincoln County Assessor's Map #
23 10-8-36-D, Tax Lots 102, 500, 601, 602.
- 24 ❖ The following properties' Comprehensive Plan Map designations are changed
25 from Rural Service Center to Forest: Lincoln County Assessor's Map # 10-8-
26 36-D, Tax Lots 200, 300, 400 and that portion of Tax Lot 100 west of Logsdan
27 Road.

1 **SECTION 3.**

2 The following amendments to the Lincoln County Zoning Map are hereby adopted:

- 3 ❖ The following properties are rezoned From R-1 (Residential) to P-F (Public
4 Facilities): Lincoln County Assessor's Map # 11-9-9A, Tax Lots 200, 600;
5 Lincoln County Assessor's Map # 6-10-32-AB, Tax Lot 200.
- 6 ❖ The following properties are rezoned From R-1 (Residential) to C-1 (Retail
7 Commercial): Lincoln County Assessor's Map # 14-12-11-CA, Tax Lots 6100,
8 8000; Lincoln County Assessor's Map # 6-10-34-C, Tax Lot 1500.
- 9 ❖ The following properties are rezoned from R-1 (Residential) to C-T (Tourist
10 Commercial): Lincoln County Assessor's Map # 14-12-23-^{CS}~~CD~~, Tax Lots 1201,
11 3000, 3100; Lincoln County Assessor's Map 14-12-11-CD Tax Lots 1600,
12 2100.
- 13 ❖ The following properties are rezoned from A-C (Agricultural Conservation) T-
14 C (Timber Conservation): Lincoln County Assessor's Map # 10-8-36-D, Tax
15 Lots 200, 300, 400 and that portion of Tax Lot 100 west of Logsdan Road.

16

17 **SECTION 4.**

18 The Lincoln County Department of Planning and Development shall amend the official
19 county planning and zoning maps to reflect the foregoing amendments.

20

21 **SECTION 5.**

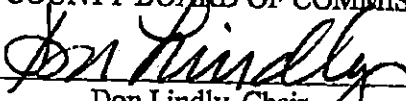
22 Copies of this ordinance shall be forwarded to the County Surveyor; County Assessor;
23 and County Counsel. A copy shall also be forwarded to the Department of Planning and
24 Development for delivery to the Oregon Department of Land Conservation and Development
25 along with other implementing enactments for Periodic Review Task 5.

1 SECTION 6.

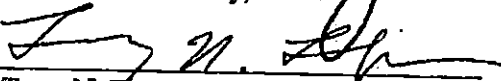
2 This Ordinance being necessary for the immediate preservation of the public peace,
3 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
4 its passage.

DATED this 21st day of July, 2004.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair



Terry N. Thompson, Commissioner



Jean Cowan, Commissioner

ATTESTED TO:



Janet Diaz, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

J:\LCVEAMES\Planning\Periodic Review Tasks 03-04\Ordinance Exception, Comp Plan and Zoning Amendments Task 5.doc

EXHIBIT L
COMPREHENSIVE PLAN MAP

