



AGENDA

Lincoln City Planning Commission
Tuesday, March 7, 2023, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
- 2. MINUTES**
 - 2.1. Planning Commission - Workshop - Feb 7, 2023 6:30 PM
 - 2.2. Planning Commission - Regular Meeting - Feb 21, 2023 6:00 PM
- 3. FINAL ORDERS & FINAL RECOMMENDATIONS**
 - 3.1. Final Order (FO 2023-01) for SUB 2022-01_P NW 40th subdivision
- 4. PUBLIC HEARINGS/DELIBERATIONS**
 - 4.1. APP 2023-01 Trout Fowler
- 5. DIRECTOR'S UPDATE**
- 6. NEXT MEETINGS/COMMENTS FROM PLANNING COMMISSIONERS & CIC**
- 7. ADJOURN**

Individuals wishing to attend via Zoom must email planning@lincolncity.org no later than noon on the meeting day. The email must include the person's name and the screen name the person intends to use for the meeting. Instructions will be emailed to the person requesting Zoom attendance. Persons attending via Zoom will need to leave the microphone muted and camera off.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

Individuals wishing to provide verbal testimony for a public hearing agenda item need to please sign the sign-in sheet for that item. Sign-in sheets are located on the table near the entrance door to the Council Chambers. Individuals who signed in on the sheet will be called to testify during the public testimony portion of the public hearing.

**LINCOLN CITY PLANNING COMMISSION WORK SESSION
MINUTES
February 7, 2023**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Brian Bunnnett	Commissioner	Present	
Melissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Charlsy Affuso	Commissioner	Present	

II. COMPREHENSIVE PLAN COMPONENTS

2.1. 2043 Comprehensive Plan Review

Director Skinner introduced John Morgan who would be serving as a resource and facilitator for the work session. She then presented the draft Comprehensive Plan outline, which was included with the agenda packet.

Director Skinner provided an overview of the anticipated process for developing and finalizing each chapter of the update. Each of the five focus areas identified by the Planning Commission was noted. In addition, Director Skinner emphasized to the Planning Commission that Comprehensive Plan components that are not fully updated within this current process could be identified for future discussion in the next plan update to occur in 5 years.

2.2. Chapter 8 Housing Rough Draft

Commissioner Blackerby stated that he had received feedback about the possibility of increased allowable building heights, and wondered if that was part of any recommendations under consideration. Although there had been discussion at an earlier work session, no actions have been taken by the Planning Commission and nothing has been included in the draft Housing policies.

Commissioner Baker reminded the Planning Commission that they had discussed reorganizing the policies in categories, and reducing redundancies. She suggested the following headlines, including: Comprehensive, Affordability, Sheltering, Accessibility, Safety, and Neighborhoods.

**VERBATIM TEXT
COMPONENT A**

Packet page 4, last paragraph
(Recording: 00:19:25)

Commissioner Baker: I think there were only three goals I had notes on and one of them was originally policy #2. I had an edit to say: "In conjunction with local nonprofit, county, state and regional efforts develop programs, services, and policies to serve the transient population with sheltering options for men, women and accompanied and unaccompanied minors, including those

aging out of the foster system, that includes comprehensive case management for individuals and connects them to other community resources.”

Before it just said “address the issue of homelessness and serve the transient population”, and I felt like being a little more specific around how we serve that population. From what I know, case management is the only way to measure if there’s any success happening or even how many individuals there are. On that note I would like to make a suggestion for a goal to work with local non-profits to find what that count might be-of unsheltered individuals in Lincoln City and to determine how many are residents. I wanted to ask Anne Marie if that would be too specific to be a policy, but wasn’t sure.

Director Skinner: The one you just read?

Commissioner Baker: Actually to have a goal to establish a count of unsheltered individuals in LC and how many are residents?

Mr. Morgan: Can I offer a comment on that? I think that is a very noble goal. I think it is misplaced. Anne Marie asked me to offer observations and an outside perspective. This is not a land use planning goal. It is a programmatic goal that is separate. I think what you had originally is probably great, even mentioning it, but there is really no place to go forward with anything specific here. It’s a good place to get started. But it really needs to be outside of the Planning Commission’s purview, likely outside of the Council’s purview as it relates to land use planning. But it could be the spark that gets that going.

END VERBATIM TEXT

Commissioner Blackerby asked for clarification regarding the two versions of the Housing chapter included in the packet. Director Skinner noted that the original draft was provided as pages 10 and 11, and the revised draft was on pages 8 and 9.

Commissioner Affuso asked about the efforts the City has made to solicit qualified developers of affordable housing. Director Skinner stated that she works in partnership with Allison Robertson, Urban Renewal Director on such activities, and that the housing projects under development were a direct result of this work.

Commissioner Baker supported adding a policy included in the Housing Analysis about establishing a City vacant property registry and to encourage housing rehabilitation efforts.

Director Skinner restated the need to provide less detailed language, and not to develop specific policies or action items. Mr. Morgan generally concurred, suggesting the Planning Commission consider which broad objectives would best serve to catalyze the types of work Commissioner Baker was describing. By being overly specific the plan would actually serve to limit future implementation actions.

Commissioner Affuso shared her concern that any implementation of affordable housing depends on the availability of willing developers. Director Skinner assured the Planning Commission that the City was already conducting significant outreach with potential partners, which is why two affordable housing projects are under construction which will result in more than 150 additional units.

Commissioner Baker asked if the plan could include recommendations to encourage single-room occupancy, co-housing, and conversions from single-unit housing to duplexes, triplexes and other middle-housing types to be used as long term rentals.

Mr. Morgan suggested that the Planning Commission affirm whether or not they supported the use of categories to organize the housing objectives. He recommended that some of the more specific recommendations might be included as sub-bullets or examples under a larger category.

Commissioner Bunnett asked if the plan needed to be consistent throughout the document, so that adopting a format for the Housing chapter would require that all of the Chapters would also need to be organized under subheadings.

Commissioner Blackerby referenced the document originally submitted to Director Skinner by Commissioner Baker. This document included a website that described a policy framework with four key pillars that could be used to organize the Lincoln City comprehensive plan chapter on housing, including: Create and preserve dedicated affordable housing units; Align housing supply with market and neighborhood housing conditions; Help households access and afford private-market homes; and Protect against displacement and poor housing conditions. Commissioner Affuso also found the website and the format useful.

Director Skinner asked how the Planning Commission would like to proceed with this idea.

VERBATIM TEXT.

COMPONENT B

Packet page 5, last sentence

(Recording: 00:35:17)

Commissioner Baker: I don't know, I kind of feel that we're approaching this without having had a conversation as a Commission on how do we want to structure the document. Has anyone else read other comprehensive plans or looked at how much they vary in the way they are structured?

And I think we may all have slightly different ideas. We've all just seen the outline for the first time collectively so I kind of expected that there'd be a discussion on that tonight before we dove into Housing. But I don't know where everyone else is at.

Director Skinner: Commissioner Baker, not every chapter has to be the same. Not every chapter has to have subheadings. Perhaps it will warrant it but it is a chapter-by-chapter discussion.

END VERBATIM TEXT

Commissioner Affuso shared information regarding current practices for establishing transient population counts. Commissioner Baker suggested that the issue of an accurate count relates to the ability to develop performance measures that might indicate whether or not community objectives were being met. Mr. Morgan stated that particular strategies and performance measures are more appropriate for inclusion in a Strategic Housing Plan, which could be identified as a Comprehensive Plan goal.

Responding to a question from Commissioner Bunnett, Mr. Morgan stated that he felt the proposed outline for the Comprehensive Plan and the draft structure appeared quite typical of comp plans elsewhere. He suggested that the draft Housing objectives were appropriately broad, although there may be more than are practicable for the community to address. Commissioner Bunnett added that the City of Newport is currently struggling with a vision document that is .

Director Skinner and Mr. Morgan suggested that the next iteration of the Housing chapter organize the objectives under major headlines and include some of the more detailed recommendations as examples to use under each heading.

Commissioner Baker asked for additional Planning Commission discussion on the Housing objectives, including the draft edits she had prepared. She shared her frustration at not being able to work productively as a group to create a draft. She was hoping that more time could be devoted to consideration of the overall process and schedule.

VERBATIM TEXT

COMPONENT C

Packet page 6, fourth paragraph

(Recording: 00:48:14)

Commissioner Baker: I was just kind of hoping the Commission would have some discussion at this work session. I spent a lot of time preparing this and working on things, I don't know if other people did or not but I don't feel we've had a lot of dialogue going on at all and I don't know that we're getting anywhere. I know we mentioned having a shared document and I don't know that we can do that but I don't know how we're really supposed to work together on this.

Director Skinner: No, we cannot have a shared document. It was discussed at the last work session and it was negated. It's not an option.

Commissioner Baker: I know that, I'm not suggesting that, what I'm saying is that because that is not an option I don't know how we're supposed to work together to create a draft. Because in this discussion I've not had time to share most of my notes. I asked if I should send them ahead of time and was told no. I was surprised this was put at the end of this work session. I thought that I was told face-to-face that it was not going to be and this work session was going to be about discussing the schedule and how we want to go about working together to create the document. So I'm just confused.

Commissioner Bunnett: We have several work sessions devoted to discussing the Housing goal, right? So today is not going to be the end of it.

Chair Vincent: Today was supposed to be the end of it.

Commissioner Blackerby: I don't see how it could have been the end of it.

Director Skinner: It will not be the end.

Commissioner Bunnett: I was under the impression that at the moment we were just talking about the structural elements of the document and we would get to more details later. As far as the organization is concerned I like the idea of John and Anne Marie, if they're willing to, to take a

stab at using these categories and adding some points under them and then maybe adding some bullet points, but that is purely just an organizational matter.

Commissioner Blackerby: Commissioner Baker, you said that you had sent some notes to Anne Marie and she didn't have a chance to get to this afternoon. And we didn't see it. Can you summarize what that is all about?

Commissioner Baker: The notes I sent? That was my notes on housing. When I saw it was on the agenda I was surprised by that, I don't know how I misunderstood. But that's when I called and asked if I should send my notes anyway, because we'd been asked to send our notes ahead of time, and I felt last time it seemed like the work session would have gone better had I sent them ahead of time. So I guess I'm just feeling like I'm not sure how I'm supposed to contribute my feedback to the rest of the commission.

Director Skinner: Why don't you go over all of your notes?

Commissioner Baker: Well I thought we were. We kind of jumped around a bit.

Chair Vincent: We can discuss them as you do. I'd like to hear them.

Commissioner Blackerby: And I think we also talked about that format thing going forward. Why can't we, when we have input, we can all make edits in Word before we get to a meeting. Wouldn't it be more beneficial if we shared them with each other before we got here?

Mr. Morgan: No, you cannot do that by law. That's a quorum, you are conducting business. Everything has to happen in open meetings. And frankly, wordsmithing is probably not the best use of the Commission's time, if that's what you're talking about.

Commissioner Blackerby: No, it's topics.

Mr. Morgan: Yes, let's deal with the topics and leave staff to pull the pieces together.

Commissioner Bunnett: Yes, I felt that we did a lot of that at our last meeting-grammar, punctuation and yes, it felt like maybe it wasn't the best use of our time.

Chair Vincent: But maybe if we had a copy of whoever's notes at the beginning of the meeting we could take a few minutes to go over them ourselves and then we'd have feedback. Is that allowed?

Mr. Morgan: Yes, as long as you do that in an open meeting. So you don't have Marci's, but you could walk through them tonight. And use that to stimulate your conversations and maybe it would still help us move toward the goal of coming to some agreement on Chapter 8. Maybe it won't be the final wording, but an agreement on where it is going.

Commissioner Bunnett: So for all subsequent meetings, if we have comments then we could make handouts to be distributed at the meeting?

Chair Vincent: it might be boring for folks out there, but we can take a few minutes to go over them ourselves. What are your thoughts, Anne Marie?

Director Skinner: Yes, that's fine with me. I will need them before, so that I can print and make copies for everyone. I receive a lot of emails throughout the day, so I don't necessarily have time to read them all. Marci, I apologize that I didn't see the email you sent me about your notes. If I had I would have forwarded them to Andrea so that she could have made copies for everyone. So my suggestion would be that going forward, yes, that's a fantastic idea, it will work, but please call me to notify me that there is an email I need to look for.

Chair Vincent: Can we do like Brian suggested and make copies ourselves? Do we still need to notify you?

Director Skinner: No, you can just bring copies. Just make sure I get a copy because we will need to get them included in the minutes.

END VERBATIM TEXT

Commissioner Bunnett and Commissioner Blackerby suggested that additional work session discussions were needed to finalize the Housing chapter. Commissioner Bunnett supported the development of an updated Housing draft that reflected the organizational changes discussed.

Commissioner Blackerby asked what had been included in the email Commissioner Baker sent, and requested further discussion of her comments. Director Skinner and Chair Vincent concurred.

Commissioner Bunnett would like the Planning Commission to focus more on the content, and not spend work session time on wordsmithing.

Director Skinner urged any Planning Commissioners who have written comments to make copies and distribute them at the beginning of each work session.

Commissioner Baker reviewed her comments. She asked if the Comprehensive Plan or the Housing Assessment included all of the necessary components, such as vacancy rates and units capable of being rehabilitated. Director Skinner stated that she would inquire with DLCD whether or not this information was required or available. Commissioner Bunnett asked about the definition of rehabilitate in reference to housing.

Commissioner Baker suggested adding language to the Housing Chapter that provided an overview of Current Housing Trends and Needs, taken from the existing Housing Analysis document. There was general consensus to add this language to the housing introductory paragraphs, with some revisions to ensure that the document is not immediately out-of-date. Commissioner Baker encouraged the commission to seek ways to make the comprehensive plan more completely reflect the public input that was received, and to make it a more accessible and friendly document.

Mr. Morgan asked the commission if there were any more substantive comments that should be discussed. Commissioner Baker asked if a goal could be added to encourage more fully sustainable neighborhoods within the housing chapter. Commissioner Blackerby suggested that it be combined with the existing objective for sustainable neighborhoods. Commissioner Baker also suggested that the Planning Commission consider a separate section or chapter on Sustainability that would also include the proposed language under consideration by the Sustainability

Committee. Director Skinner stated that sustainability could likely be included within each of the proposed chapters.

Commissioner Bunnett suggested moving objective #7 to the transportation chapter. There was general consensus to make that change. In addition, the commission agreed to revisions to objective #12 that remove the reference to various income levels.

Director Skinner provided a summary of the recommended changes to the Housing chapter. There was general consensus that the Planning Commission supported the revisions as discussed.

Chair Vincent asked for clarification about short-term rental (STR) policies. Director Skinner stated that there are existing caps on short-term rentals in Lincoln City in residential zones. Commissioner Baker supported acknowledging the relationship of short-term rentals to housing somewhere within the Comprehensive Plan. She noted that significant public comment had been received relating to the negative impacts on residential neighborhoods. Director Skinner stated that she would draft an objective relating to STRs within the housing chapter, and that further discussion would also be included in the Land Use Categories chapter.

NEXT STEPS

Chair Vincent moved the discussion to scheduling time for the next work session. Director Skinner requested information about commissioners' availability the weeks of February 20th or February 27th. Following a discussion, a tentative day and time of Tuesday, February 28th at 6 pm was decided upon for the next Planning Commission work session. The meeting will be held in the Northwest Conference Room and be available via zoom. Commissioner Blackerby asked about timelines for receiving the revised drafts and for submitting comments. Director Skinner will try to get everyone the draft materials by February 14th. The topics will include finalizing the Housing component and beginning the Public Facilities and Services section. A draft Transportation chapter will also be included in subsequent meeting materials.

The meeting concluded with a discussion of public involvement and Goal 1 for the Comprehensive Plan, which will be continued at a later meeting when it is on the official agenda.

VERBATIM TEXT COMPONENT D

Packet page 7, last paragraph
(Recording: 01:44:45)

Commissioner Baker: I have a couple questions about citizen engagement. I'm curious. I had asked the question about citizen engagement, our role in that, and how we are (or are not) involved in that and what we can do currently as the Citizen Involvement Committee. Are we going to have a conversation about that, not in editing what the Comp Plan says, but about our role today?

Commissioner Blackerby: And I think that is one of the things we also wanted to discuss if we ever have a joint work session with City Council to get their feelings about that role. I certainly have some opinions about it.

Commissioner Baker: I assumed that would be in the context to discuss future changes. But I don't really know that we even have a role.

Director Skinner: Kim is right. Any future changes would need to come from City Council.

Commissioner Baker: I'm not talking about future changes. My understanding is that we are that committee right now and we are working on a Comp Plan and we're not doing anything involving citizens.

Mr. Morgan: Your legal responsibility is to once a year evaluate how it's going and make a report to Council. You are not chartered as anything more than what state law requires.

Commissioner Baker: Okay. Unless there is a plan to do more?

Commissioner Bunnett: Are you saying that you aren't satisfied with those minimal requirements. That we should do more?

Commissioner Baker: Yes. At the very least there is a document that is on Oregon.gov titled Putting People in Planning that gives a lot of ideas, different ways to reach people, with articles, radio, etc. In the training we talked about how some cities have come up with a catchy slogan, and I think that a citizen involvement committee would be the group that might brainstorm what our catchy little slogan might be to get people interested. Instead of the just the legal notification requirements that seem like every other quasi-judicial thing we do as a Planning Commission.

Commissioner Blackerby: Yes, to me what we do doesn't look like citizen involvement. It's meeting a legal requirement but I don't think we're really encouraging the citizens other than the surveys we did for the comp plan. Otherwise, I don't think there's a whole lot of information that they know as to what they're supposed to do, how they're supposed to do it, when they're supposed to do it, or if they can do it at all. Or that we care.

Commissioner Baker: My point is that we could be getting citizen involvement throughout this drafting process, especially when we're having three work sessions on a topic. Then we might have more engagement so then when it does gets to a public hearing.

Chair Vincent: If you do that and they are in the audience, do we have to allow for questions and answers?

Commissioner Baker: Not in a work session. They could come and watch and then send an email to staff afterward of any thoughts that they had or any feedback. I think it would only help to get as much feedback as possible before the public hearings. One thought I had was that we'd actually trade hats and hold a meeting as the Citizen Involvement Committee.

Chair Vincent: Would that be a separate meeting? Where I'm from they had two separate committees, but that was a larger area. There was a planning commission and a civic pride committee that got everyone involved.

Commissioner Baker: It sounds like a similar concept, except that we are looking to focus on citizen involvement in land use planning.

Commissioner Blackerby: Some of those things we can do, like John suggested, in terms of our scripts for the meeting that could encourage more citizen involvement and are more user friendly

Commissioner Bunnett: Marci, were you suggesting that we might try to get more input--is that going to draw this out? I was impressed with the fact that you had the surveys and you had these opportunities for the public to participate in the meetings as well as the surveys. I think that was a good job on the part of the commission creating all these opportunities. Now if we were to do that while we're trying to finalize this housing section it would take time to schedule and put it all together. Is that feasible?

Commissioner Baker: Maybe not by holding a formal meeting, since we are going to have public hearings once we have a full draft. I was just thinking could we make it easier and more accessible for people to keep up on what we're doing so that it's not all new information when it gets to public hearings. And then that process takes so much longer because we got so much feedback and they're editing things we've already spent time on.

Commissioner Affuso: I think that we're changing the wording in the Comprehensive Plan so much that it's probably going to discombobulate people that are keeping up on it because it's discombobulating me in a lot of ways. The agenda is posted on the City website. The dates are posted on the City website. People who want to be here will be here. I don't know what else we can do, other than putting signs out everywhere to come to Planning Commission meetings. I would like some ideas, and let's lead with that.

Commissioner Baker: I have some ideas.

Commissioner Blackerby: I think there are lots of opportunities, like the ones that John talked about, that unfortunately we just need to work out the details, like the example of St. Helens, who had the special subcommittee.

Commissioner Bunnett: John also talked about one community that used the library to publicize.

Commissioner Sumner: Not to be negative, but we can't even get volunteers to fill all of our committees. If you can't get involvement at that level, how much more are you going to get?

Ms. Riner: I wanted to make sure that the Commissioners knew that with the second survey we included a component that participants could add their email if they wanted to be kept informed throughout the process. I think we got about 50 emails that way and so we periodically send out a group email to those folks, such as when there's an update. Typically I just let them know that there's new information or a draft component and provide a link to our website. They have my email, and everyone has Anne Marie's email. These are people that are much more likely than most to be engaged, because they've already spent some of their own time and given input. I have not heard back from any of those folks. I'm thinking because they are getting what they need.

Director Skinner: I have not heard from any of them either. About three months ago I put a statement on the water bills encouraging people to email me with any feedback on the comprehensive plan. I received one email and it was not about the comp plan and it was not a very nice email.

Commissioner Sumner: I get stopped in the grocery store to ask about the Planning Commission. The most feedback I heard was about the Copeland Lumber sign.

Director Skinner: As I've told the Planning Commission before, if you are receiving questions about projects it is not your role to answer them. You need to direct them to staff.

Chair Vincent: That being said, are there any other comments?

Commissioner Baker: Here are my ideas: create a catchy slogan; specifically invite feedback via email from other citizen volunteers from other city committees since they are likely to engage and provide feedback; directly email all citizens that have engaged in the public process over X amount of time, anyone who has signed in at a city council meeting or emailed public comment about any topic, with an update so they know we are actively working on it again and can stay informed. I know we have had some confusion in the community of people that read newspaper articles in 2020 that we were working on the comp plan and then there was confusion about the schedule not looking like what they thought was going on. So I think continued communication about what we're doing...since we really are drafting it this time it couldn't hurt to clarify it.

Director Skinner: As Andrea said, for everyone that has provided an email we are emailing updates. We can only email those people for whom we have email addresses.

Commissioner Baker: Place a simple feedback form on the comp plan update page where they can add their name and email and a easy way that they can just check which chapter they have comments for; link audio and minutes of work sessions to comp plan update page with simple references for the public to provide feedback during the drafting process so they can just send an email; but if someone is already on the comp plan site it would be good to make it easier for them to find documents and provide simple links to recordings, instead of making them take the extra steps; if we have it publish the entire schedule of work sessions (which sounds like we won't have).

Director Skinner: We tried that, so we're not going to do that.

Commissioner Baker: (continuing) Clearly communicate which sections we'll be working on; collectively identify and maybe interview community stakeholders, like the Housing Needs Analysis; ideas about how to meet people where they are through social meeting and marketing, like establishing a Facebook group that could be called Actively Engaged Citizens of Lincoln City that could communicate events and share documents.

Director Skinner: That is outside of the purview of the Comp Plan update and the Planning Commission. That would need to go through the City Manager. If you want a group on the Facebook page specifically for the Comp Plan I can talk about that with the City Manager, but anything outside of planning, land use, and the Comp Plan update we don't have jurisdiction over.

Commissioner Baker: Okay, that makes sense. Also, YouTube makes it a lot easier to stay informed, you can just subscribe to a channel. Also the Oregon Coast Today is the most read by people I know probably as it is free and local businesses use. Couldn't we reach out and ask them to partner? Also, the Director of Lincoln City Chamber has offered to send things through their email.

Commissioner Bunnett: We could do some sort of road show for Planning Commission members to share progress updates. The new School Superintendent sounds interested in getting students more involved in the community, maybe we could work with her to try to get some eager students to help us somehow. Did we get many responses to our survey from younger people? How did that go? Did you get the impression there was more that could be done?

Ms. Riner: As someone who spent a lot of years working in the area of public involvement, these are all wonderful ideas but they all take so much time, and focus, and that means money. I think that we look for ideas that can be done as part of our work, but almost everything else requires an enormous amount of a person's time. Keeping track of these ideas and seeing how they might fit in to anything else we're doing is something we'll be open to.

Commissioner Bunnett: Are you assuming that you or other staff would be responsible for all of this work?

Ms. Riner: For example, if you want to go and talk to a teacher, you know they are already challenged for time. Every door you knock on there is a lot of time preparing before you get there, and then following through. That stakeholder development, outreach targeted to those groups--it's a craft. So we look for the low-hanging fruit, things we can do, because it is important. It almost brings a tear to my eye, because it would be great to do all of these things, but it is not something that just happens if you try harder. You really need a dedicated person, or consultant or a team of consultants.

Commissioner Baker: It's just marketing. That's what we need. We need to tell people why they should care.

Commissioner Blackerby: There are things that don't cost money. There were at least a dozen things listed there, and you don't have to do them all at once. If we can just take one or two small things and try and get more involvement than we do today. John listed some great ideas, just in terms of the way that we write our scripts, using less legalese, more friendly. Right now what we are doing is just the bare minimum, the pure legal part. I am very much in favor of trying something. Start with things that don't take more staff time and don't take any no more money.

Director Skinner: What are they two things you'd like to start with?

Commissioner Blackerby: Start with talking to more of the City Council about this. If they get behind us, then it's not just us coming up with these ideas. And then its

Commissioner Affuso: I would like to see a clear outline of what that role is. When I was asked to be a Planning Commissioner nothing was ever said that I'd be on this Civic Involvement Committee. And you're going to have to involve yourself with this, it was a shock to me. I would like to suggest we sit down with the City Council and ask them what that actually is.

Commissioner Baker: I feel like I've been asking for that for a long time.

Commissioner Blackerby: This is not the first time it's come up.

Commissioner Affuso: How can we build a good committee if we don't even know what that we're supposed to be doing in this committee?

Director Skinner: It's the Citizen Involvement Committee and it satisfies the state requirement for establishing a method for the public to be heard. It does satisfy the legal requirement, and that is all that it does. We're meeting that requirement by doing our notifications and holding public hearings. And that is the role of the CIC. It's misnamed frankly.

Commissioner Baker: The current Comp Plan spells out a number of things that have never been done. For example: Lincoln City shall work with the school district to establish a local government education program in cooperation with the school curriculum. That never happened. That's in the comp plan. What is here in the current comp plan under Citizen Involvement Program is a lot more than what is even in the draft we received which is just "develop a written document describing the citizen involvement plan and how it ensures the following are in place..."

Director Skinner: I purposely did that so that you all could write your own plan and make it what you want. If you want me to copy what's already in the comprehensive plan I can do that, but I thought you would have made it your own.

Commissioner Baker: Yes, but I think that we're confusing editing the Comp Plan and us having an understanding of what the CIP currently is.

Director Skinner: I just told you. Right now you are the Planning Commission and you hold public hearings.

Commissioner Baker: I was told in an email to reference the current comp plan. I thought that it was applicable.

Commissioner Blackerby: Anne Marie, you asked for two steps. I think we make that one of the priority topics if/when we ever have a work session with the City Council. At a time that's convenient, it doesn't need to be right away. And we take a look at the scripts. I thought that was a wonderful idea that came out of the training session.

Director Skinner: The script change is easy. I'll get John to send the script and we will make that change. As far as the work session with City Council we discussed a number of topics you wanted to talk about and I relayed all of those to the City Manager. There's nothing else I can do.

Commissioner Blackerby: Just clarifying that that might be the number one topic to have with them.

Commissioner Bunnett: So we don't know if we're going to have this joint work session? Is it up to the City Manager or the City Council?

Director Skinner: Both. The City Manager asks CC for topics of what they want to discuss in work sessions and they schedule accordingly.

Commissioner Blackerby: We'll wait and see and if they want to have a work session hopefully we can encourage that to be one of the priority topics. But if Marci and I are the only two lone rangers on this, and you all don't want anything to do with citizen involvement, we are just two of 5.

Commissioner Bunnett: I don't think you are the only two.

Commissioner Sumner: We're doing what we're required. If there is a different committee it needs to be further outlined.

Commissioner Blackerby: I was never suggesting another committee. I agree with you, we can't fill this one. I just think there's a tweak that we can make it more than the bare minimum, legalese system we're currently doing.

Commissioner Sumner: How does that not fall under your city councilors? We elect them to be our representatives. I think that's their job to do citizen involvement.

Commissioner Baker: There is a statewide planning goal under citizen involvement. We have a comp plan with Citizen Involvement Policies. Number one: "Lincoln City shall develop multimedia informational programs on the planning process and procedures such as television and radio talk shows, newsletters, slide and discussion panels." That hasn't really been done. So do we really need to have a work session with City Council to talk about what is already outlined as our role?

Director Skinner: It has been done. Multimedia, social media, we have a website page, meetings are streamed live on Channel 4.

Commissioner Affuso: I believe you can't make people be involved in things they don't want to be involved with. We can advertise it everywhere but if they don't want to come, they're not going to come.

Commissioner Baker: I get a lot of feedback, and the comment I get most often is that people think their input is not wanted. I think that our population has been jaded, there has been a lot of miscommunication, lots of change, and we could play a role in communicating in a positive way to our community. I am advocating to go above and beyond the legal requirement, and I just wanted to have a discussion with everyone else about it. I think that there is a role that we have been charged with that we have not done. There are state requirements on analyzing how successful this program has been yearly that has never been done. So I'm advocating for us to follow our own codes and state law, and I'm trying to understand better what that program is. If it doesn't exist, then I'd like us to just acknowledge that.

Director Skinner: I think the first step would be to have the yearly review, whatever the code requires. As far as people saying that the City doesn't want feedback-the City Council provides an option for people to come and address them on whatever topic they want at every City Council meeting. It is rare for people to take advantage of that. There's also an opportunity on the website for people to submit comments on anything they want. And people do, I receive comments from that website.

Commissioner Sumner: When I was at LC Chamber I would share everything Anne Marie did, and our program allowed us to track the number of "clicks" each article received, and the planning-related topics were always the least trafficked items.

Chair Vincent: I went to those public input meetings that Anne Marie held and several were completely unattended.

Commissioner Baker: I feel like I'm trying to ask how we can do better, and what I'm hearing is that because people aren't engaging so we have done our job. Maybe I'm looking at this from a different perspective. I really feel we could try new things. Start with the low-hanging fruit, things that don't cost any money, something like an easy feedback form on the website, and allow them to organize it for you for what section of the comp plan.

Director Skinner: I can look to add it to the comp plan page this week. It is easy.

Commissioner Sumner: I do agree that we need to find a way to reach citizens. I don't think it's necessarily the Planning Commission. I think it falls on other forums of our committees to be more involved with our citizens to get their input on not just Planning Commission but everything.

Commissioner Blackerby: We're not asking for input just on Planning Commission items. This is a separate responsibility of the Planning Commission as it serves as the Citizen Involvement Committee.

Director Skinner: The Planning Commission serves as the Citizen Involvement Committee only for planning. It's not for all citywide events. It is just for land use planning.

Commissioner Sumner: The other issues get pushed onto the City Council, in my mind.

Commissioner Affuso: It goes to Explore Lincoln City and their massive budget. We're going down a rabbit hole that is spiraling out of control, to be honest.

Director Skinner: Citizen involvement for the Planning Commission is strictly for land use planning. Anything other than that is not the purview of the Planning Commission/Citizen Involvement Committee. Getting info out about anything else is not Planning Commission.

Commissioner Bunnett: Robert, I sense that you are interested in wrapping this up, as am I. Where are we going from here? I think the topic requires more discussion on our part.

Chair Vincent: Anne Marie just dictated that it is only for planning.

Commissioner Bunnett: That's right, so within those limits it is still something we need to talk about, can we put it on the agenda for a future meeting?

Director Skinner: It's already on the agenda, as Goal 1 of the Comp Plan, date to be determined. Our next work session is to finalize housing and begin to discuss the chapters for public services and facilities and transportation.

Commissioner Bunnett: We've identified the five priority areas, so those should be the ones we discuss first, but the other goals beyond those five--will we still discuss those? Can we move the topic of citizen involvement to be the one we talk about next, after those first five?

Director Skinner: You can move it to the next work session if you prefer.

Commissioner Blackerby: I think we should concentrate on the five, and then put citizen involvement on next.

Commissioner Baker: My intent in bring it up was not in reference to updating the comp plan. It was in reference to what can we do to get more public feedback and to see if the Planning Commission was interested in trying to get more input throughout the drafting process. And then a measure could be having people showing up to the public hearing and finding they like the draft because they feel that their comments had been heard. I felt this would mean we had taken at least

one step in at least functioning as the Citizen Involvement Committee and at least thinking about how do we know if we've been successful. We keep saying that people don't show up and people don't care, but I don't think that's a good measure of whether or not we've been successful. I just thought it would be something to talk about. We seem pretty split about whether we want more public feedback or not as a commission.

Commissioner Sumner: I definitely do, I just don't think it's all on us.

Commissioner Baker: But on land use planning and updating the comp plan it is all on us.

Commissioner Blackerby: My question is can we do what we are supposed to do now? Think about it. We've heard great ideas from John at the training.

Chair Vincent adjourned the meeting.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

**LINCOLN CITY PLANNING COMMISSION
MINUTES
February 21, 2023**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

Attendee Name	Title	Status	Arrived
Brian Bunnett	Commissioner	Present	
Melissa Sumner	Commissioner	Excused	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Charlsy Affuso	Commissioner	Excused	

Director Anne Marie Skinner noted that the two Commissioners not present had notified her of their absence in the appropriate timeframe, and were officially excused.

2. MINUTES

2.1. Planning Commission - Regular Meeting - Feb 7, 2023 6:00 PM

MOTION:	Approve the minutes of the February 7, 2023 Planning Commission Meeting as written
MOVER:	Baker
SECONDER:	Bunnett
AYES:	Bunnett, Baker, Vincent, Blackerby
EXCUSED:	Sumner, Affuso
RESULT:	Passed

2.2. Planning Commission - Workshop - Feb 7, 2023 6:30 PM

NO MOTION:	The minutes of the February 7 Planning Commission Work Session were pulled from the agenda for revisions and will be returned for approval at the next regular meeting.
-------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. FINAL ORDERS & FINAL RECOMMENDATIONS

None.

4. PUBLIC HEARINGS/DELIBERATIONS

4.1. SUB 2022-01_P NW 40th subdivision

Chair Robert Vincent opened the public hearing at 6:03 PM. He introduced the application and read the required statements. In regards to bias and/or ex parte communications, Commissioner Blackerby and Commissioner Bunnett both stated that they had visited the site, but neither encountered anyone during their visits. No challenges were offered. Director Skinner provided the applicable substantive criteria for the project.

Director Skinner presented the staff report, including an overview of the proposal, property ownership, site location and description, as well as the zoning and Comprehensive Plan classifications. The request is for preliminary plat approval for a 12-lot subdivision. The site is currently being developed for a single-unit dwelling.

Comments were received from the historic preservation office of the Confederated Tribes of the Grande Ronde Community of Oregon. They stated they had no comments at this time and deferred to the primacy tribe(s) of the project area, the Siletz. No additional comments were received from the Siletz Tribe. Responding to a question from Commissioner Blackerby, Director Skinner stated that she provides notification to a wide range of potential stakeholder agencies, adding that the Grande Ronde Community did not own land within the vicinity of the project. Comments were also received from North Lincoln Fire and Rescue District #1. Their comments aimed to draw the applicant's attention to the relevant fire codes with which the project must comply. Comments were received from North Lincoln Sanitary Services relating to their ability to maneuver the proposed private drive. Public Works provided comments, which are included as conditions of approval in the staff report.

The staff report stated that all necessary application materials have been submitted, and that the layout has been found to meet all of the requirements with the exception of the Public Works required street section that has been made a condition of approval. Director Skinner clarified that although the application shows a particular development of detached and attached single-unit dwellings, the preliminary plat approval will only apply to the land division process. Anything that is an allowed use within this zone may be proposed at a later date and receive a building permit.

Director Skinner provided an overview of the conditions of approval, including recent revisions due to a subsequent revised submittal from the applicant. She also noted that the Planning Commission has the option to require sidewalks on either one side of the street as proposed by the applicant, or require the sidewalk be provided on both sides as recommended in the staff report.

Commissioner Baker asked for clarification on which site plan in the packet was the most current. Director Skinner stated that the updated plan is presented as the Utility Plan, located on the last page of the packet.

Commissioner Blackerby asked for clarification about the development of the property as a single-unit residential home on one lot. Director Skinner stated that a building permit had been obtained for the residence prior to the current application for a preliminary plat to divide the lot into 12 lots. Clearing of the lot was allowed under that approved building permit. Commissioner Blackerby asked for additional clarification as to the extent of the property and a more complete description of the proposed hammerhead street. Commissioner Blackerby also asked about the requirements for on-street parking. Director Skinner stated that the final development would have to meet the street section requirement of the Transportation System Plan, and the Oregon Fire Code. Commissioner Blackerby asked about the tree removal for the property. Director Skinner stated that the trees were removed under the approved building permit for the single-unit residence.

Commissioner Bunnett requested clarification about the reference to cul-de-sacs in the comments from North Lincoln Sanitary Services. Director Skinner stated that this comment was made in error, and no cul-de-sacs are proposed. In regards to a question about the Fire District comments,

Director Skinner noted that the final development will be reviewed by the Fire District and will require their approval prior to issuance of any building permits. Commissioner Bunnett also requested clarification about the location of the private drive. Commissioner Blackerby commented that the sidewalk is proposed only on one side of the private drive. Director Skinner reminded the Commission that the current proposal does not meet the Transportation System Plan roadway cross section.

The proposal was represented by Nathan Knott, project owner, Laura Mounce, project manager, and the project planner, Greg Blackmore. Mr. Blackmore provided an overview of the project team, the site, the zoning and permitted uses, and the proposal. The applicants stated that they generally agreed with the staff report, but were requesting that the requirement for sidewalks on both sides be reconsidered.

Commissioner Baker asked if fire access was adequate for Lots 1 through 4. Mr. Knott stated that the Fire Marshal had reviewed and tentatively approved the preliminary plat. Commissioner Blackerby asked for additional clarification regarding the shared driveway, the private drive and hammerhead, and the location of proposed sidewalks. Commissioner Blackerby asked if there would be any separation between the private drive and the asphalt loading area behind the shopping center. Mr. Knott stated that their goal is to provide some sort of landscaping or fencing in this area.

Commissioner Bunnett commented about the impact of the adjacent loading docks and truck activities in proximity to the proposed residences. Mr. Knott stated that the project would look for ways to address these impacts with landscaping.

No members of the public participated in the hearing.

Commissioner Blackerby moved to close the record and the hearing. Commissioner Baker seconded, and the motion was approved.

The applicants waived their right to submit final written arguments.

Commissioner Baker recommended that the Commission discuss their thoughts regarding the need for sidewalks on both sides of the street. Chair Vincent moved to approve SUB 2022-01_P in accordance with the staff report with the exception of requiring sidewalks on only one side of the street. The motion was seconded by Commissioner Blackerby and approved.

MOTION:	Approve SUB 2022-01_P with staff’s recommended conditions of approval except requiring sidewalks on only one side of the street
MOVER:	Vincent
SECONDER:	Blackerby
AYES:	Bunnett, Baker, Vincent, Blackerby
EXCUSED:	Sumner, Affuso
RESULT:	Passed

5. DIRECTOR'S UPDATE

Director Skinner provided an update regarding CUP 2020-02, the conditional use permit for dredging received by the Devils Lake Water Improvement District. She stated that she had just signed the Land

Use Compatibility Statement for the first dredging to take place, which indicates progress has been made.

Director Skinner handed out three items to the Planning Commissioners, including the Oregon Planning Commissioners Handbook, a document entitled "Putting People in Planning", and portions of Title 2 of the Lincoln City Municipal Code related to City-appointed bodies. She also invited Commissioners to attend a training entitled Oregon Land Use Planning Fundamentals for Elected Officials and Planning Commissioners being offered live via zoom on March 15th. All of the Commissioners present stated they were interested in attending the training.

6. FUTURE AGENDA ITEMS & NEXT MEETINGS

Director Skinner stated that the next Planning Commission meeting was scheduled for March 7, 2023. One land use application, an appeal with required public hearing, is scheduled for that meeting. The next work session is scheduled for February 28th. Director Skinner asked if any Commissioners were available for a second work session that same week. A work session was scheduled for Thursday, March 2nd at 5:30 PM.

Commissioner Baker asked which planning goals would be reviewed after completion of the Housing chapter at the February 28th work session. Director Skinner stated that the chapters on Public Facilities and Services, and then Transportation were next in line.

Commissioner Bunnett requested clarification regarding the best way to provide comments on the draft chapters. Commissioners have been asked to bring copies of their desired changes and distribute them at the work sessions for review and comment. Responding to a question from Commissioner Blackerby, Director Skinner stated that the discussion on Transportation would be followed by a review of the chapter on Ocean Resources.

Commissioner Baker requested adding a section to the agenda for the Citizen Involvement Committee, or having a separate meeting. The recommendation for an addition to the agenda was supported by the other Planning Commissioners. Director Skinner agreed to add this section to the next meeting agenda.

7. ADJOURN

Chair Vincent adjourned the meeting at 7:16 PM.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

Planning Commission Communication

FO 2023-01 for SUB 2022-01_P

Meeting Date:	March 7, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Attachments:

FO 2023-01 for SUB 2022-01_P (DOCX)

LINCOLN CITY
PLANNING COMMISSION

IN THE MATTER OF:

Case File SUB 2022-01_P)	
NW 40 th St subdivision)	Final Order No. 2023-01
Subdivision Tentative Plat)	
_____)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Findings of Fact and Conclusions of Law regarding compliance with applicable approval criteria as set forth in the Staff Report for SUB 2022-01_P, dated February 13, 2023, together with supporting documents and application materials in the record, said Staff Report and documents being hereby adopted and incorporated into the Order by this reference.

The incorporated Staff Report finds that the application meets all applicable approval criteria; therefore, Planning Commission finds and determines that all applicable approval criteria are met.

FINAL ORDER

Based on the evidence and testimony presented at the public hearing on February 21, 2023, including the Staff Report and supporting application materials contained in Case File SUB 2022-02_P, the Planning Commission finds and determines that the application contained in the case file DOES SATISFY all applicable criteria, and the application is therefore APPROVED WITH CONDITIONS as noted below.

General

1. The property owner shall be responsible for complete knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, policies, and standards in the development of the site.
2. The property owner shall adhere to all requirements of LCMC Chapter 16.16.
3. Pursuant to LCMC 16.16.010(A), the following improvements shall be installed at the expense of the subdivider in accordance with the city requirements:
 - Streets, including drainage adequate to serve the property and streets;
 - Sanitary sewers and services;
 - Water distribution lines and services;
 - Sidewalk on one side of the private street;
 - Street name signs and street light poles;
 - Lot, street, and perimeter monumentation;

- Underground power lines;
 - Underground telephone lines;
 - Underground cable lines.
4. Pursuant to LCMC 16.16.010(B), all improvements shall be constructed to the subdivision boundary.
 5. An application for a site development permit shall be obtained prior to any construction on the site. The permit shall be obtained through ePermitting Accela and shall include the plans and reports noted in the conditions below.

Planning

1. Pursuant to LCMC 16.08.020, the sale or transfer of lots is prohibited by Title 16 and ORS Chapters 92 and 93 until the final plat is recorded.
2. Pursuant to LCMC 16.12.180, construction plans shall clearly and distinctly show and label the lot widths and depths to show compliance with the widths and depths noted in LCMC 16.12.180.
3. Pursuant to LCMC 17.28.060, construction plans shall clearly and distinctly show and label the lot widths and depths of Lots 5 through 8 to show compliance with the minimum lot width and depth requirements of 50 feet and 70 feet, respectively. If a conflict occurs between 16.12.180 and 17.28.060, the strictest requirement shall apply.
4. Pursuant to LCMC 17.28.100(A), no development shall occur in the RC zone unless all city services (sewer and water) are available to serve such development.
5. Pursuant to LCMC 17.52.060, clear-vision triangles (50 feet long by 10 feet wide) shall be provided on the east and west sides of the new private street approach. At all times, clear-vision triangles shall be free of obstructions (including but not limited to plantings, fencing, or other temporary or permanent obstruction) from 2 ½ feet to 8 feet above the grade of the street.
6. Pursuant to LCMC 17.52.120, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.
7. No construction shall take place across property lines. The footprint of the dwelling under construction shall be shown on the construction plans, along with required setbacks, showing compliance with all Title 16 and Title 17 requirements.
8. Pursuant to LCMC 16.12.180, easements for utilities along the rear and side lot lines are not necessary and shall be specifically waived by the Planning Commission, with the condition that a) the private street is shown as a public and private utility easement on the final plat; and b) a six-foot-wide public and private utility easement behind the front property line of every lot is shown on the final plat.

Fire

1. Development shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the final construction plans and final platting of the subdivision, and the final plat shall not be signed by the director of Planning & Community Development until confirmation of compliance with the current Oregon Fire Code requirements from the fire marshal is given to the director in writing.

Access –

- Minimum 20-foot wide access road with an approved driving surface of supporting 75,000 pounds (2022 OFC D102.1).
- Where a fire hydrant is located on the access road, the minimum road width shall be 26 feet exclusive of shoulders (2022 OFC D103.1).

- If the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided (2022 OFC D105.1).
 - Aerial fire apparatus access shall have a minimum unobstructed width of 26 feet exclusive of shoulders, in the immediate vicinity of the building (2022 OFC D105.2).
 - One of more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side on which the aerial fire apparatus access road is positioned shall be approved by the fire code official (2022 OFC D105.3).
- The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet, respectively, measured from the same center point (2022 OFC 503.2.4 and D103.2).
- Access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4 (2022 OFC D103.4). Access roads shall be 26 feet wide.
- Fire lane signs as specified in D103.6 shall be posted on both sides of the fire apparatus access roads that are 20 to 26 feet wide (2022 OFC D103.6.1).
 - Signs shall be placed as required by the fire code official. Fire apparatus access roads shall be marked with permanent “NO PARKING – FIRE LANE” signs complying with figure D103.6. Signs shall have a minimum dimension of 12 inches wide and 18 inches high and have red letters on a white reflective background (2022 OFC D103.6).

Water Supply –

- 2022 Oregon Fire Code requires minimum available fire flow for single-unit dwellings served by municipal water supply shall be 1,000 gallons per minute. If the structure(s) is(are) 3,600 feet or larger, the required fire flow shall be determined according to OFC Appendix B (2022 OFC B105).
- All portions of a new dwelling shall be located within 500 feet of a fire hydrant as measured by an approved route (2022 OFC 507.5.1 Exception 1, reduced by 100 feet for a dead-end street (2022 OFC Table C102)). A new hydrant is required for Lots 7 through 12 due to distance.
- The new hydrant for Lots 7 through 12 shall be located in the southwest corner of Lot 12, east of the driveway (2022 OFC Table C102.1 H).
- Due to the dead-end street and associated access issues, a second hydrant shall be placed in the southeast corner of Lot 5, north of the access road for Lots 1 through 4 (2022 OFC Table C102.1 H).
- Installation of hydrants and piping shall be compliant with the Oregon Fire Code, NFPA 1142, NFPA 24, and all other applicable codes and standards.
- The fire code official shall be notified prior to water supply tests. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to the final approval of the water supply system (2022 OFC 507.4).
- Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations, and servicing shall comply with the approved standards. Records of tests and required maintenance shall be maintained (2022 OFC 507.5.2).

Public Works

Construction Plans:

1. Prior to any public right-of-way or public utility work, including excavation, grading, utility connections, and/or roadway construction or restoration, an application for a combined public works permit shall be submitted and shall be accompanied by complete and detailed construction plans. The construction plans shall be stamped by a professional engineer and work shall be completed as shown on the approved construction plans, in accordance with the 2022 Lincoln City Public Works Design Standards & Details (LCPWDS), local, state, and ADA standards, and the conditions of approval contained herein.
2. The approved construction plans and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed.
3. **Within 30 days after completion of construction**, field-verified, stamped as-built drawings for all public improvements shall be provided to Lincoln City Public Works (LCPW) in AutoCAD format and shall include relevant survey data. All discovered utilities and any changes to the approved construction plans shall be noted with callouts, indicating location, depth, and material. The as-built drawings shall note all installed water and sewer service locations and sewer cleanout depths. **The as-built drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 983 and vertical control of NAVD 88.**

Erosion Control:

1. Grading and erosion control plans showing compliance with LCMC 12.08 shall be submitted as part of the application package for the site development permit application in accordance with LCMC 12.08.060. Erosion control plans must be prepared by a registered professional engineer, licensed landscape architect, professional engineering geologist, or a certified professional in erosion sediment and control.
2. Grading plans shall identify the proposed grading, drainage, and stormwater facilities.
3. Approved soil erosion control measures must be in place and inspected by LCPW prior to any construction activities taking place on the site.
4. The property owner is responsible for application for, acquisition of, and compliance with the Oregon Department of Environmental Quality (DEQ) 1200-C Stormwater Permit and any other requirements of DEQ.

Streets and Right-of-Way:

1. Pursuant to LCMC 16.12.030, the width of streets and roadways in feet shall be as shown in the cross sections in the city's 2015 Transportation System Plan, Volume 1, Standards section, starting on page 45, and Public Works/Engineering Standards, excepting that sidewalk shall only be required on one side of the private street.
2. Pursuant to LCMC 16.12.120(B), a detailed street improvement plan showing finished street grades with a minimum slope of one-half percent shall be included with the construction plans.
3. Pursuant to LCMC 16.12.120(C), construction plans shall show compliance with the requirement of centerline radii of all curves being no less than 100 feet.
4. Pursuant to LCMC 16.16.020(A), the developer shall be responsible for improving all streets, including alleys, within the subdivision.
5. Pursuant to LCMC 16.16.020(B), construction of all streets shall be to city section standards for permanent street construction, the TSP, and LCPWDS, excepting that sidewalk shall only be required on one side of the private street.

6. Pursuant to LCMC 16.16.020(C), prior to any city signatures on the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front line and street centerline monumentation (along and within street right-of-way) guaranteed. Any monuments destroyed during improvement installation shall be replaced after street construction.
7. Construction plans shall include detailed street design for the proposed streets showing conformance to and compliance with the TSP and LCMC 16.16.102.
 - The proposed low-use local street shall have a minimum 20-foot-wide driving surface with a 6-foot-wide sidewalk on one side.
8. Construction plans shall show all required street signage and markings, including but not limited to, street name signs, stop signs, striping, and no parking signs.
9. Construction plans shall show all proposed cuts to and repairs of NW 40th St. Trench cuts (T-cuts) shall be repaired per LCPWDS. Areas of existing pavement with two or more cuts shall be repaired in a single asphalt repair. The existing pavement T-cut and any impacted pavement shall be repaired to the full existing depth or to a 2-inch minimum depth, ground and inlaid.
10. The connection between the new private street and the public right-of-way of NW 40th St shall be constructed as a standard curb return in compliance with LCPWDS and ADA standards. Construction plans shall include all necessary details for construction of the connection, including pavement removal extents and curb ramp designs.

Stormwater:

1. The property owner is responsible for knowledge of, adherence to, and compliance with Oregon Drainage Law. The design and construction of all stormwater facilities shall adhere to and comply with Oregon Drainage Law.
2. All new impervious paving shall be treated according to LCPWDS and Lincoln City Stormwater Best Management Practices (LCBMP). This includes treatment sized according to 50% of the 2-year, 24-hour rain event.
3. A stormwater report including existing conditions, proposed changes, calculations for conveyance, infiltration, detention (downstream analysis), water quality, and other proposed drainage facilities shall be included with the submittal package for the site development permit. The stormwater report shall be prepared by a registered professional engineer and shall demonstrate compliance with LCPWDS, LCBMP, Title 16, and the conditions of approval.

Water and Sanitary Sewer:

1. All public water and sanitary sewer systems design, construction, and testing shall be completed according to LCPWDS.
2. All lots shall be served by city water and city sanitary sewer from either a private/public utility easement or a public right-of-way.
3. The existing public sanitary sewer facilities that run across proposed Lots 9 through 12 shall be relocated in accordance with LCPWDS as part of the site development permit for the subdivision, and the associated easement shall be vacated. The final plat shall show the location of the relocated facilities, along with the public utility easement over the new location.
4. The submitted preliminary utility plan shows extension and service of Lots 1 through 6 via the adjoining property's private sanitary sewer line and this shall not be allowed. Sanitary sewer service shall only be extended and connected from public sanitary facilities. No extensions or services shall be allowed via any adjoining property's private sanitary sewer line.

5. The property owner shall be responsible for design and construction of all required fire and domestic water service requirements. The property owner shall complete flow testing following construction to provide verification of provided water supply. LCPW shall be given an advanced notice of 48 hours of any flow testing to be performed. A water distribution city staff member shall be on the site at the time of flow testing.
6. Material submittals for all public water improvements shall be submitted to LCPW for review and approval in accordance with LCPWDSD.
7. An existing 12-inch water main line exists within NW 40th St. An existing 6-inch water main line exists running parallel to the east of the site. Water extension into the subdivision shall be looped, connecting the proposed water system at both ends to the 12-inch and 6-inch existing lines to optimize system flow and function.

FINAL ORDER APPROVED THIS 7th DAY OF MARCH, 2023

Robert I. Vincent
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

Planning Commission Communication

APP 2023-01 Trout Fowler

Meeting Date: March 7, 2023 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Attachments:

DI 2022-02 Trout - Staff Report COMPLETED (PDF)
DI 2022-02 Application_Redacted (PDF)
DI 2022-02 Email requesting DI (PDF)
Fowler Building Plans (PDF)
DI 2022-02 GIS Map(PDF)
APP 2023-01 Trout Fowler Application_Redacted (PDF)
APP 2023-01 Staff Report (DOCX)

Director's Interpretation Staff Report, Decision, and Conditions of Approval Case File DI 2022-02 Trout

Date:	January 12, 2023
Case File:	DI 2022-02 Trout
Project Contact:	Randy Trout
Property Owner:	Jennifer L. Fowler and Keith L. Fowler
Situs Address:	2864 NE Lake Dr
Location:	Between NE Lake Dr to west and Devils Lake to east, approximately 285 feet north of NE 28 th St
Tax Map and Lot:	07-11-11-AB-00700-00
Comprehensive Plan Designation:	Medium-Density Residential District (R-7.5)
Zoning District:	Single-Unit Residential (R-1-7.5) Zone
Site Size:	5,662.80 square feet (per Lincoln County Assessor)
Proposal:	Request for director's interpretation on minimum setback requirements for a structure with more than one story
Surrounding Land Uses and Zones:	North: Houses; R-1-7.5 South: Houses; R-1-7.5 East: Devils Lake West: NE Lake Dr, Hospital; PC
Authority:	Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a director's interpretation application as a Type I or II procedure with the Planning and Community Development Director (Director) listed as the review authority.
Procedure:	The application was received on November 23, 2022. The application was deemed complete on December 7, 2022. On January 13, 2023, pursuant to LCMC 17.76.040(E), the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.



Applicable	LCMC Section 17.08.010 Definitions
Substantive	LCMC Chapters 17.16 Single-Unit Residential (R-1) Zone
Criteria:	LCMC Section 17.76.040 Type II Procedure
	LCMC Section 17.77.080 Director's Interpretation

BACKGROUND

The subject property (site) is addressed as 2864 NE Lake Dr. The tax lot number is 07-11-11-AB-00700-00, and the assessed site size is 5,662.80 square feet. The site is developed with an existing dwelling and a boat house, both of which were built in 1962. A boat dock was added in 1992, and a covered porch and detached garage were added in 2005. The site's east boundary is Devils Lake and the west boundary is NE Lake Dr. Houses are to the north and south of the site. Across NE Lake Dr to the west is the hospital. The site is in the R-1-7.5 zone, the properties to the north and south are zoned R-1-7.5, and the property to the west is zoned Professional Campus.

Lincoln City's GIS mapping shows the site does not contain bluff erosion hazards, trails, aesthetic resource, floodway, or natural resource overlays. The eastern portion of the site does contain AE flood hazard area.

The property owners desire to convert the existing single-story structure to a two-story structure. The conversion involves the new construction addition of a second story over the existing first story, as well as an enlargement of the structure by expanding the southwest building corner to the south. A building permit application was submitted on July 22, 2022. The description of work on the application states: "Remodel: adding 2nd story, no change in footprint." On July 27, 2022, the applicant was notified that the permit application was on hold because additional items were needed to complete the application, consisting of payment of the plan review fee, a site plan, the Public Works Combined Checklist, and the Pre-Submittal Checklist. The plan review fee was paid, but the site plan and checklists were still outstanding as of October 20, 2022, when a reminder email was sent to submit the previously requested checklists and site plan. The checklists and site plan were received on November 4, 2022, and the building permit technician was able to deem the building permit application complete and move it forward for review.

Lincoln City Public Works review the application for compliance with Public Works Design Standards on November 14, 2022. The application was missing several items, and the applicant was notified accordingly on November 14, 2022. To date, the missing items to satisfy Public Works Design Standards have not been received.

The associate planner reviewed the application for compliance with LCMC Title 17 on November 17, 2022. The associate planner found several items out of compliance and notified the applicant accordingly on November 17, 2022. One of the non-compliant items involved setbacks. The comment from the associate planner states: "Setbacks need to be revised. The addition of the 2nd story turns the home from a 1 story to a two story home. All new additions must meet the setbacks for a 2 story structure which is 7.5 ft. no addition footprint may be added to the home, even on the 1st story, unless it meets the 7.5 ft setback."

A series of emails between the applicant and the associate planner regarding the minimum setback requirement resulted in the submittal of an application for a director's interpretation. The application for a director's interpretation was submitted on November 23, 2022. The applicant states the following:

"The proposed addition to the existing residence consists of single story sections and a new second level. It has been carefully planned so that the single story portions of the addition fall within the 5' setbacks for 'one story structures' and the two story portions of the addition fall within the 7'-6" setbacks for structures 'more than one story.' This accomplishes a step-back building form consistent with the intent of the graduated set-back rules."

“Plan review comments include revising setbacks so that all addition footprints are within the 7’-6” setbacks for ‘more than one story.’ The reason given is that the ‘addition of the 2nd story turns the home from a 1 story to a two story home.’ ”

The applicant continues with an outline of reasons why the minimum 7 ½-foot setback requirement for a two-story structure should not be imposed on the project.

COMMENTS

No comments were received.

ANALYSIS

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. *General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. *When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*

Finding: A pre-application conference is not required.

- D. *Application Requirements. Type II applications shall:*
 - 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. *Be accompanied by the required fee as adopted by city council resolution.*
 - 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110(D) and (E).

- E. *Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
 - 1. *After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant’s representative;*
 - b. *The owners of record of the subject property;*
 - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor’s office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

Finding: The Planning and Community Development Department mailed the public notice of a complete application to the parties noted in LCMC 17.76.040(E)(1)(a) through (d).

- 2. *The written public notice shall include the following:*

- a. *A brief description of the request;*
 - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. *Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
3. *The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
 4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice contained all the information required in LCMC 17.76.040(E)(2)(a) through (f). The written public notice included the written comment period of 14 days.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in this staff report. No written comments were received.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040(G)(2).

3. *The notice of the decision shall include the following:*
 - a. *A brief description of the request;*
 - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*

- e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
- f. *A statement that the complete file is available for review; and*
- g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040(G)(3)(a) through (g).

Chapter 17.77 Applications

17.77.080 Director's Interpretation

- A. *Purpose.*
- B. *Director's Authority to Initiate an Interpretation.*
- C. *Director's Authority to Decline an Application.*
- D. *Procedures. A director's interpretation not specific to a particular property or circumstance is subject to the Type I procedure, as described under LCMC 17.76.030. A director's interpretation for a particular property is subject to the Type II procedure, as described in LCMC 17.76.040.*

Finding: The request is for a specific site, so the request is subject to the Type II procedure pursuant to LCMC 17.77.080(D).

- E. *Submittal Requirements. Type I application submittal requirements are set forth in LCMC 17.76.030. Type II application submittal requirements are set forth in LCMC 17.76.040. More specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The required documents and completed application forms were submitted.

- F. *Standards for Assignment of a Use.*

Finding: This is not applicable. The request is not to determine if a use is allowed.

- G. *Standards for Interpretation. An interpretation of terms, intent, or meaning shall be as consistent as possible with the standards listed below. Not all of the standards need to be met for an interpretation to be issued.*
 - 1. *The proposed interpretation is consistent with the common mean of the words or phrases at issue.*

Finding: LCMC Section 17.08.010 provides the following definitions:

Setback means the minimum or maximum distance required between object and another point. Typically, a setback refers to the minimum or maximum distance from a building or structure to a specified property line.

Story means that portion of a building included between a floor and the ceiling above.

Structure means, except as provided by applicable building codes, any object constructed in or on the ground.

LCMC 17.16.070 states the following required minimums for setbacks:

Front Setback 5' for one-story structures

	<i>7 ½' for structures more than one story</i>
<i>Side Setback</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>
<i>Street Side</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>
<i>Rear Setback</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>

The code does not provide a separate requirement for split-level structures, nor does it provide any relief for minimum setback requirements for split-level structures. The code does not provide a separate setback requirement for each level of a multi-level structure. Rather, the code provides a minimum setback requirement for one-story structures and a more restrictive minimum setback requirement for structures more than one story. The applicant notes that the project “accomplishes a set-back building form consistent with the intent of graduated set-back rules.” However, LCMC 17.16.070 does not provide any provisions for step-back building forms or for graduated setbacks. Rather, LCMC 17.16.070 clearly lists a minimum 5-foot setback requirement for one-story structures and a 7 ½’-foot setback requirement for structures more than one story.

The applicant states: “I cannot find anything in the zoning code that supports defining single story portions of an addition as two story structures simply because the building is two story.” LCMC 17.16.070 clearly provides a minimum setback requirement for one-story structures and a separate minimum setback requirement for structures more than one story. Either the structure is a one-story structure or it is a structure with more than one story, with the minimum setback requirements applying accordingly. The applicant’s building permit application specifically notes in the description of work that the project is adding a second story. The addition of a second story to a single-story structure makes the structure a structure with more than one story.

As stated by the applicant, the existing single-story building footprint does not conform to the minimum 5-foot setback for a single-story structure. LCMC 17.64.020(A) notes:

Alteration of a Nonconforming Structure. A nonconforming building or structure may be enlarged or altered to the extent that such alteration or enlargement conforms to current regulations.

LCMC 17.16.070 requires a minimum setback of 7 ½ feet for structures more than one story. The structure is currently a single story. Accordingly, any enlargement or alteration is allowed, but only to the extent that such alteration or enlargement conforms to current regulations. As stated in LCMC 17.16.070, the current regulations require a minimum setback of 7 ½ feet for a two-story structure. The addition of the second story converts the entire structure to a two-story structure. All portions of the addition, enlargement, or alteration must conform to the current regulation of a 7 ½-foot minimum setback for a two-story structure. LCMC 17.64.020 does not allow for the enlargement or alteration to the existing structure as proposed because it will not be able to conform to current regulations; namely, the proposed enlargement does not meet the 7 ½-foot setback requirement for a two-story structure.

The applicant references a tight and small site and a “proposed design” that “is not unreasonable.” The size of the site is not applicable to the interpretation of the setback requirement in LCMC 17.16.070. Whether the proposed design is reasonable or not is not applicable to the interpretation of the setback requirement in LCMC 17.16.070.

The applicant cites the “inferred intent of the graduated setbacks” where there are no inferred intents. The requirement is very clear – a 5-foot setback for single-story structures and a 7 ½-foot setback for structures with more than one story.

2. *The proposed interpretation is consistent with relevant policy direction from official city documents such as the comprehensive plan and its supporting documents.*

Finding: Other than the municipal code, the Director is not aware of any relevant policy direction regarding interpretation of single-story versus multi-story and the minimum setback requirement for each.

3. *The proposed interpretation is consistent with the interpretation of other portions of this title.*

Finding: The interpretation is consistent with the interpretation of the minimum setback requirements for single-story and multi-story structures in all zones other than the applicant’s R-1-7.5 zone.

4. *The proposed interpretation is consistent with regional, state, and federal laws and court rulings that affect the words or phrases at issue.*

Finding: The Director is not aware of any laws or court rulings that affect the interpretation of the code requirement for a minimum 5-foot setback for single-story structures and a minimum 7 ½-foot setback for multi-story structures.

H. Limitations on Director’s Interpretation.

Finding: The decision is not a legal opinion or interpretation of case law. The decision does not establish precedent and does not bind any review authority in current or future decisions regarding the site or application or similar properties or applications. The decision does not run with the land unless the development is substantially consistent with the description in the director’s interpretation.

- I. *Expiration of a Decision. A director’s interpretation does not expire unless superseded by a subsequent director’s interpretation, comprehensive plan amendment, or ordinance amendment.*

Finding: A director’s interpretation does not expire as noted above.

- J. *Appeal of a Decision. Refer to LCMC 17.76.180.*

Finding: The required notice of decision was given as required by LCMC Chapter 17.76 to afford opportunity for appeal.

DECISION

Per LCMC 17.16.070, the Director concludes that the minimum setback for a single-story structure in the R-1-7.5 zone is 5 feet, and the minimum setback for a structure that has more than one story in the R-1-7.5 zone is 7 ½ feet. The applicant is proposing to convert a single-story structure to a two-story structure by adding a second story to the existing single-story structure. LCMC 17.16.070 requires a minimum setback of 7 ½ feet for structures that have more than one story. The Director concludes that the minimum setback requirement is clearly stated in LCMC 17.16.070, and all portions of the enlargement and conversion to a two-story structure must meet the minimum setback requirement of 7 ½ feet for a structure with more than one story.

Approved by:

Anne Marie Skinner, Director

Date

Planning and Community Development

Received
11/23/2022

Director’s Interpretation Application

APPLICANT:

NAME: Randy Trout _____
ADDRESS: _____

PHONE: _____
E-MAIL: _____

SITE INFORMATION (if applicable):

ZONING DISTRICT: R-1-7.5 _____
TAX MAP AND LOT: 07-11-11-AB-00700-00 _____
SITE ADDRESS: 2864 NE Lake Drive, Lincoln City, Oregon, 97367 _____
SITE LOCATION: Lincoln City, west shore of Devil's Lake _____

The purpose of the Director’s Interpretation Application is to provide a process to clarify terms or phrases within this title which may require further interpretation. The application also provides a means to assign new or non-categorized uses to permitted, accessory, or conditional uses in a zone. Interpretations of code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed to an evaluation of a use or development. The application may be submitted in advance of, or concurrent with, an application, permit, or other action.

What is the requested interpretation? _____

see attached narrative _____

The director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued. The director may issue or decline to issue a requested interpretation. The director’s decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information is true, complete, and accurate.

SIGNATURE:

Applicant

Date 11.23.2022



The proposed addition to the existing residence consists of single story sections and a new second level. It has been carefully planned so that the single story portions of the addition fall within the 5' setbacks for "one story structures" and the two story portions of the addition fall within the 7'-6" setbacks for structures "more than one story." This accomplishes a step-back building form consistent with the intent of the graduated setback rules.

Plan review comments include revising setbacks so that all addition footprints are within the 7'-6" setbacks for "more than one story." The reason given is that the "addition of the 2nd story turns the home from a 1 story to a two story home."

This interpretation should not be imposed on this project for the following reasons:

1. I cannot find anything in the zoning code that supports defining single story portions of an addition as two story structures simply because the building is two story.
2. The existing building footprint does not conform to the 5' setback. Insisting on the building being classified entirely as a two story structure would increase the existing non-conforming condition.
3. The restrictions of this tight and small site exacerbate the issue at hand which would not be serious in most other situations. For this site, the footprints proposed capture the highest and best use of the site and increase property values for the surrounding community.
4. The inferred intent of the graduated setbacks for structures in an R1 zone would be to preserve solar and view rights of adjacent properties. That is the usual purpose of such regulations. Such a goal is not circumvented by allowing portions of an addition that are only one story to extend to the 5' setback.
5. The area in question that is planned between the two setbacks is only 24 square feet. 13.5 square feet is planned between the setbacks on the north between the existing house and the existing garage. 10.5 square feet is planned between the setbacks on the south at the new single story entry. The south portion of this faces an access easement where no structures are allowed.
6. The proposed design is not unreasonable. Enforcement of a totalitarian two story structure setback interpretation would not benefit any other property owners, the community, or the city in any way and would instead inflict undue burden and infringement on this property owner.

From: [Randy Trout](#)
To: [Anne Marie Skinner](#); [Weston Fritz](#)
Cc: Fowler.fab.customs@gmail.com
Subject: RE: 521-22-000469-STR Fowler Residence
Date: Wednesday, November 23, 2022 8:54:20 AM
Attachments: [Director's Interpretation Application\[156231\].pdf](#)
[image001.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attached is the requested form. Please let me know if you have any questions or concerns.

Randy Trout | RA; NCARB; LEED-AP | Principal
ArchiTrout Design & Architecture LLC | www.architrout.com

From: [Anne Marie Skinner](#)
Sent: Tuesday, November 22, 2022 6:11 PM
To: [Randy Trout](#); [Weston Fritz](#)
Cc: Fowler.fab.customs@gmail.com
Subject: RE: 521-22-000469-STR Fowler Residence

Hi Randy,

To resolve the situation, I will need to do a director's interpretation. Please complete the attached form and return to me along with anything you feel is relevant to my decision.

Thank you,
Anne Marie



Anne Marie Skinner
 DIRECTOR

City of Lincoln City | Planning & Community Development
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.996.1228
 E: askinner@LincolnCity.org | W: LincolnCity.org

From: Randy Trout <randy@architrou.com>
Sent: Tuesday, November 22, 2022 3:36 PM
To: Weston Fritz <wfritz@lincolncity.org>; Anne Marie Skinner <askinner@lincolncity.org>
Cc: Fowler.fab.customs@gmail.com

Subject: RE: 521-22-000469-STR Fowler Residence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for your response.

1. Regardless of how setbacks have been administered on current or past projects or if anyone has interpreted them as I have for this project, there isn't language in the zoning code that corroborates your interpretation. In addition, I described how the INTENTION of the code is upheld with the proposed design. I consider your interpretation of the code to be in violation of my client's development rights on a challenging site. How do we resolve that? I still don't see what you are trying to protect by interpreting the setbacks in such a way. In addition, the existing 1 story building is in violation of the setback so we are not making anything worse. What benefit does your restriction bring to the community?

As far as I am concerned, we have complied with keeping "structures more than one story" within the 7-1/2' setback.

Randy Trout | RA; NCARB; LEED-AP | Principal
ArchiTrout Design & Architecture LLC | www.architrout.com

From: [Weston Fritz](#)
Sent: Tuesday, November 22, 2022 2:36 PM
To: [Randy Trout](#); [Anne Marie Skinner](#)
Cc: Fowler.fab.customs@gmail.com
Subject: RE: 521-22-000469-STR Fowler Residence

Hi randy,

I have provided my responses below to your responses.

1. The setbacks are stated in the table in LCMC 17.16. The 7 ½ ft setbacks are required for "structures more than one story." This includes the whole structure and requires all parts of the structure to meet the required setback. It does not allow for the first story to be at 5 ft and the second at 7.5. This is how this provision has been administered on every new permit that comes in. If the home was only adding on to the first story, and no second story addition was proposed, then it could be allowed at the 5 ft setback.
2. You only need to include the portions of the shed and boat house that are on the subject property. You do not need to include areas extending beyond the property line. We always use the square footage in the county records for the impervious and building coverage. In some cases, if the county records are incorrect, then you can submit a survey, showing the exact square footage as legally described in the deed. When a property boundary is tied to the mean high tide, there can sometimes be some differences. The survey would need to

show the property based on this. I have attached the deed for reference.

3. I have attached a copy of the landscape plan. These numbers also need to be reflected on the site plan to include all intended impervious area for the site. If this is to be changed please revise both plans.
4. A note on the plans calling out the heights as less than 4 ft will suffice.
5. It does appear that most of the work, except some minor work around the boat house is outside of the flood zone. A flood permit is not required for the work done outside of the flood zone, only that work that falls within it.

Let me know if you have any questions,

Regards,



Weston Fritz

Associate Planner, CFM

Office hours: Tuesday-Friday -8:30AM to 5:00PM

City of Lincoln City | Planning and Community Development
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1226 | E: wfritz@lincolncity.org | W: LincolnCity.org

From: Randy Trout <randy@architrou.com>
Sent: Tuesday, November 22, 2022 1:22 PM
To: Weston Fritz <wfritz@lincolncity.org>
Cc: Fowler.fab.customs@gmail.com
Subject: 521-22-000469-STR Fowler Residence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I received the following from my client, Keith Fowler, the applicant for the permit listed above:

Workflow Task: Planning Review

Comment: - Setbacks need to be revised. The addition of the 2nd story turns the home from a 1 story to a two story home. All new additions must meet the setbacks for a 2 story structure which is 7.5 ft. no addition footprint may be added to the home, even on the 1st story, unless it meets the 7.5 ft setback. - building coverage must include all accessory structures such as the shed. The shed did not appear to be included - impervious coverage numbers need to include all impervious surfaces on the site, including concrete walkways areas around the boat house. These are found on the landscape plan but not the site plan. - height of all

retaining walls need to be shown on plans - any work in the flood zone will need a flood development permit if applicable.

If you have questions, please contact Weston Fritz at 541-996-1226 or wfritz@lincolncity.org.

I would like to address these issues singularly:

1. *Setbacks need to be revised. The addition of the 2nd story turns the home from a 1 story to a two story home. All new additions must meet the setbacks for a 2 story structure which is 7.5 ft. no addition footprint may be added to the home, even on the 1st story.*

RESPONSE: 17.16.070 Lot Requirements states that the side yard setbacks for R zones is 5' for "on story structures" and 7-1/2' for "structures more than one story." The proposed design respects these setbacks as the 2 story portion of the addition does not encroach on the 7-1/2' setback. The zoning code does not state that the addition of a second story defines the entire structure as two story. Where would that be defined or stated? Furthermore, these type of graduated setbacks are usually intended to preserve the solar and/or view rights of adjacent properties. If that is the case, additions to the first floor which are not two stories respect the intent of the regulation. There is no warranted protection of adjacent properties by prohibiting expansion of the first floor within the single story setback. Please advise why such a restriction is being inflicted upon this project.

2. *Building coverage must include all accessory structures such as the shed. The shed did not appear to be included.*

RESPONSE: The shed was not included in the calculations on AS101. However, there are two paths to resolve this. A) the shed is 84 square feet. The boathouse is shown with 113sq.ft. off the property. If we add only the portion of the shed and boathouse that are on the property, the numbers will resolve for compliant site coverage. B) As stated on AS101, the survey performed by David Loomis showed a site area of 6,402 square feet rather than the 5,662 square feet found on older records. We used the smaller of these numbers for the calculations. If 6,402 sq.ft. is used, the building coverage will easily comply with prescribed limits. Which way would like this revised?

3. *impervious coverage numbers need to include all impervious surfaces on the site, including concrete walkways areas around the boat house. These are found on the landscape plan but not the site plan.*

RESPONSE: I do not have a copy of the landscape plan. I cannot certify if any concrete walkways are existing around the boathouse. If there are, they can likely be removed and replaced with pervious surfaces if required. Again, if 6,402 sq.ft. of site area is used, this may not be necessary.

4. *height of all retaining walls need to be shown on plans.*

RESPONSE: No retaining walls are 4' high or more. Would a general note to that effect be sufficient?

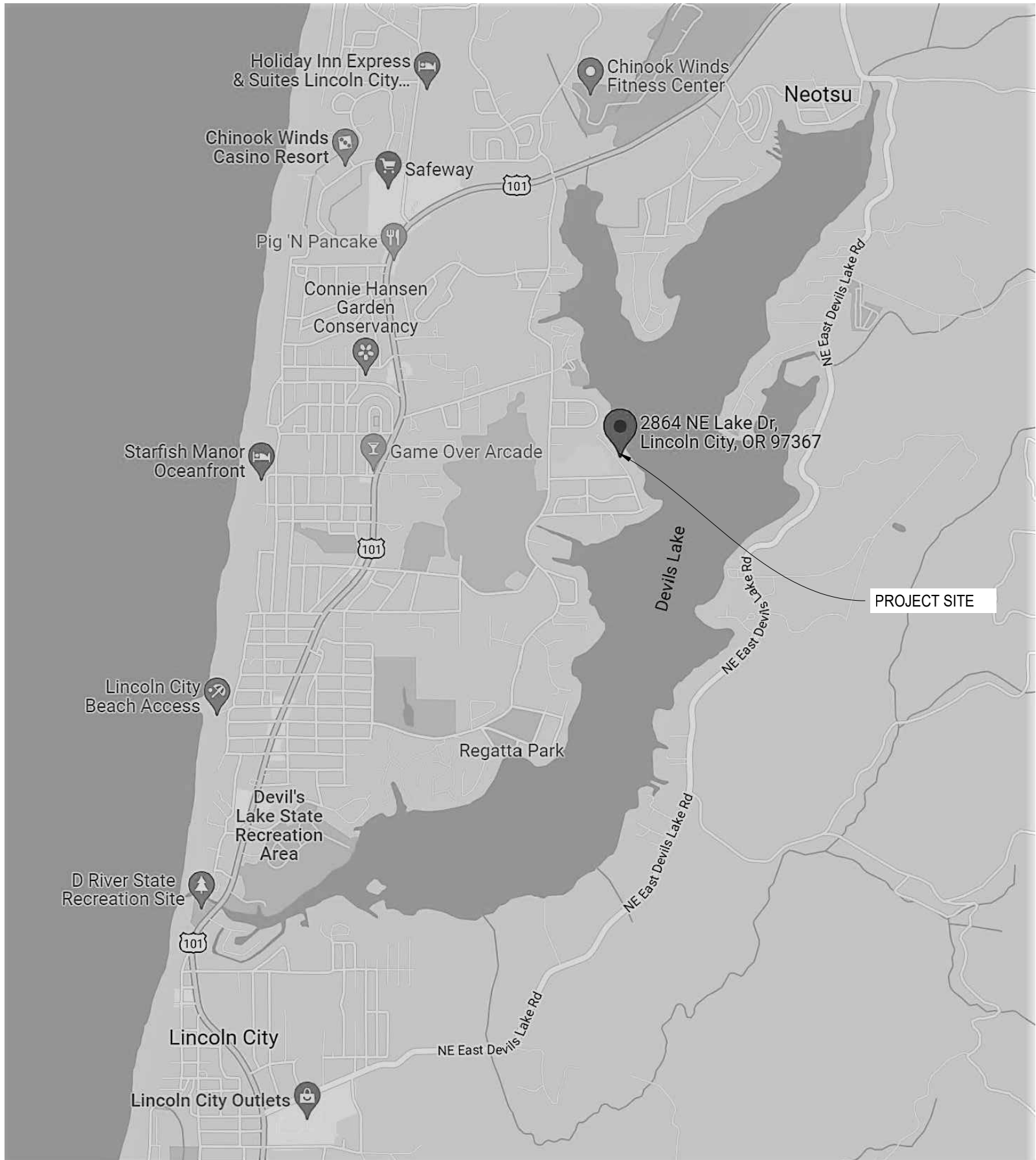
5. *any work in the flood zone will need a flood development permit if applicable.*

RESPONSE: The proposed work (with the exception what might be shown on the landscape plan) is outside of the Flood Zone.

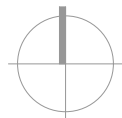
Please provide feedback on these responses as soon as practical and please copy me if convenient.
Thank you.

Randy Trout | RA; NCARB; LEED-AP | Principal

ArchiTrout Design & Architecture LLC | www.architrout.com



1 VICINITY MAP



SHEET INDEX:

01	A000	COVER SHEET
02	AS100	SITE PLAN
03	AS101	LAND USE PLAN
04	AD100	DEMOLITION PLAN
05	A100	FOUNDATION PLAN
06	A101	SLAB PLAN
07	A201	MAIN FLOOR PLAN
08	A202	SECOND FLOOR PLAN
09	A203	ENLARGED KITCHEN PLAN
10	A301	FRAMING PLAN 1
11	A302	FRAMING PLAN 2
12	A303	FRAMING PLAN 3
13	A304	ROOF PLAN
14	A401	SE ELEVATION
15	A402	NW ELEVATION
16	A403	SE ELEVATION
17	A404	NE ELEVATION
18	A405	PERSPECTIVES
19	A500	SECTION AT ADDITION
20	A600	SCHEDULES
21	A701	BEAM CALCULATIONS
22	A702	BEAM CALCULATIONS
23	A703	BEAM CALCULATIONS
24	A704	BEAM CALCULATIONS
25	A705	BEAM CALCULATIONS
26	S1.0	GENERAL NOTES
27	S1.1	GENERAL NOTES
28	S2.0	LATERAL FOUNDATION PLAN
29	S2.1	LOWER LEVEL LATERAL PLAN
30	S2.2	UPPER LEVEL LATERAL PLAN
31	S3.0	DETAILS
32	S3.1	DETAILS
33	S4.0	DETAILS
34	S4.1	DETAILS
35	S5.0	PARTIAL ELEVATION

PROJECT SUMMARY:

935 SQUARE FOOT 2 STORY ADDITION TO EXISTING SINGLE FAMILY RESIDENCE

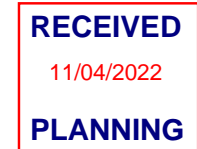
SEE SITE PLAN FOR ADDITIONAL SITE INFORMATION

BUILDING CODE: OREGON RESIDENTIAL SPECIALTY CODE, 2021

CONSTRUCTION TYPE: V-B, NON-RATED
OCCUPANCY CLASSIFICATION: R

- DEFERRED SUBMITTALS:**
- ELECTRICAL DESIGN BUILD
 - MECHANICAL DESIGN BUILD
 - PLUMBING DESIGN BUILD

521-22-000469-STR



GENERAL NOTES:

- 1) ALL WORK SHALL BE APPROVED BY BUILDING OWNER PRIOR TO PROCEEDING.
- 2) MAINTAIN ACCESS TO EXITS AT ALL TIMES DURING AND AFTER CONSTRUCTION.
- 3) COMPLY WITH LINCOLN CITY REGULATIONS FOR ALL CONSTRUCTION ACTIVITIES.
- 4) PROVIDE FRAMING AND NAILING STANDARDS IN ACCORDANCE WITH CODE REQUIREMENTS.

12558 SW AUTUMNVIEW STREET
TIGARD, OREGON, 97224

503.329.7448
ARCHITROUT.COM



FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
06.22.2022

COVER SHEET

12558 SW AUTUMNVIEW
STREET
TIGARD, OREGON, 97224

503.329.7448
ARCHITROUT.COM



SIGNED 06.22.2022

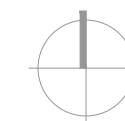
**FOWLER
RESIDENCE**

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

**PERMIT SET
06.22.2022**



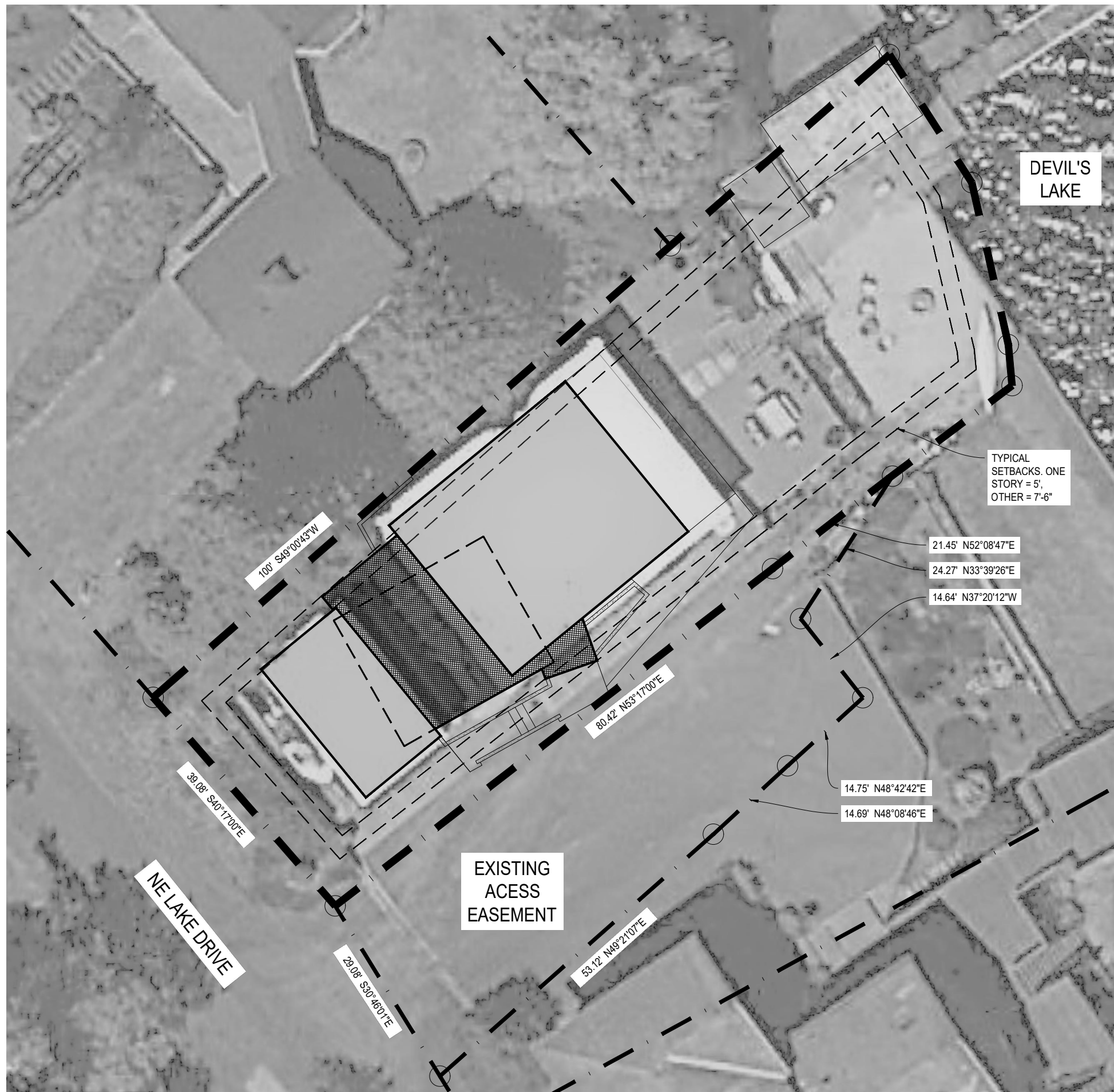
SITE PLAN

**AS100
Packet Pg. 47**

SITE NOTES:

- 1) TAX LOT 07-11-11-AB-00700-00
- 2) ACCOUNT: R444527
- 3) SITE AREA: 0.13 ACRES
- 4) ZONING: LINCOLN CITY R-1-7.5
- 5) SETBACKS:
 - 5)1) ONE STORY: 5', ALL SIDES
 - 5)2) OTHER: 7'-6", ALL SIDES
- 6) YEAR BUILT: 1962
- 7) SITE PLAN AERIAL UNDERLAY IMAGE MAY NOT BE TO SCALE AND IS SHOWN FOR REFERENCE ONLY.
- 8) LOCATION OF EXISTING SINGLE FAMILY RESIDENCE ON PROPERTY IS APPROXIMATE.
- 9) PROPERTY LINES SHOWN ARE DERIVED FROM SITE SURVEY BY DAVID LOOMIS SURVEYING, JANUARY, 2022
- 10) SEE AS101 FOR LAND USE ANALYSIS.
- 11) EXISTING SITE SERVED BY PUBLIC WATER, SEWER, AND ELECTRICAL UTILITIES. SERVICE CONNECTIONS TO REMAIN AND/OR BE MODIFIED AS REQUIRED FOR NEW WORK.

OWNER:
KEITH FOWLER
2864 NE LAKE DRIVE
LINCOLN CITY, OR 97367
971.322.9629



1/16"=1'-0"



SIGNED 06.22.2022

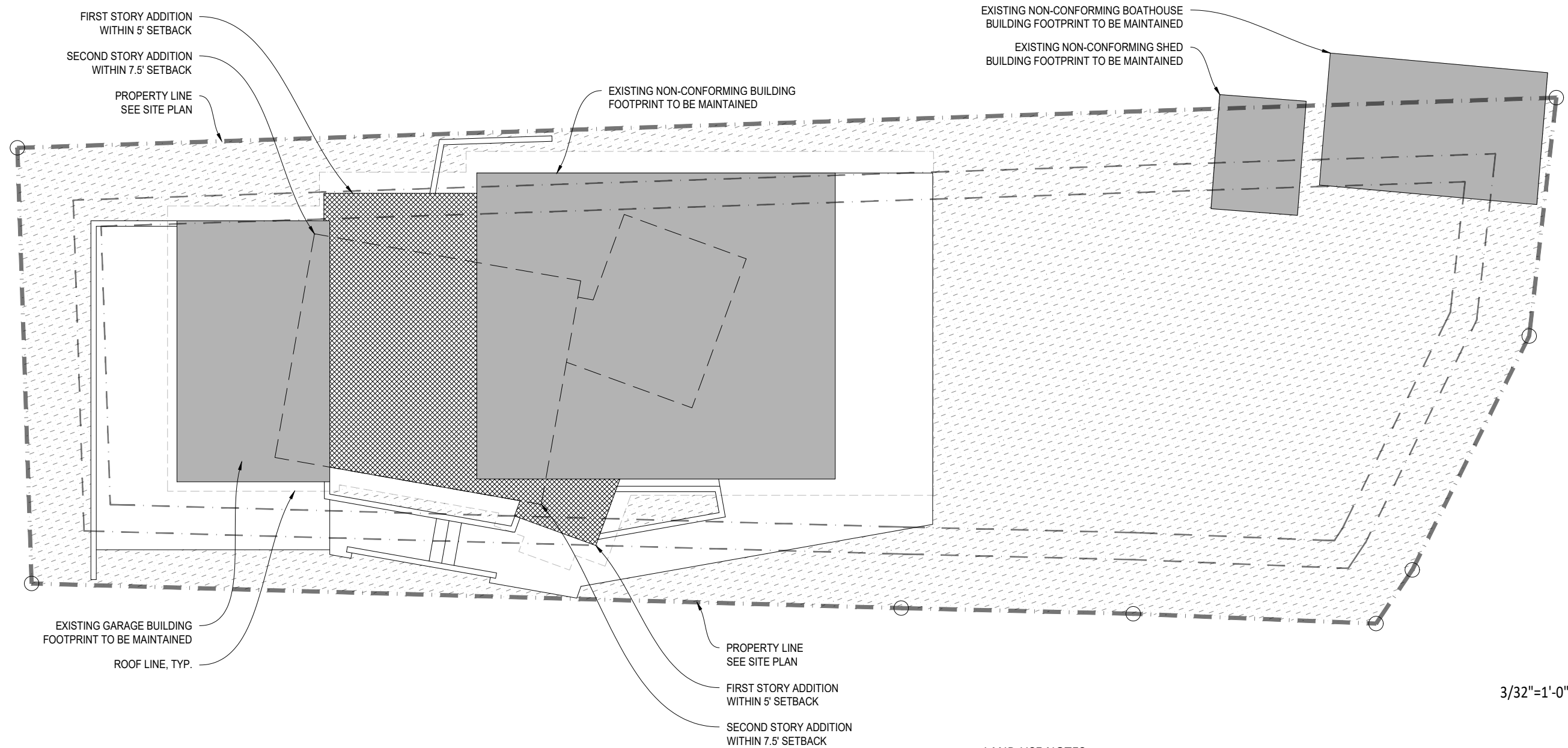
FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
06.22.2022



3/32"=1'-0"

SURVEYOR'S NARRATIVE FROM DAVID LOOMIS SURVEYING, JANUARY 2022:

THIS SURVEY WAS DONE TO MARK THE BOUNDARIES OF TAX LOT 700 AS DESCRIBED IN DOC. 2021-06041. THESE BEARINGS ARE BASED ON COUNTY SURVEY 18,806. PRIOR TO THE YEAR 2000 THE OLD MONUMENTS WERE LOCATED AND USED FOR THE BOUNDARY LINES. IN CS 18,697 AND FUTURE SURVEYS IT WAS DETERMINED THAT THE DEED TIES FROM THE QUARTER CORNER BETWEEN SECTIONS 2 & 11 WERE WRONG FOR MANY YEARS. THE OLD MONUMENTS HAVE BEEN USED FOR 50+ YEARS SO THE OLD MONUMENTS SHOULD BE HELD FOR THE LINE BETWEEN THE LOTS AND THE RECORD, NEW SURVEYS SHOULD BE USED TO LOCATE THE WESTERN BOUNDARY OF THESE LOTS IN FOREST PARK. A TOPCON ONE SECOND GPT 3102W TOTAL STATION AND DATA COLLECTION WERE USED TO MAKE THE MEASUREMENTS IN THIS SURVEY.

7-11-11-AB-00700
 AREA: 6402 SF
 BUILDING COVERAGE: 1580 SF [20.8%]

COUNTY RECORDS INDICATE THAT THE EXISTING LOT 700 IS .13 ACRES OR 5,662 SQ.FT. THIS AREA HAS BEEN USED FOR LAND USE CALCULATIONS DESPITE THE 2022 SURVEY CONCLUDING THAT THE SITE IS 6,402 SQ.FT.

LAND USE NOTES:

- 1) ZONING: LINCOLN CITY R-1-7.5
- 2) SETBACKS:
 - 2)1) ONE STORY: 5', ALL SIDES
 - 2)2) OTHER: 7'-6", ALL SIDES
- 3) YEAR BUILT: 1962
- 4) PROPERTY LINES SHOWN ARE DERIVED FROM SITE SURVEY BY DAVID LOOMIS SURVEYING, JANUARY, 2022
- 5) EXISTING LOT = .13 ACRES = 5,662 SQ.FT.
- 6) MAXIMUM LOT COVERAGE = 35% = 1,981 SQ.F.T
- 7) (E) MAIN HOUSE FOOTPRINT = 937 SQ.FT. (ARCH. SURVEY)
- 8) (E) BOAT HOUSE = 240 SQ.FT.
- 9) (E) DETACHED GARAGE = 341 SQ.FT. (ARCH. SURVEY)
- 10) (E) TOTAL LOT COVERAGE = 1,518 SQ.FT.
- 11) AVAILABLE FOOTPRINT INCREASE = 463 SQ.FT.
- 12) TOTAL PROPOSED ADDITION FOOTPRINT = 410 SQ.FT. (< AVAILABLE)
- 13) TOTAL PROPOSED FOOTPRINT = 1,928 SQ.FT.
- 14) TOTAL PROPOSED FOOTPRINT COVERAGE = 34%
- 15) TOTAL PROPOSED PERVIOUS AREA = 3,019 SQ.FT.
- 16) TOTAL IMPERVIOUS AREA = 2,643 SQ.FT. = 47%
- 7) LOT PERIMETER: 359'



LAND USE PLAN



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

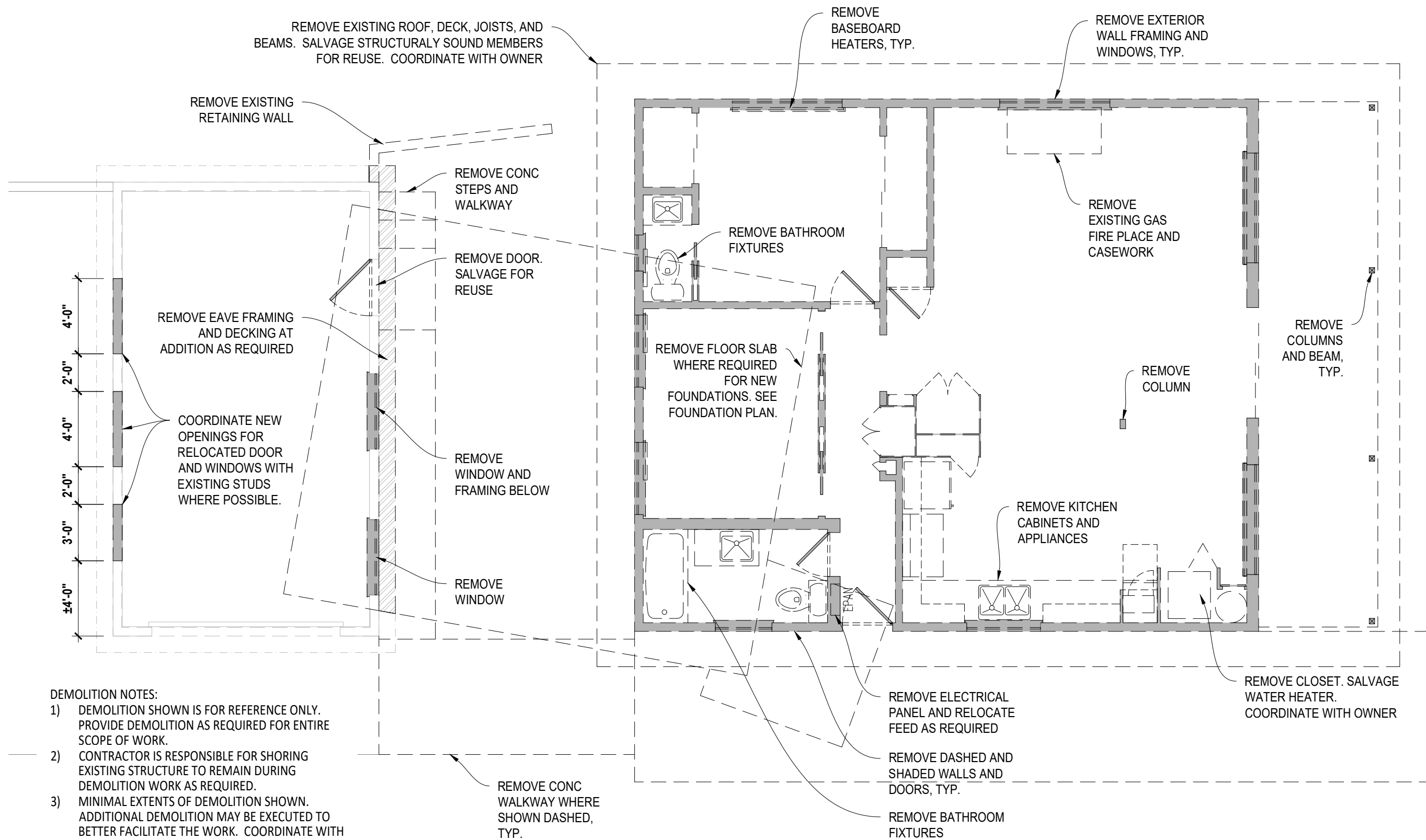
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022



DEMOLITION PLAN

AD100
 Packet Pg. 49



DEMOLITION NOTES:

- 1) DEMOLITION SHOWN IS FOR REFERENCE ONLY. PROVIDE DEMOLITION AS REQUIRED FOR ENTIRE SCOPE OF WORK.
- 2) CONTRACTOR IS RESPONSIBLE FOR SHORING EXISTING STRUCTURE TO REMAIN DURING DEMOLITION WORK AS REQUIRED.
- 3) MINIMAL EXTENTS OF DEMOLITION SHOWN. ADDITIONAL DEMOLITION MAY BE EXECUTED TO BETTER FACILITATE THE WORK. COORDINATE WITH OWNER.
- 4) REMOVE EXISTING SEPTIC TANK AND EJECTOR PUMP LOCATED BETWEEN THE EXISTING HOUSE AND GARAGE. PROVIDE NEW SUMP AND EJECTOR PUMP OUTSIDE OF BUILDING FOOTPRINT AND CONNECT TO EXISTING SEWER SERVICE AS REQUIRED.

3/16"=1'-0"



FOWLER RESIDENCE

ADDITION

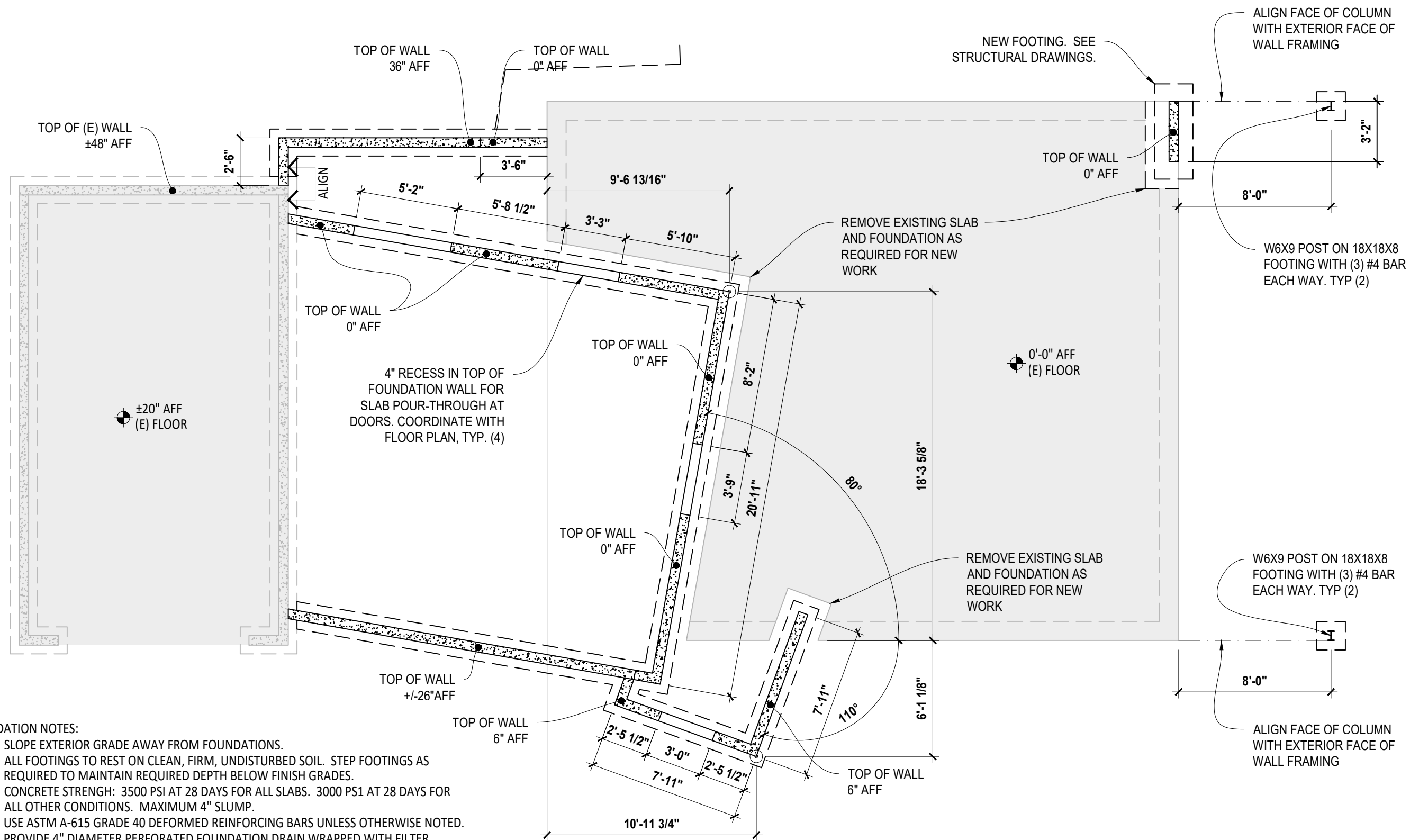
2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022



FOUNDATION PLAN



FOUNDATION NOTES:

- 1) SLOPE EXTERIOR GRADE AWAY FROM FOUNDATIONS.
- 2) ALL FOOTINGS TO REST ON CLEAN, FIRM, UNDISTURBED SOIL. STEP FOOTINGS AS REQUIRED TO MAINTAIN REQUIRED DEPTH BELOW FINISH GRADES.
- 3) CONCRETE STRENGTH: 3500 PSI AT 28 DAYS FOR ALL SLABS. 3000 PSI AT 28 DAYS FOR ALL OTHER CONDITIONS. MAXIMUM 4" SLUMP.
- 4) USE ASTM A-615 GRADE 40 DEFORMED REINFORCING BARS UNLESS OTHERWISE NOTED.
- 5) PROVIDE 4" DIAMETER PERFORATED FOUNDATION DRAIN WRAPPED WITH FILTER FABRIC AT ALL PERIMETER FOOTINGS. SLOPE AT 1/8" PER FOOT AND SET IN FREE DRAINING, CLEAN, 3/4" TO 1-1/2" GRAVEL FILL. PIPE TO DISPOSAL POINT AND/OR APPROVED STORM DRAIN. CONNECT TO EXISTING.
- 6) PROVIDE VAPOR BARRIER BELOW NEW SLAB.
- 7) SEE STRUCTURAL DRAWINGS FOR HOLD DOWN ANCHORS AND OTHER FOUNDATION REQUIREMENTS.

3/16"=1'-0"



FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

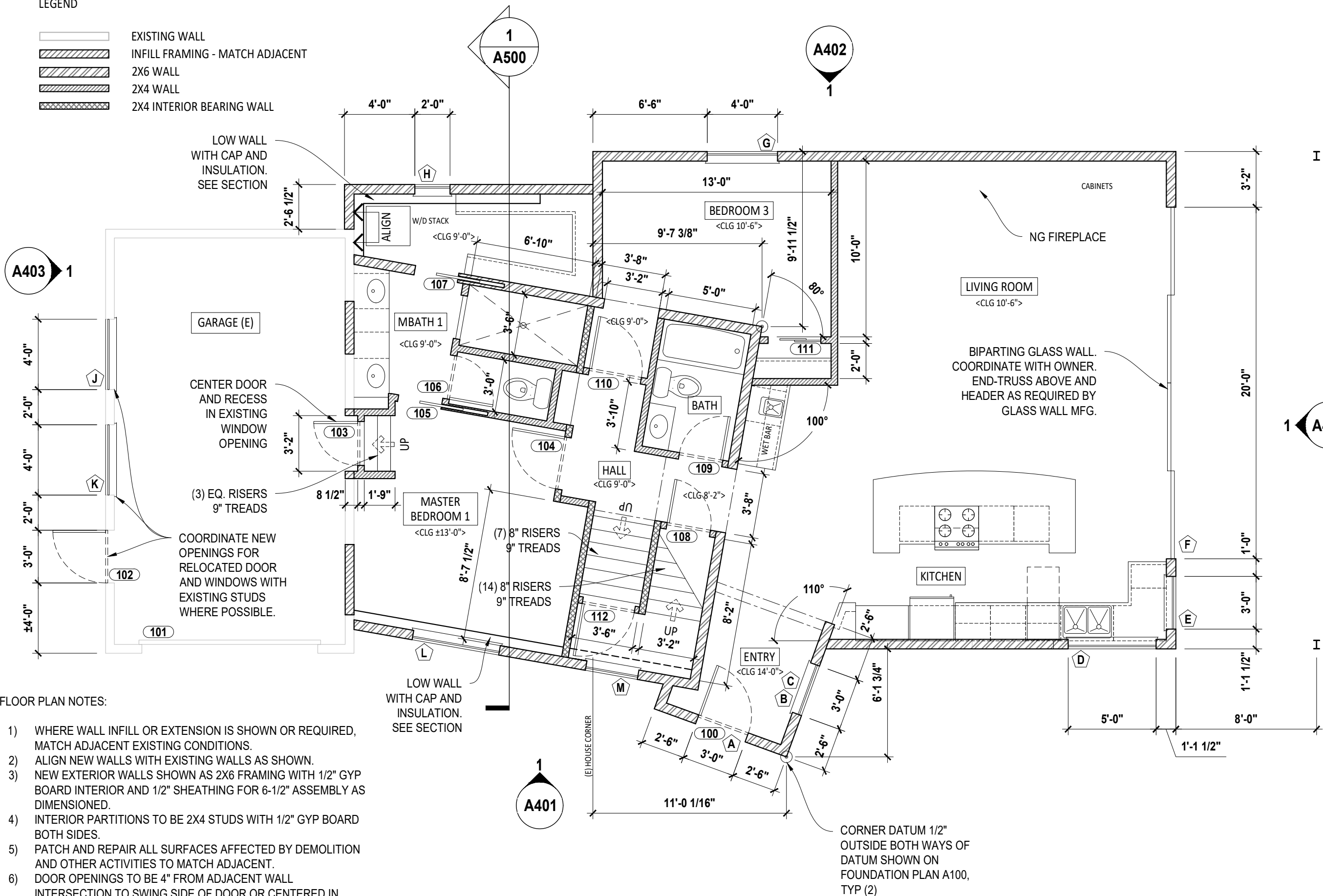
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

MAIN FLOOR PLAN

LEGEND

- EXISTING WALL
- INFILL FRAMING - MATCH ADJACENT
- 2X6 WALL
- 2X4 WALL
- 2X4 INTERIOR BEARING WALL



FLOOR PLAN NOTES:

- 1) WHERE WALL INFILL OR EXTENSION IS SHOWN OR REQUIRED, MATCH ADJACENT EXISTING CONDITIONS.
- 2) ALIGN NEW WALLS WITH EXISTING WALLS AS SHOWN.
- 3) NEW EXTERIOR WALLS SHOWN AS 2X6 FRAMING WITH 1/2" GYP BOARD INTERIOR AND 1/2" SHEATHING FOR 6-1/2" ASSEMBLY AS DIMENSIONED.
- 4) INTERIOR PARTITIONS TO BE 2X4 STUDS WITH 1/2" GYP BOARD BOTH SIDES.
- 5) PATCH AND REPAIR ALL SURFACES AFFECTED BY DEMOLITION AND OTHER ACTIVITIES TO MATCH ADJACENT.
- 6) DOOR OPENINGS TO BE 4" FROM ADJACENT WALL INTERSECTION TO SWING SIDE OF DOOR OR CENTERED IN WALLS AS SHOWN, UNLESS OTHERWISE NOTED.

3/16"=1'-0"



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

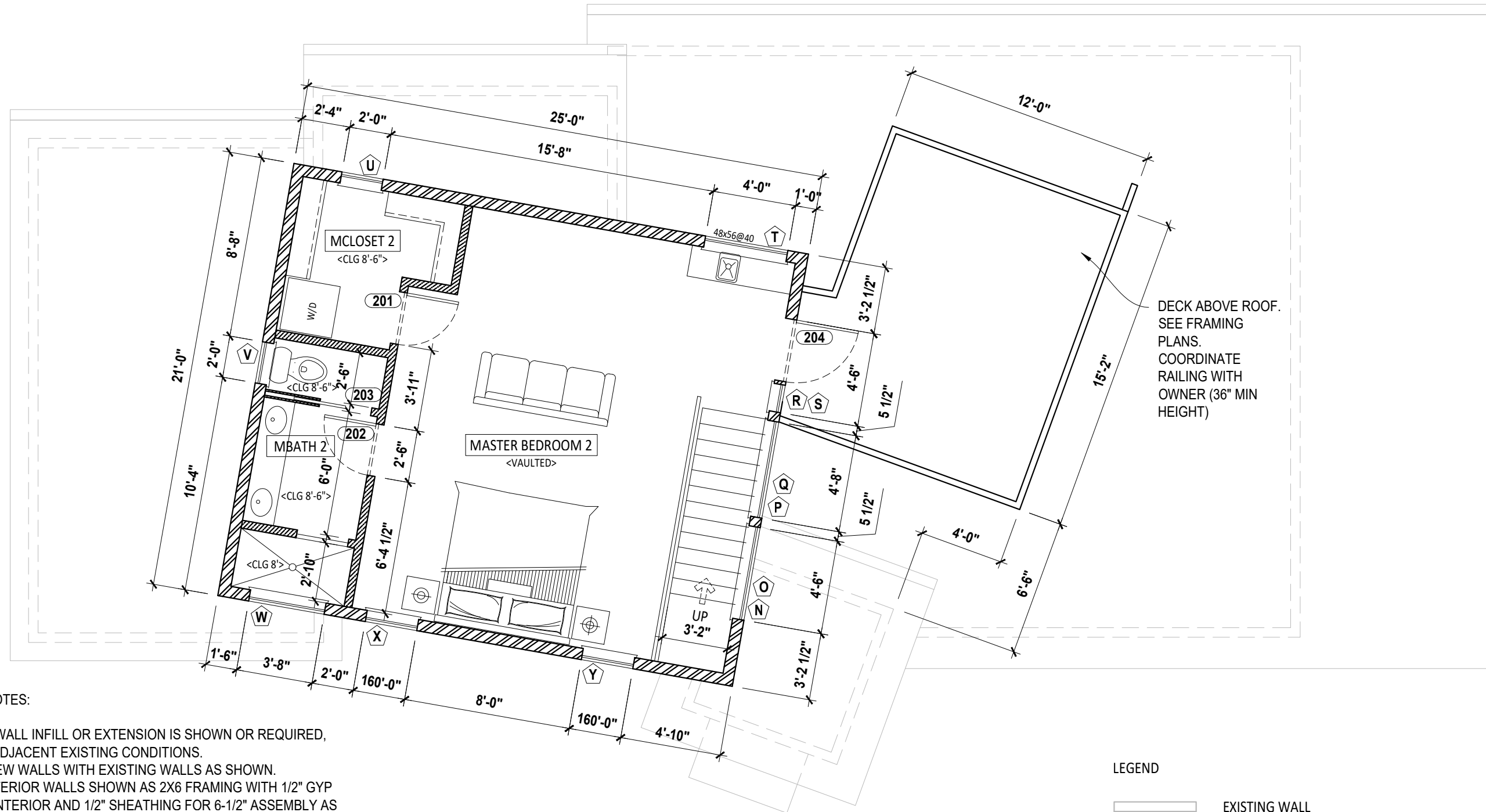
PERMIT SET
 06.22.2022



UPPER FLOOR PLAN

A203

Packet Pg. 53



FLOOR PLAN NOTES:

- 1) WHERE WALL INFILL OR EXTENSION IS SHOWN OR REQUIRED, MATCH ADJACENT EXISTING CONDITIONS.
- 2) ALIGN NEW WALLS WITH EXISTING WALLS AS SHOWN.
- 3) NEW EXTERIOR WALLS SHOWN AS 2X6 FRAMING WITH 1/2" GYP BOARD INTERIOR AND 1/2" SHEATHING FOR 6-1/2" ASSEMBLY AS DIMENSIONED.
- 4) INTERIOR PARTITIONS TO BE 2X4 STUDS WITH 1/2" GYP BOARD BOTH SIDES.
- 5) PATCH AND REPAIR ALL SURFACES AFFECTED BY DEMOLITION AND OTHER ACTIVITIES TO MATCH ADJACENT.
- 6) DOOR OPENINGS TO BE 4" FROM ADJACENT WALL INTERSECTION TO SWING SIDE OF DOOR OR CENTERED IN WALLS AS SHOWN, UNLESS OTHERWISE NOTED.

LEGEND

- EXISTING WALL
- INFILL FRAMING - MATCH ADJACENT
- 2X6 WALL
- 2X4 WALL
- 2X4 INTERIOR BEARING WALL

3/16"=1'-0"



SIGNED 06.22.2022

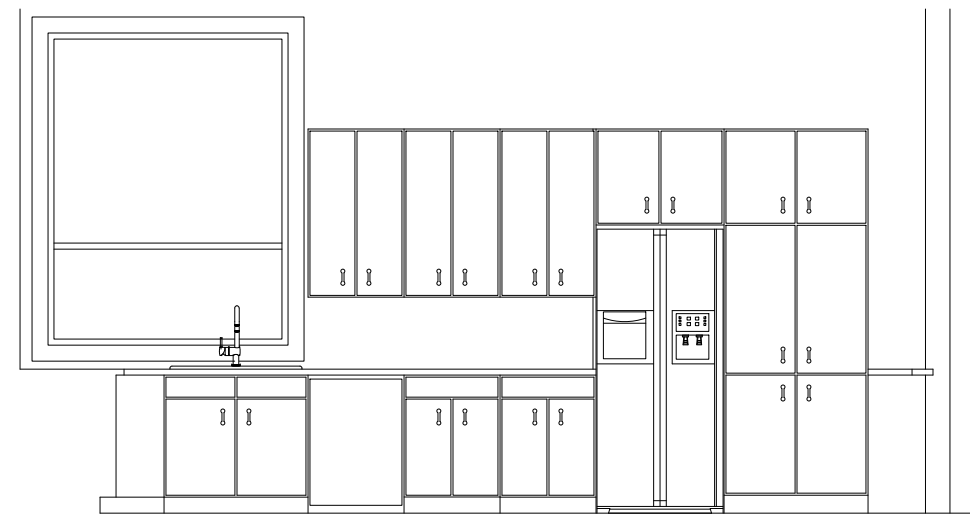
FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

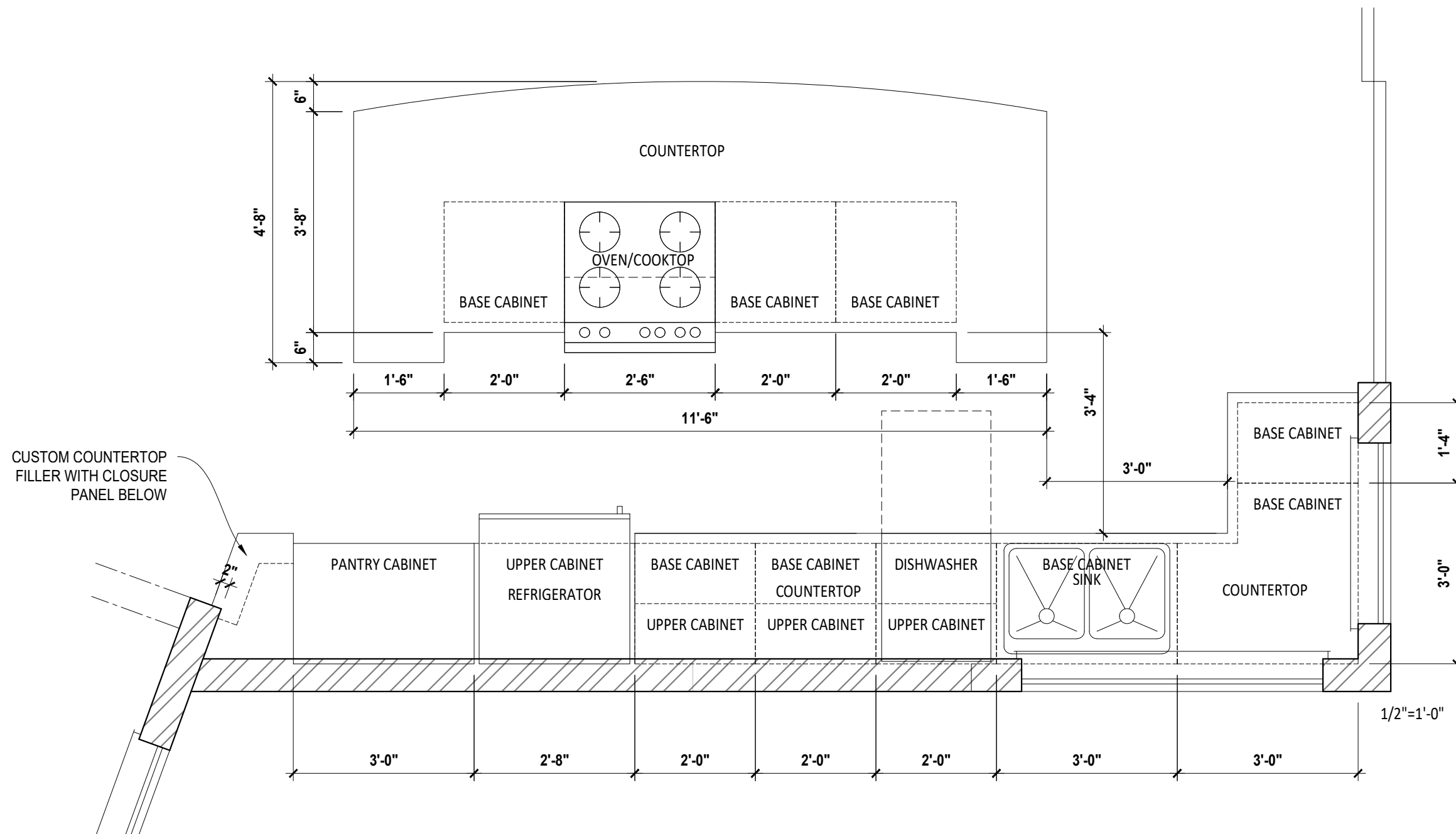
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022



KITCHEN ELEVATION

1/4"=1'-0"



KITCHEN PLAN



SIGNED 06.22.2022

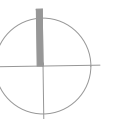
FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

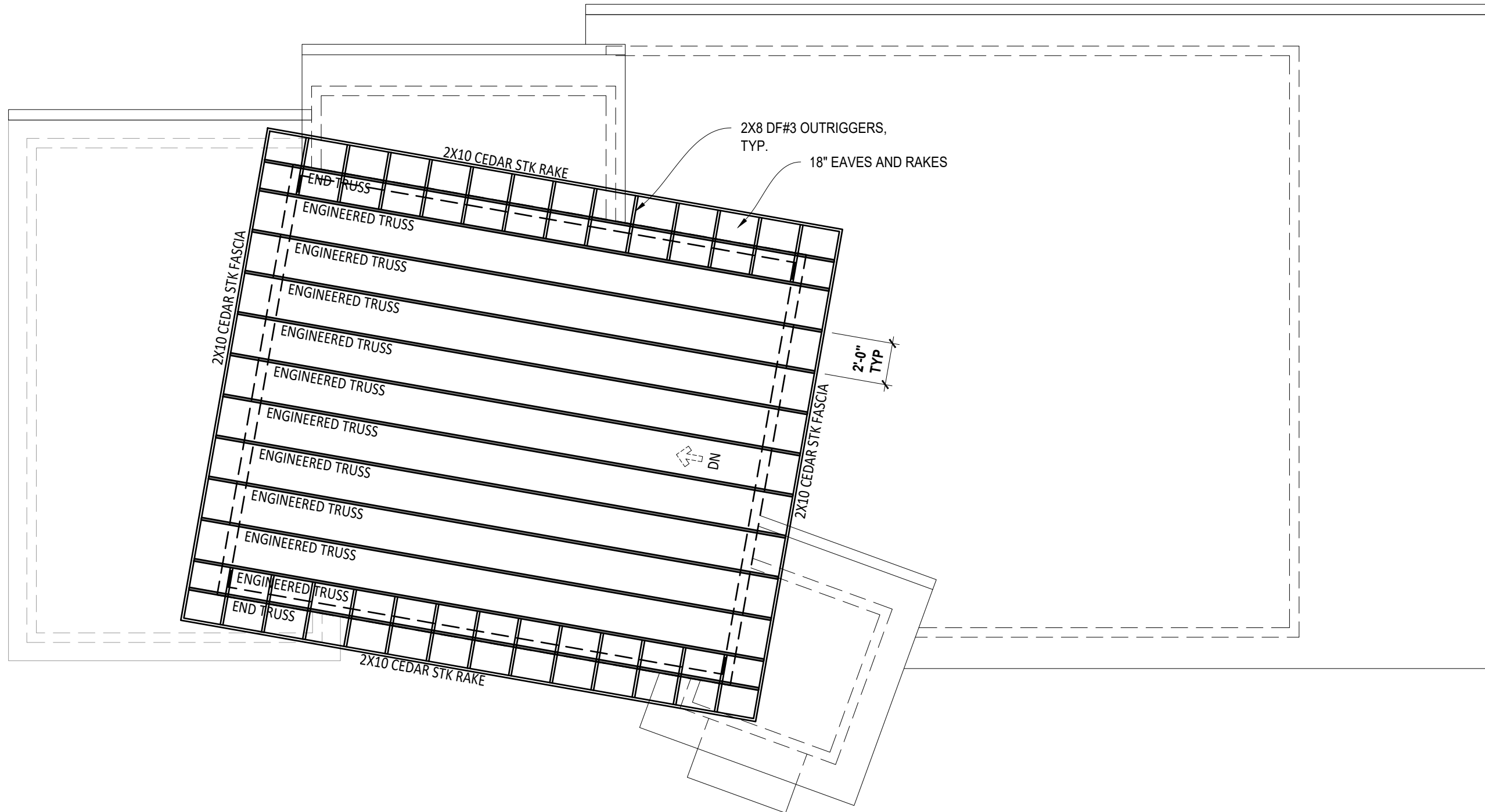
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
06.22.2022



FRAMING PLAN 3

A303
Packet Pg. 57





SIGNED 06.22.2022

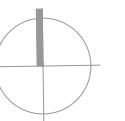
FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

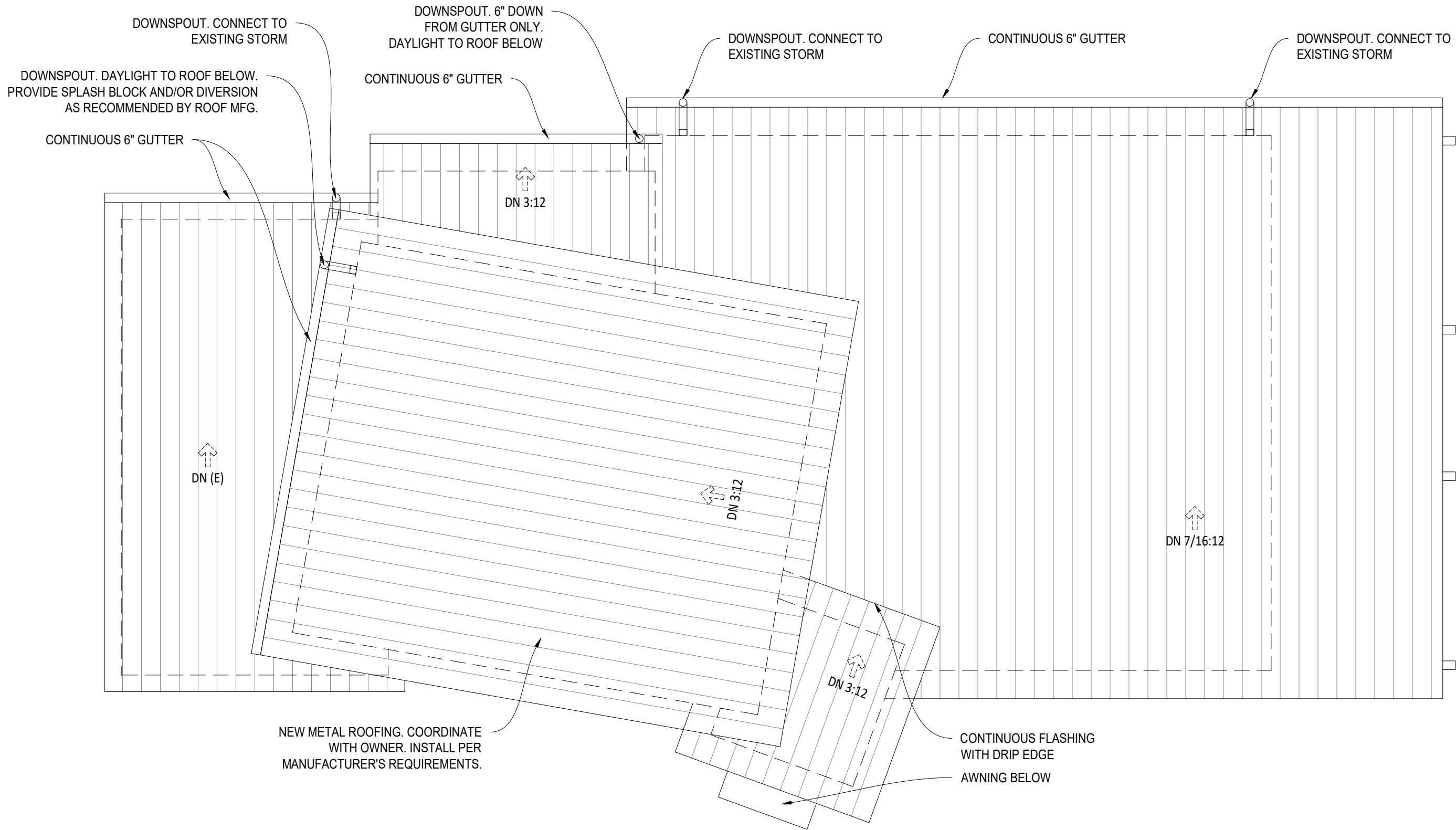
PERMIT SET
06.22.2022



ROOF PLAN

A304

Packet Pg. 58





SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

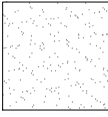

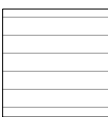

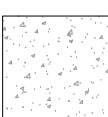
PERMIT SET
06.22.2022

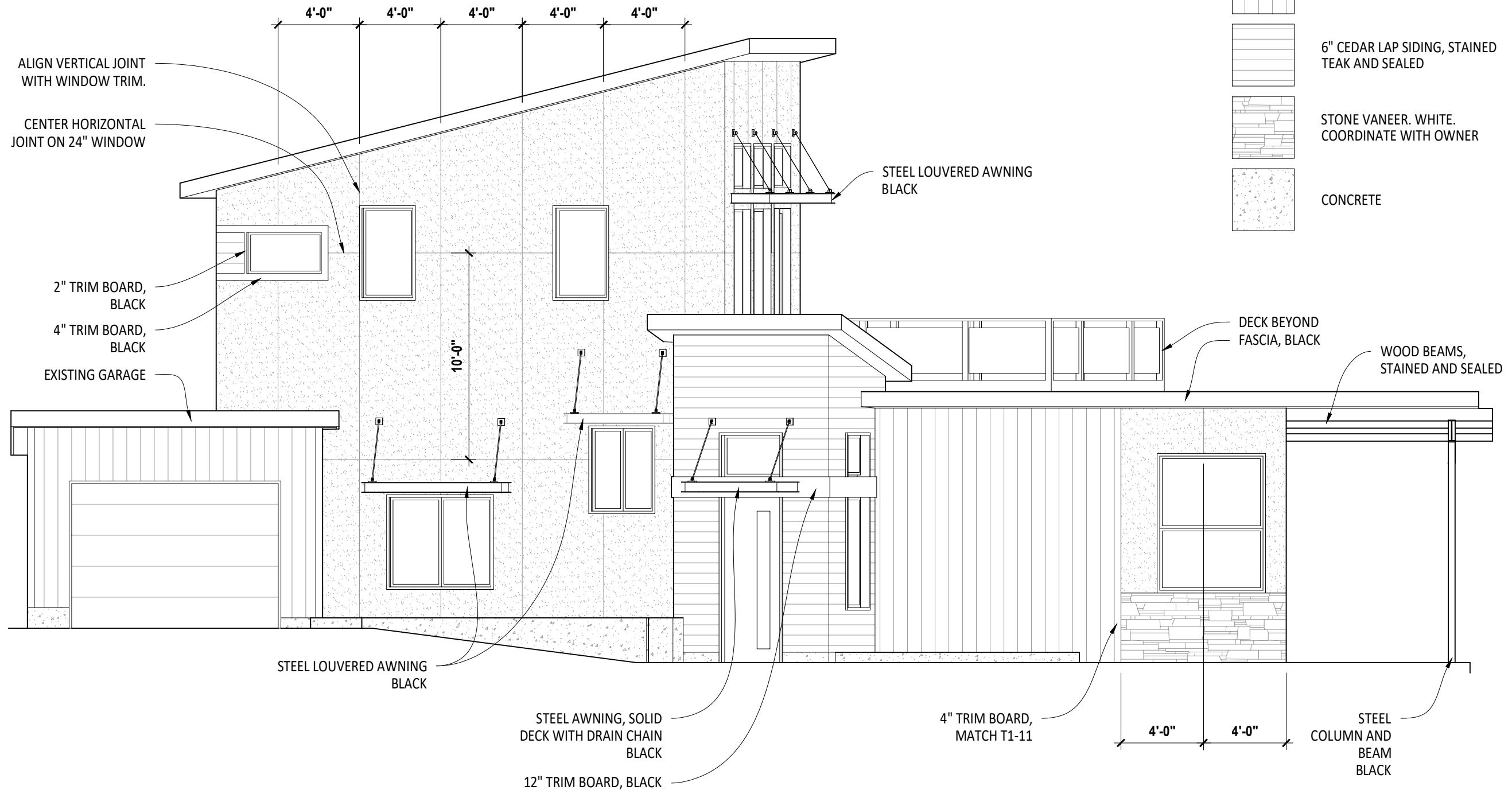
3/16" = 1'-0"

SOUTHEAST ELEVATION

NOTE: COORDINATE ALL EXTERIOR FINISH MATERIALS AND COLORS WITH OWNER.

ALL WINDOW SURROUNDS TO BE 1.5" TRIM, BLACK, UNLESS OTHERWISE NOTED.

-  HARDIE ARCHITECTURAL PANEL, 4'X10', FINE SAND FINISH. WHITE
-  T1-11 SIDING, 8" SCORE, VERTICAL SIDING. DARK GRAY
-  6" CEDAR LAP SIDING, STAINED TEAK AND SEALED
-  STONE VANEER. WHITE. COORDINATE WITH OWNER
-  CONCRETE





SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

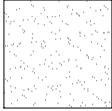
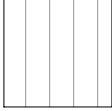

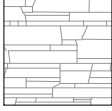
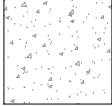
PERMIT SET
06.22.2022

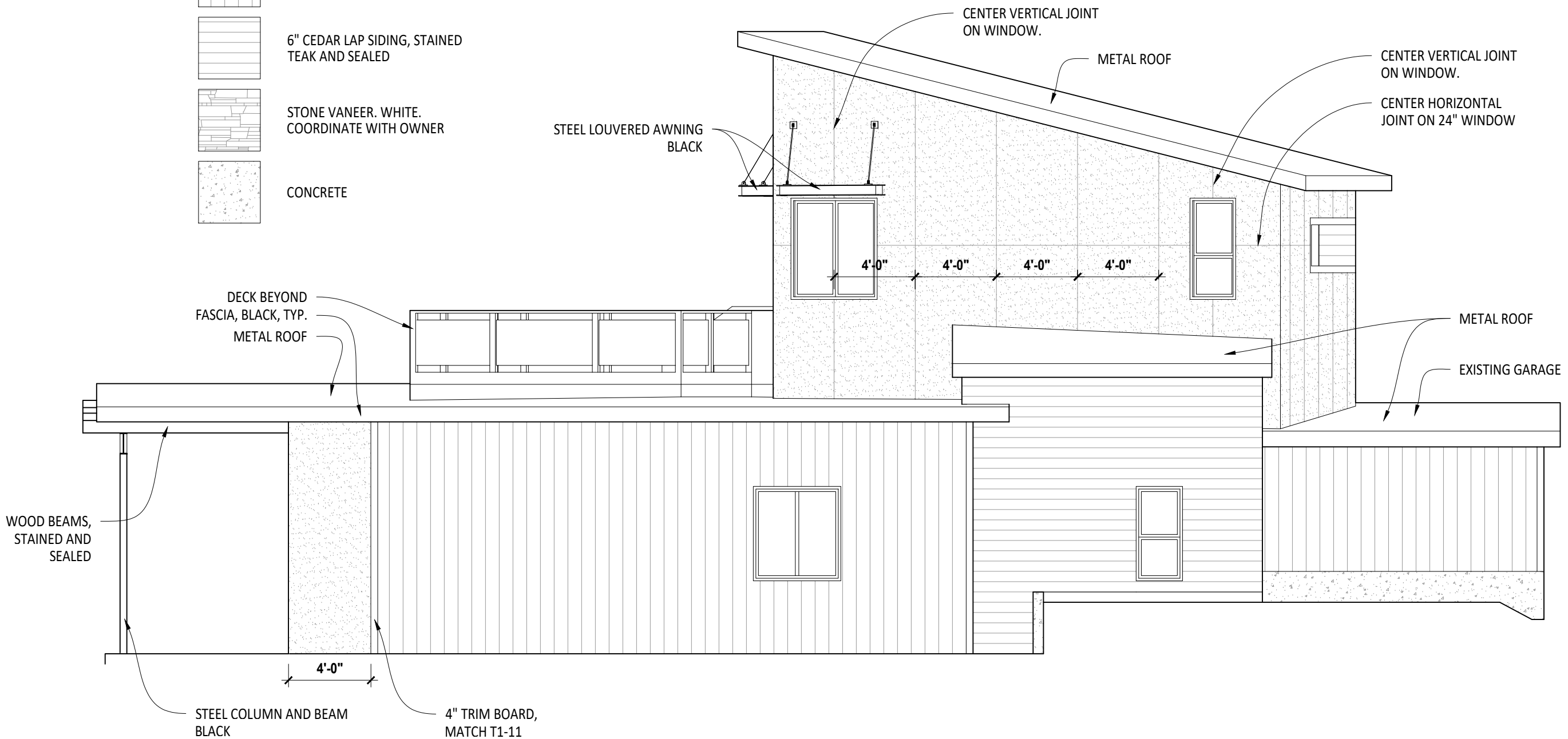
3/16" = 1'-0"

NORTHWEST ELEVATION

NOTE: COORDINATE ALL EXTERIOR FINISH MATERIALS AND COLORS WITH OWNER.

ALL WINDOW SURROUNDS TO BE 1.5" TRIM, BLACK, UNLESS OTHERWISE NOTED.

-  HARDIE ARCHITECTURAL PANEL, 4'X10', FINE SAND FINISH. WHITE
-  T1-11 SIDING, 8" SCORE, VERTICAL SIDING. DARK GRAY
-  6" CEDAR LAP SIDING, STAINED TEAK AND SEALED
-  STONE VANEER. WHITE. COORDINATE WITH OWNER
-  CONCRETE



NOTE: GUTTERS AND DOWNSPOUTS NOT SHOWN. SEE ROOF PLAN



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

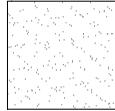
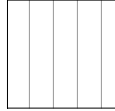


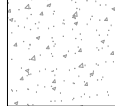
PERMIT SET
06.22.2022

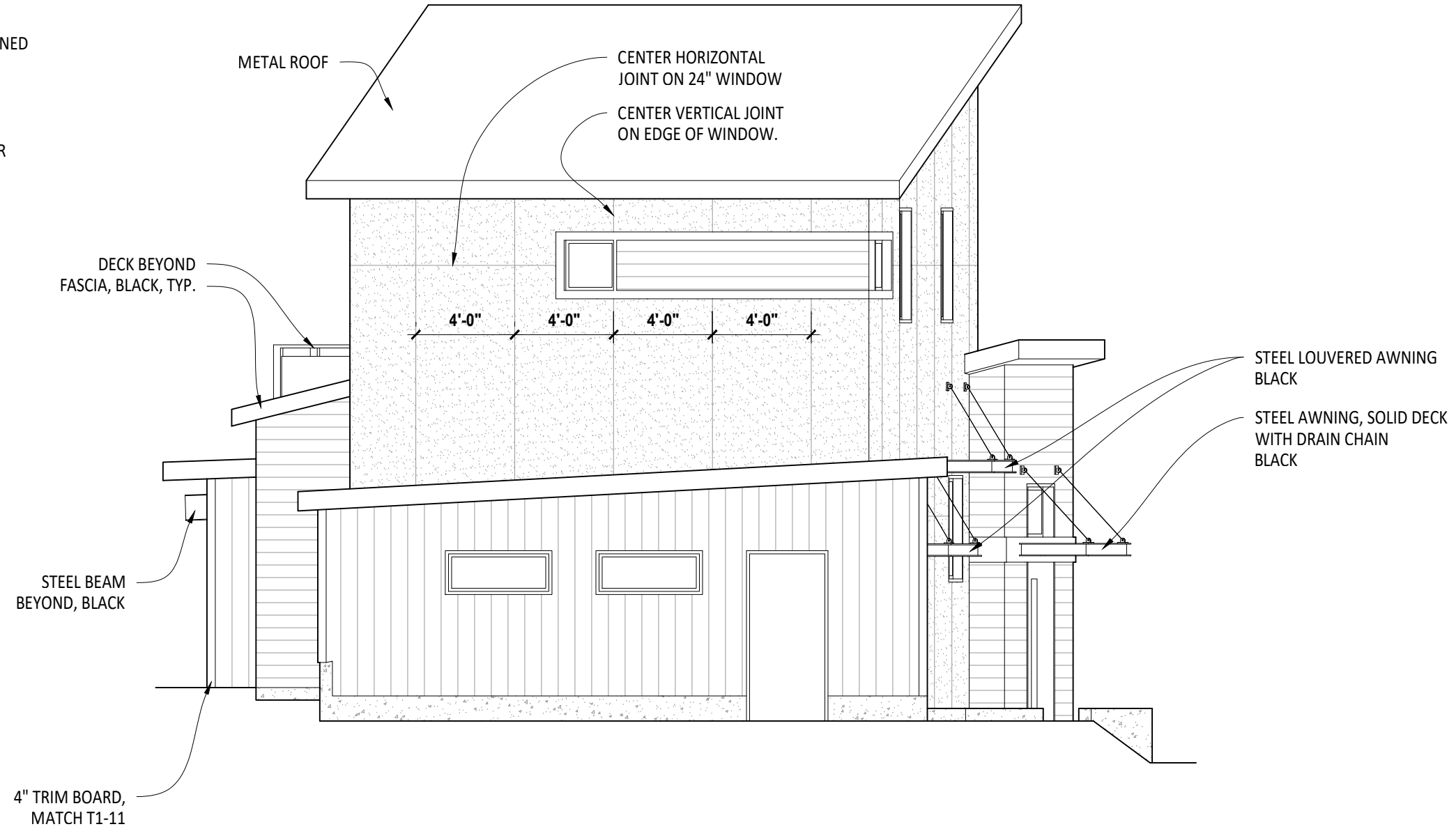
3/16" = 1'-0"

SOUTHWEST ELEVATION

NOTE: COORDINATE ALL EXTERIOR FINISH MATERIALS AND COLORS WITH OWNER.

ALL WINDOW SURROUNDS TO BE 1.5" TRIM, BLACK, UNLESS OTHERWISE NOTED.

-  HARDIE ARCHITECTURAL PANEL, 4'X10', FINE SAND FINISH. WHITE
-  T1-11 SIDING, 8" SCORE, VERTICAL SIDING. DARK GRAY
-  6" CEDAR LAP SIDING, STAINED TEAK AND SEALED
-  STONE VANEER. WHITE. COORDINATE WITH OWNER
-  CONCRETE





SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

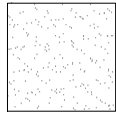
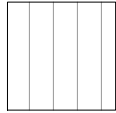
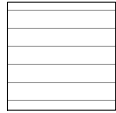
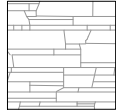
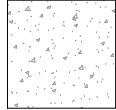
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

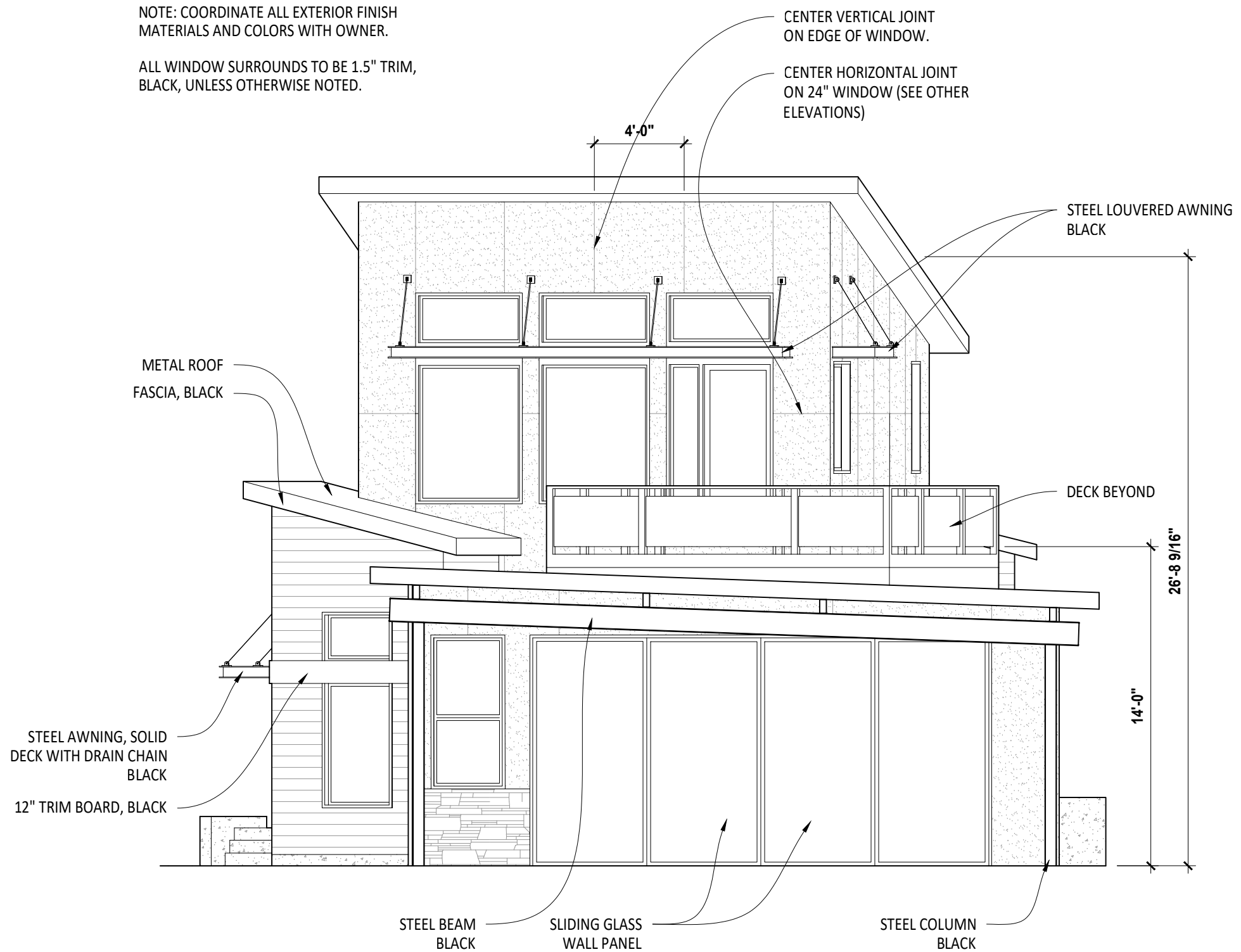
PERMIT SET
06.22.2022

3/16" = 1'-0"

NORTHEAST ELEVATION

NOTE: COORDINATE ALL EXTERIOR FINISH MATERIALS AND COLORS WITH OWNER.
 ALL WINDOW SURROUNDS TO BE 1.5" TRIM, BLACK, UNLESS OTHERWISE NOTED.

-  HARDIE ARCHITECTURAL PANEL, 4'X10', FINE SAND FINISH. WHITE
-  T1-11 SIDING, 8" SCORE, VERTICAL SIDING. DARK GRAY
-  6" CEDAR LAP SIDING, STAINED TEAK AND SEALED
-  STONE VANEER. WHITE. COORDINATE WITH OWNER
-  CONCRETE



12558 SW AUTUMNVIEW
STREET
TIGARD, OREGON, 97224

503.329.7448
ARCHITROUT.COM



SIGNED 06.22.2022

**FOWLER
RESIDENCE**

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

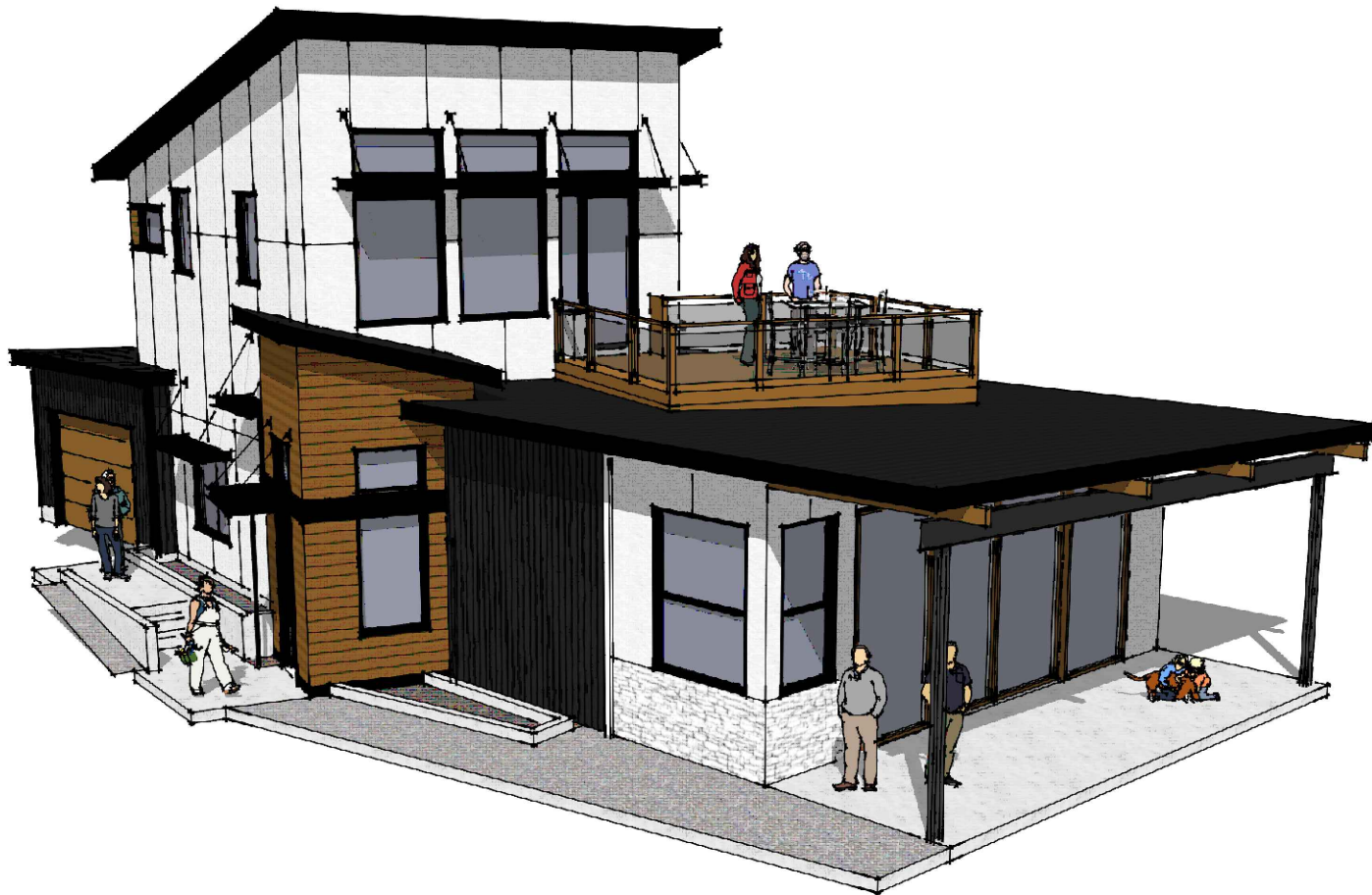
These drawings are the property of ArchiTrout
Design & Architecture, LLC, and are not to be used
or reproduced in any manner without prior written
permission. © 2022

**PERMIT SET
06.22.2022**

3/16" = 1'-0"

PERSPECTIVES

A405
Packet Pg. 63





FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

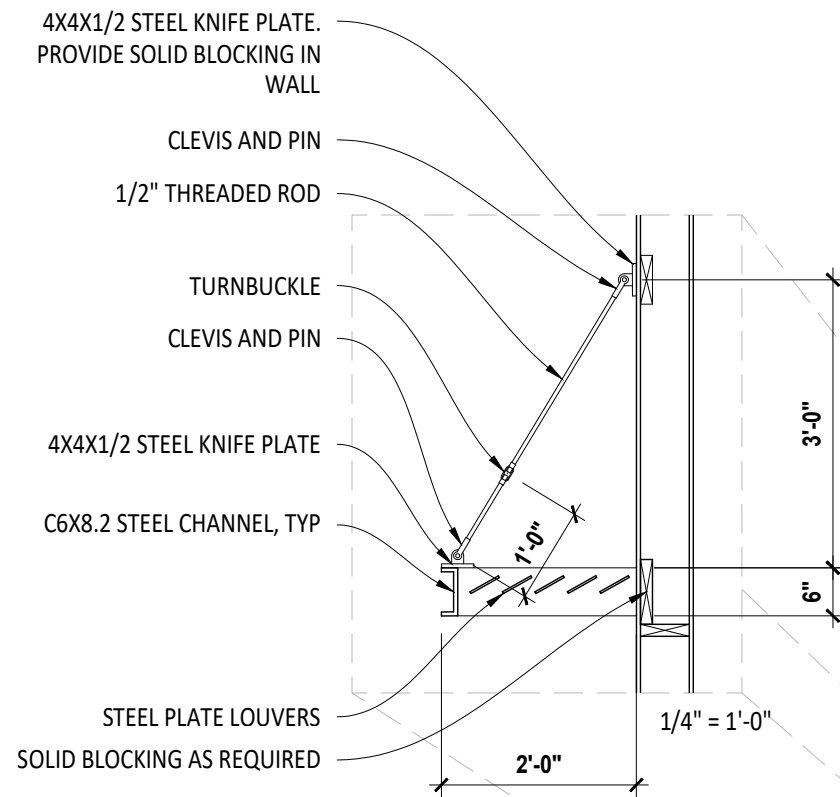
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

SECTION AT ADDITION

NOTES:

- 1) ISOLATE ALL WOOD FRAMING FROM DIRECT CONTACT WITH CONCRETE.
- 2) PROVIDE FIRE BLOCKING IN ALL FRAMED ASSEMBLIES AS REQUIRED. 10' MAX O.C.
- 3) SEE STRUCTURAL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- 4) COVER EXTERIOR WALL SHEATHING WITH CONTINUOUS BUILDING WRAP VAPOR BARRIER PRIOR TO INSTALLATION OF SIDING AND FINISHES.



NOTE: PROVIDE SHOP DRAWINGS TO OWNER AND ARCHITECT FOR APPROVAL FOR ALL STEEL CANOPIES

EXTERIOR WALL ASSEMBLY: SEE STRUCTURAL FOR STUD AND SHEATHING REQUIREMENTS. 2X6 WALL WITH R21 5.5" BATT INSULATION, TYP.

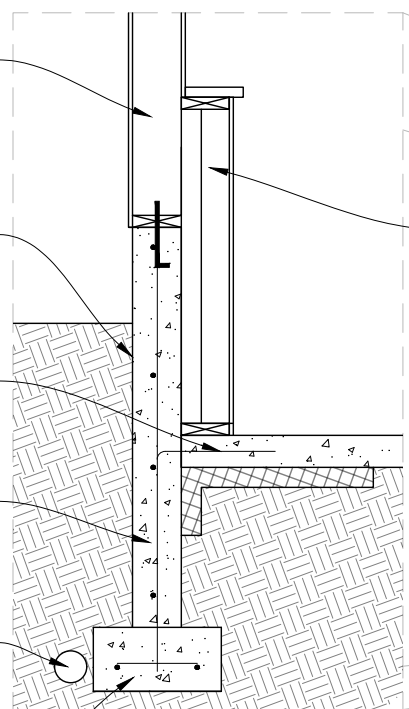
FLUID APPLIED WATERPROOF MEMBRANE OR EQUAL AT EXTERIOR FACE OF FOUNDATION WALL, TYP.

BENT #4 BAR INTO SLAB. 12" MIN EACH WAY @ 24" O.C. U.O.N.

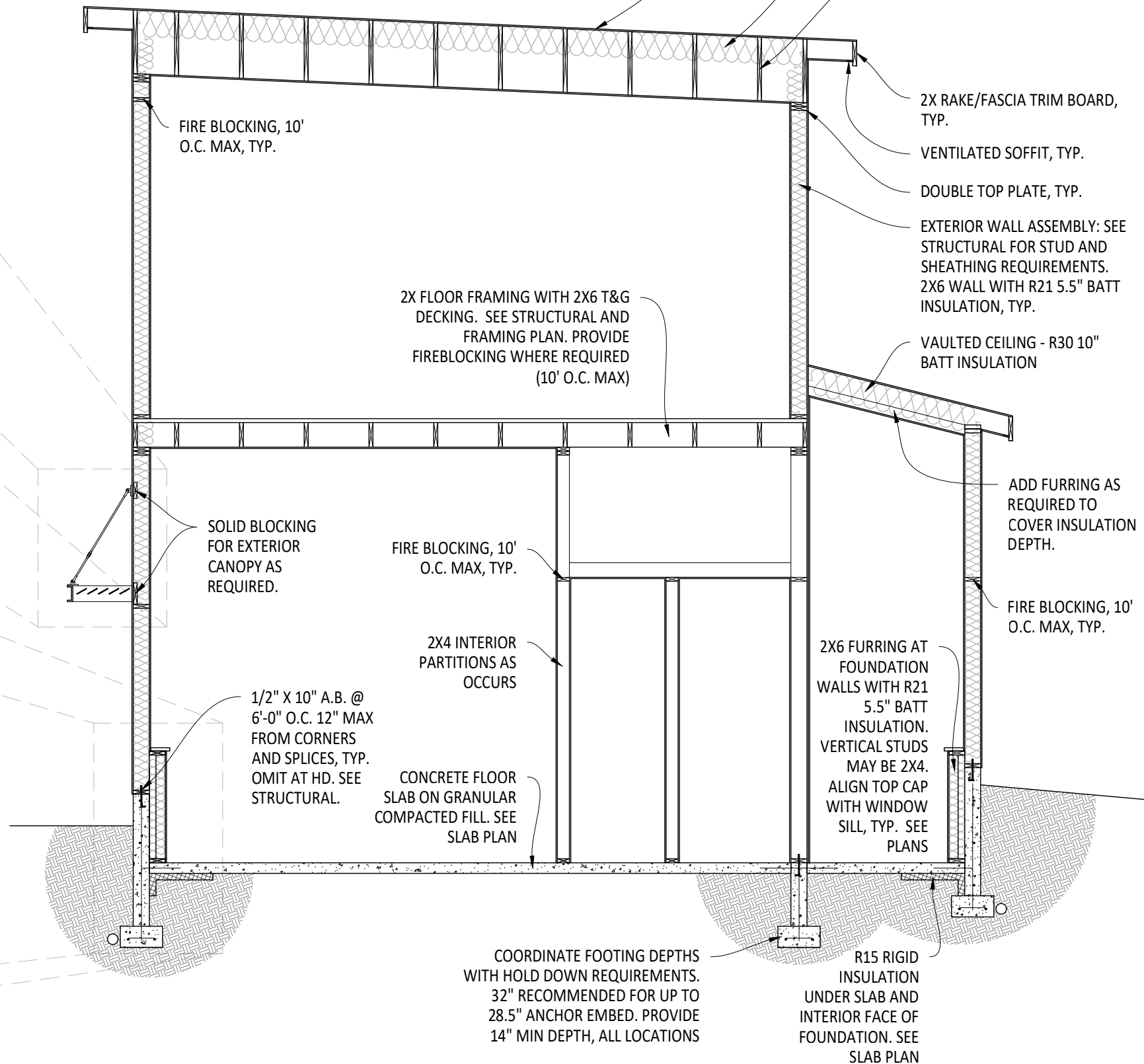
FOUNDATION WALL. #4 BAR VERTICAL AND HORIZONTAL @ 24" O.C. U.O.N.

FOOTING DRAIN, SLOPE 1/8" PER FOOT TO STORM

16"x8" SPREAD FOOTING U.O.N. (2) #4 BAR LENGTHWISE. #4 BAR CROSSWISE @ 24" O.C. MAX U.O.N.



2X6 FURRING AT FOUNDATION WALLS WITH R21 5.5" BATT INSULATION. VERTICAL STUDS MAY BE 2X4. ALIGN TOP CAP WITH WINDOW SILL, TYP. SEE PLANS



ROOF ASSEMBLY. SEE STRUCTURAL AND ROOF PLAN

VAULTED CEILING - R30 10" BATT INSULATION

ENGINEERED FLAT TRUSSES, SEE FRAMING PLAN

2X RAKE/FASCIA TRIM BOARD, TYP.

VENTILATED SOFFIT, TYP.

DOUBLE TOP PLATE, TYP.

EXTERIOR WALL ASSEMBLY: SEE STRUCTURAL FOR STUD AND SHEATHING REQUIREMENTS. 2X6 WALL WITH R21 5.5" BATT INSULATION, TYP.

VAULTED CEILING - R30 10" BATT INSULATION

2X FLOOR FRAMING WITH 2X6 T&G DECKING. SEE STRUCTURAL AND FRAMING PLAN. PROVIDE FIREBLOCKING WHERE REQUIRED (10' O.C. MAX)

SOLID BLOCKING FOR EXTERIOR CANOPY AS REQUIRED.

FIRE BLOCKING, 10' O.C. MAX, TYP.

2X4 INTERIOR PARTITIONS AS OCCURS

1/2" X 10" A.B. @ 6'-0" O.C. 12" MAX FROM CORNERS AND SPLICES, TYP. OMIT AT HD. SEE STRUCTURAL.

CONCRETE FLOOR SLAB ON GRANULAR COMPACTED FILL. SEE SLAB PLAN

2X6 FURRING AT FOUNDATION WALLS WITH R21 5.5" BATT INSULATION. VERTICAL STUDS MAY BE 2X4. ALIGN TOP CAP WITH WINDOW SILL, TYP. SEE PLANS

ADD FURRING AS REQUIRED TO COVER INSULATION DEPTH.

FIRE BLOCKING, 10' O.C. MAX, TYP.

COORDINATE FOOTING DEPTHS WITH HOLD DOWN REQUIREMENTS. 32" RECOMMENDED FOR UP TO 28.5" ANCHOR EMBED. PROVIDE 14" MIN DEPTH, ALL LOCATIONS

R15 RIGID INSULATION UNDER SLAB AND INTERIOR FACE OF FOUNDATION. SEE SLAB PLAN

1/8" = 1'-0"



FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

SCHEDULES

INSULATION SCHEDULE	
PER TABLE N1101.1(1) PRESCRIPTIVE ENVELOPE REQUIREMENTS	
LOCATION (ADDITION)	RATING
WALLS	R-21
FLAT CEILINGS	R-49
VAULTED CEILINGS	R-30
24" SLAB PERIMETER	R-15
HEATED SLAB INTERIOR	R-10
WINDOWS	U-0.27
EXTERIOR DOORS	U-0.20
EXTERIOR GLASS DOORS	U-0.40

ENERGY EFFICIENCY CODE NOTES:

1) N1101.3 - ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES MAY BE MADE WITHOUT MAKING THE ENTIRE BUILDING OR STRUCTURE COMPLY IF THE NEW ADDITIONS COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.

THUS, ADDITION/NEW CONSTRUCTION MUST COMPLY WITH TABLE N1101.1(1) PRESCRIPTIVE ENVELOPE REQUIREMENTS. SEE TABLE ABOVE.

2) N1101.3.1 - ADDITIONS THAT ARE EQUAL TO OR MORE THAN 600 SQ.FT. IN AREA SHALL BE REQUIRED TO COMPLY WITH ONE MEASURE FROM TABLE N1101.1(2)

ADDITION TO COMPLY WITH TABLE N1101.1(2) ITEM 2C HIGH EFFICIENCY WATER HEATING SYSTEM.

WINDOW SCHEDULE								
MARK	LOCATION	WIDTH	HEIGHT	FUNCTION	HEAD HEIGHT	SILL HEIGHT	GLAZING	COMMENTS
A	ENTRY	36	24	FIXED	132	108	CLEAR	
B	ENTRY	36	64	CASEMENT	96	32	CLEAR	
C	ENTRY	36	24	FIXED	132	108	CLEAR	
D	KITCHEN	60	78	SINGLE HUNG	120	42	CLEAR	36" SASH
E	KITCHEN	36	78	SINGLE HUNG	120	42	CLEAR	36" SASH
F	LIVING ROOM	240	120	BIPART DOOR	120	0	CLEAR	COORDINATE WITH OWNER
G	BEDROOM 2	48	52	SLIDER	96	44	CLEAR	
H	MCLOSET 1	24	52	SINGLE HUNG	96	44	PRIVACY	
J	GARAGE	(E)	(E)	(E)	80	(E)	(E)	RELOCATED WINDOW
K	GARAGE	(E)	(E)	(E)	80	(E)	(E)	RELOCATED WINDOW
L	MASTER BEDROOM 1	60	52	SLIDER	96	44	CLEAR	
M	STAIRS	36	48	FIXED	80	32	CLEAR	
N	MASTER BEDROOM 2	54	72	FIXED	96	24	CLEAR	
O	MASTER BEDROOM 2	54	24	FIXED	132	108	CLEAR	
P	MASTER BEDROOM 2	54	72	FIXED	96	24	CLEAR	
Q	MASTER BEDROOM 2	54	24	FIXED	132	108	CLEAR	
R	MASTER BEDROOM 2	16	72	FIXED	96	24	CLEAR	
S	MASTER BEDROOM 2	54	24	FIXED	132	108	CLEAR	
T	MASTER BEDROOM 2	48	56	SLIDER	96	40	CLEAR	
U	MCLOSET 2	24	56	SINGLE HUNG	96	40	PRIVACY	
V	MBATH 2	24	24	AWNING	82	58	CLEAR	
W	MBATH 2	44	24	FIXED	82	58	CLEAR	
X	MASTER BEDROOM 2	30	52	CASEMENT	96	44	CLEAR	
Y	MASTER BEDROOM 2	30	52	CASEMENT	96	44	CLEAR	

WINDOW NOTES:

- 1) OPERABLE HARDWARE ON WINDOWS SHALL BE LOCATED IN WINDOW ASSEMBLY NO HIGHER THAN 60" AFF.
- 2) ALL WINDOW ASSEMBLIES SHALL HAVE A U VALUE OF 0.27 OR LOWER.
- 3) COORDINATE ALL WINDOW ASSEMBLIES WITH OWNER PRIOR TO FABRICATION AND INSTALLATION.

DOOR SCHEDULE						
MARK	LOCATION	WIDTH	HEIGHT	TYPE	HARDWARE	COMMENTS
100	ENTRY	36	96	SWING	ENTRY	EXTERIOR. COORDINATE TYPE AND GLAZING WITH OWNER
101	GARAGE	(E)	(E)	OVERHEAD	(E)	
102	GARAGE	36	80	SWING	ENTRY	EXTERIOR
103	GARAGE	30	80	SWING	ENTRY	EXTERIOR
104	MASTER BEDROOM 1	36	96	SWING	PASSAGE	
105	MASTER BATH 1	30	96	POCKET	MFG	
106	MASTER BATH 1	30	96	SWING	PRIVACY	
107	MASTER CLOSET 1	30	96	POCKET	MFG	
108	HALL	30	96	SWING	PASSAGE	
109	BATH	30	96	SWING	PRIVACY	
110	BEDROOM 2	36	96	SWING	PASSAGE	
111	BEDROOM 2	36	96	2XSLIDER	MFG	
112	MASTER BEDROOM 2	36	80	SWING	PASSAGE	
201	MASTER CLOSET 2	30	96	SWING	PASSAGE	
202	MASTER BATH 2	30	96	SWING	PRIVACY	
203	MASTER BATH 2	30	96	POCKET	MFG PRIVACY	
204	ROOF DECK	36	96	SWING	ENTRY	FULL LITE GLAZING



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

BEAM CALCULATIONS

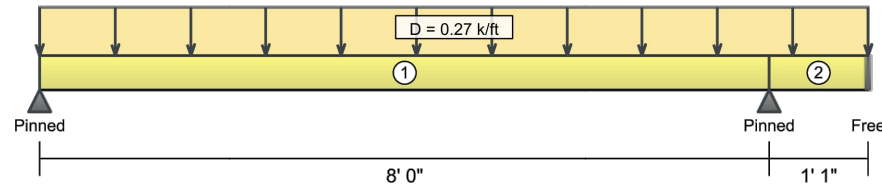
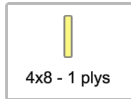
A701
 Packet Pg. 66

6/22/22, 2:13 PM

WebStructural - Professional Beam Design

Fowler Patio Outrigger
 ArchiTrout Design & Architecture

✓ Design OK



✓ Design OK

NDS 2018 LRFD - 4x8 Douglas Fir-Larch (North)

✓ Bending	0.64
Mu (Demand)	2.98 kip-ft
Φ Mn (Capacity)	4.69 kip-ft
Controlling Equation	NDS 4.2.5
Location	4' 0"
Load Combination	1.4D

✓ Shear	0.24
f _v (Demand)	-93.16 psi
F' _v (Capacity)	388.80 psi
Controlling Equation	NDS 4.3.1
Location	8' 0"
Load Combination	1.4D

✓ Deflection	0.45
Based On	Service Cases
Controlling Service Case	D + L
Max Dy	-0.14 in = L/800
Live Load Limit	L/360
Dead + Live Limit	L/360
Snow or Wind Limit	L/360
Total Load Limit	L/240

Design Info	NDS 2018 LRFD
Shape Type	4x8
Weight	6.34 lbs/ft
Self Weight	Included
I _x	111.148 in ⁴
I _y	25.904 in ⁴
Cross Section Rotation	0°
Bracing	Continuous

6/22/22, 2:13 PM

WebStructural - Professional Beam Design

Result View Load Case D

Extremes

Type	Location	Value
Max dy	4' 0"	-0.14 in
Max Shear	8' 0"	-1.13 kips
Max Moment	4' 0"	2.13 kip-ft

Load Case Reactions

F_y Reactions (lbs)

Support	D	L	Lr	S	W	E	H	R
1	1085	0	0	0	0	0	0	0
2	1425	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0

M_z Reactions (lb-in)

Support	D	L	Lr	S	W	E	H	R
1	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0

12558 SW AUTUMNVIEW STREET
 TIGARD, OREGON, 97224

503.329.7448
 ARCHITROUT.COM



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

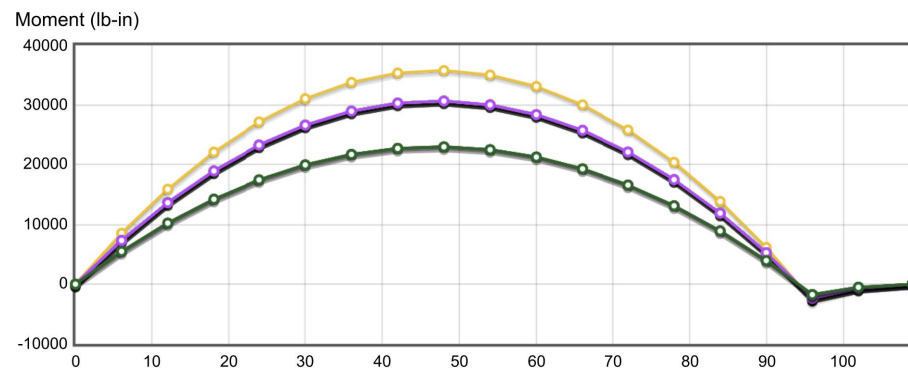
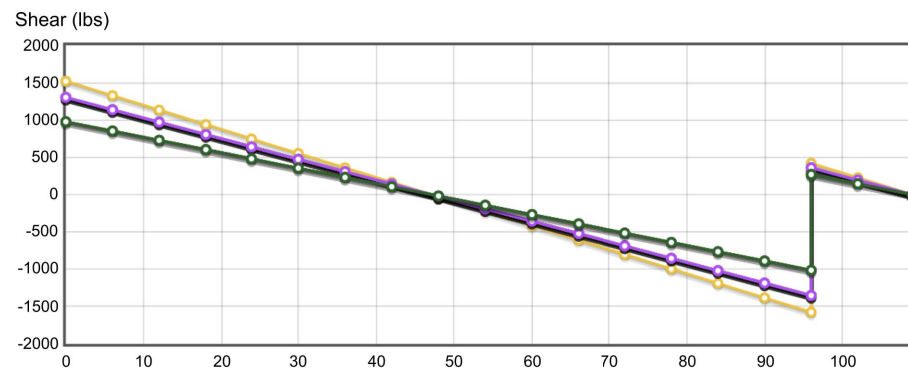
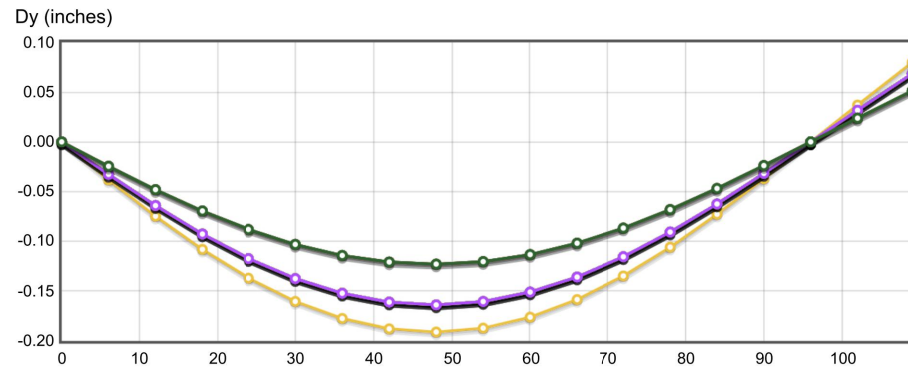
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
06.22.2022

BEAM CALCULATIONS

A702
 Packet Pg. 67

Plots Load Combinations



- Legend
- 1.4D
 - 1.2D + 1.6L + 0.5S
 - 1.2D + 1.6Lr + 1.0L
 - 1.2D + 1.6R + 1.0L
 - 1.2D + 1.6S + 0.8W
 - 1.2D + 1.6W + 1.0L + 0.5Lr
 - 1.2D + 1.6W + 1.0L + 0.5R
 - 1.2D - 1.0E + 1.0L + 0.2S
 - 0.9D + 1.0E
 - 0.9D - 1.0E
 - 1.2D + 1.6L + 0.5Lr
 - 1.2D + 1.6L + 0.5R
 - 1.2D + 1.6S + 1.0L
 - 1.2D + 1.6R + 0.8W
 - 1.2D + 1.6R + 0.8W
 - 1.2D + 1.6W + 1.0L + 0.5S
 - 1.2D + 1.0E + 1.0L + 0.2S
 - 0.9D + 1.6W
 - 0.9D - 1.6W

Numerical Results (Load Case D)

Details

Location (in)	Dy (in)	Shear (lbs)	Moment lb-in
0.00	0.00	1085.11	0.00
6.00	-0.03	946.93	6096.11
12.00	-0.05	808.76	11363.20
18.00	-0.08	670.59	15801.25
24.00	-0.10	532.42	19410.27
30.00	-0.11	394.25	22190.26
36.00	-0.13	256.07	24141.22
42.00	-0.13	117.90	25263.14
48.00	-0.14	-20.27	25556.04
54.00	-0.13	-158.44	25019.90
60.00	-0.13	-296.61	23654.74
66.00	-0.11	-434.79	21460.54
72.00	-0.10	-572.96	18437.31
78.00	-0.08	-711.13	14585.05
84.00	-0.05	-849.30	9903.76
90.00	-0.03	-987.47	4393.43
96.00	0.00	-1125.65	-1945.92
96.00	0.00	299.37	-1945.92
102.00	0.03	161.20	-564.20
109.00	0.06	-0.00	0.00



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

BEAM CALCULATIONS

A703
 Packet Pg. 68

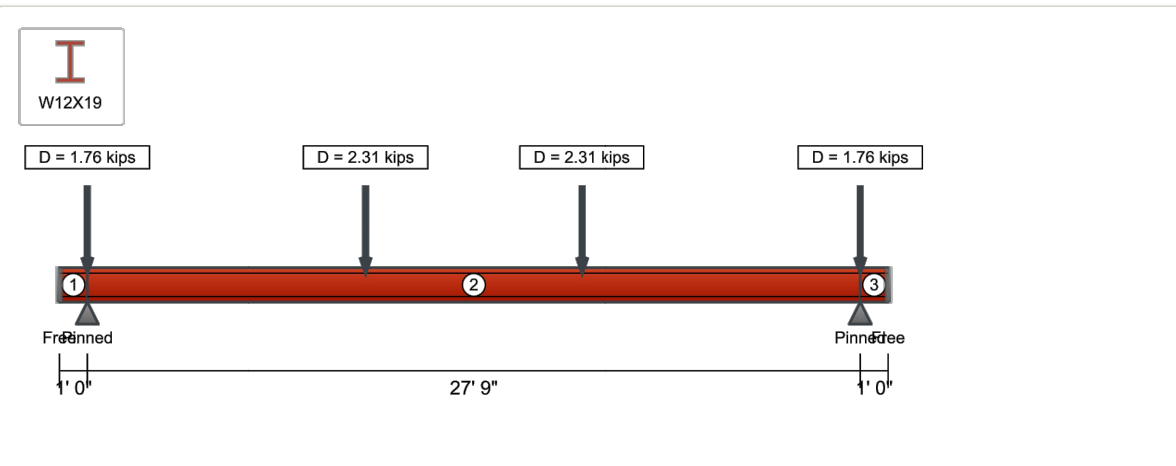
6/22/22, 2:17 PM

WebStructural - Professional Beam Design

Copy of Fowler Patio Beam

ArchiTrout Design & Architecture

✓ Design OK



✓ Design OK

AISC 360-16 LRFD - W12X19 Steel A992

✓ Bending	0.38
Mu (Demand)	34.82 kip-ft
Φ Mn (Capacity)	92.63 kip-ft
Controlling Equation	F2.1: Yielding
Location	15' 0"
Load Combination	1.4D

✓ Shear	0.04
Vu (Demand)	3.60 kips
ΦVn (Capacity)	86.01 kips
Controlling Equation	G2.1: Nominal Shear Strength
Location	1' 0"
Load Combination	1.4D

✓ Deflection	0.92
Based On	Service Cases
Controlling Service Case	D + L
Max Dy	-0.91 in = L/400
Live Load Limit	L/360
Dead + Live Limit	L/360
Snow or Wind Limit	L/360
Total Load Limit	L/240

Design Info	AISC 360-16 LRFD
Shape Type	W12X19
Weight	19.00 lbs/ft
Self Weight	Included
Ix	130 in ⁴
Iy	3.76 in ⁴
Cross Section Rotation	0°
Bracing	Continuous

6/22/22, 2:17 PM

WebStructural - Professional Beam Design

Result View Load Case D

Extremes

Type	Location	Value
Max dy	15' 0"	-0.91 in
Max Shear	28' 9"	-2.57 kips
Max Moment	15' 0"	24.87 kip-ft

Load Case Reactions

Fy Reactions (lbs)

Support	D	L	Lr	S	W	E	H	R
1	0	0	0	0	0	0	0	0
2	2588	0	0	0	0	0	0	0
3	2588	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0

Mz Reactions (lb-in)

Support	D	L	Lr	S	W	E	H	R
1	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

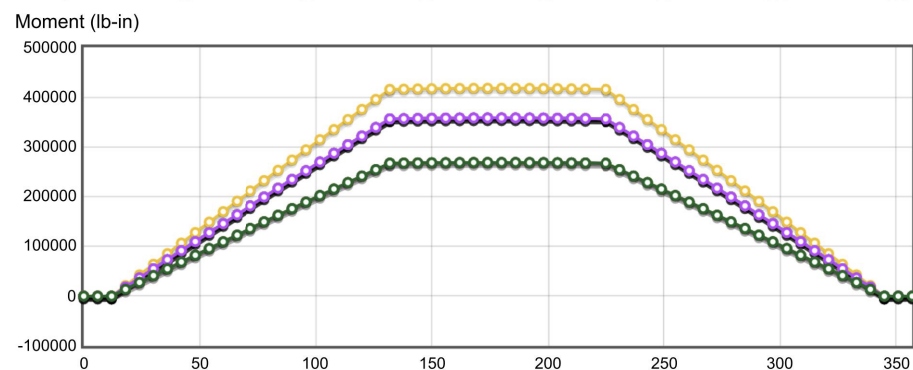
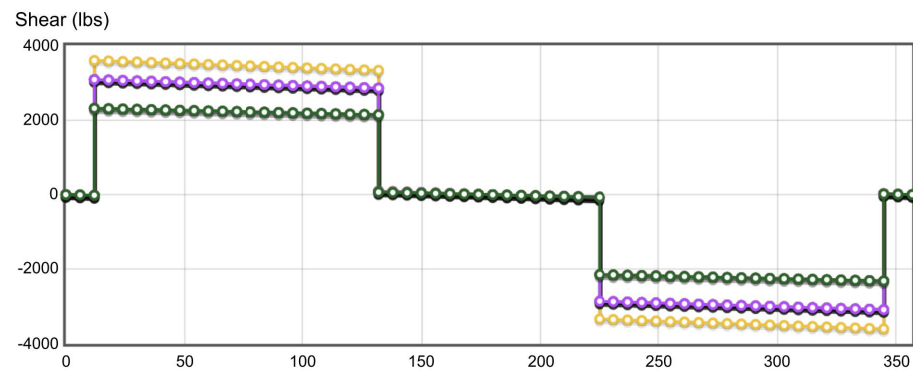
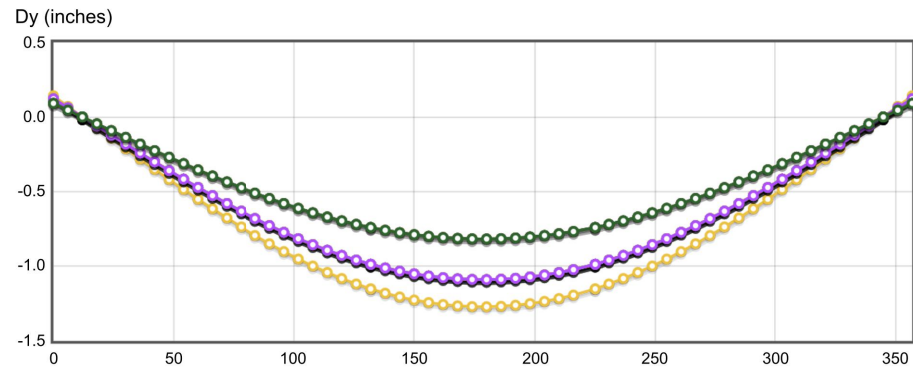
These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

BEAM CALCULATIONS

A704
 Packet Pg. 69

Plots Load Combinations



- Legend
- 1.4D
 - 1.2D + 1.6L + 0.5S
 - 1.2D + 1.6Lr + 1.0L
 - 1.2D + 1.6R + 1.0L
 - 1.2D + 1.6S + 0.8W
 - 1.2D + 1.6W + 1.0L + 0.5Lr
 - 1.2D + 1.6W + 1.0L + 0.5R
 - 1.2D + 1.6W + 1.0L + 0.5S
 - 1.2D - 1.0E + 1.0L + 0.2S
 - 0.9D + 1.0E
 - 0.9D - 1.0E
 - 1.2D + 1.6L + 0.5Lr
 - 1.2D + 1.6L + 0.5R
 - 1.2D + 1.6S + 1.0L
 - 1.2D + 1.6R + 0.8W
 - 1.2D + 1.6R + 0.8W
 - 1.2D + 1.6W + 1.0L + 0.5Lr
 - 1.2D + 1.6W + 1.0L + 0.5S
 - 1.2D + 1.0E + 1.0L + 0.2S
 - 0.9D + 1.6W
 - 0.9D - 1.6W

Numerical Results (Load Case D)

Details

Location (in)	Dy (in)	Shear (lbs)	Moment lb-in
0.00	0.10	0.00	0.00
6.00	0.05	-9.50	-28.50
12.00	0.00	-19.00	-114.00
12.00	0.00	2568.63	-114.00
18.00	-0.05	2559.13	15269.25
24.00	-0.10	2549.63	30595.50
30.00	-0.15	2540.13	45864.75
36.00	-0.20	2530.63	61077.00
42.00	-0.25	2521.13	76232.25
48.00	-0.30	2511.63	91330.50
54.00	-0.35	2502.13	106371.75
60.00	-0.39	2492.63	121356.00
66.00	-0.44	2483.13	136283.25
72.00	-0.48	2473.63	151153.50
78.00	-0.53	2464.13	165966.75
84.00	-0.57	2454.63	180723.00
90.00	-0.61	2445.13	195422.25
96.00	-0.64	2435.63	210064.50
102.00	-0.68	2426.13	224649.75
108.00	-0.71	2416.63	239178.00
114.00	-0.74	2407.13	253649.25
120.00	-0.77	2397.63	268063.50
126.00	-0.80	2388.13	282420.75
132.00	-0.82	2378.63	296721.00
132.00	-0.82	73.63	296721.00
138.00	-0.84	64.13	297134.25
144.00	-0.86	54.63	297490.50
150.00	-0.88	45.13	297789.75
156.00	-0.89	35.63	298032.00

12558 SW AUTUMNVIEW STREET
TIGARD, OREGON, 97224

503.329.7448
ARCHITROUT.COM



SIGNED 06.22.2022

FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

These drawings are the property of ArchiTrout Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
06.22.2022

BEAM CALCULATIONS

A705
Packet Pg. 70

6/22/22, 2:17 PM

WebStructural - Professional Beam Design

162.00	-0.90	26.13	298217.25
168.00	-0.90	16.63	298345.50
174.00	-0.91	7.13	298416.75
180.00	-0.91	-2.38	298431.00
186.00	-0.91	-11.88	298388.25
192.00	-0.90	-21.38	298288.50
198.00	-0.89	-30.88	298131.75
204.00	-0.88	-40.38	297918.00
210.00	-0.87	-49.88	297647.25
216.00	-0.85	-59.38	297319.50
225.00	-0.82	-73.63	296721.00
225.00	-0.82	-2378.63	296721.00
231.00	-0.80	-2388.13	282420.75
237.00	-0.77	-2397.63	268063.50
243.00	-0.74	-2407.13	253649.25
249.00	-0.71	-2416.63	239178.00
255.00	-0.68	-2426.13	224649.75
261.00	-0.64	-2435.63	210064.50
267.00	-0.61	-2445.13	195422.25
273.00	-0.57	-2454.63	180723.00
279.00	-0.53	-2464.13	165966.75
285.00	-0.48	-2473.63	151153.50
291.00	-0.44	-2483.13	136283.25
297.00	-0.39	-2492.63	121356.00
303.00	-0.35	-2502.13	106371.75
309.00	-0.30	-2511.63	91330.50
315.00	-0.25	-2521.13	76232.25
321.00	-0.20	-2530.63	61077.00
327.00	-0.15	-2540.13	45864.75
333.00	-0.10	-2549.63	30595.50
339.00	-0.05	-2559.13	15269.25
345.00	0.00	-2568.63	-114.00

6/22/22, 2:17 PM

WebStructural - Professional Beam Design

345.00	0.00	19.00	-114.00
351.00	0.05	9.50	-28.50
357.00	0.10	0.00	0.00

Appeal Application

▶ RECEIVED ◀
FEB 09 2023

APPELLANT INFORMATION:

NAME:

ADDRESS:

PHONE:

E-MAIL:

CASE INFORMATION OF REQUESTED APPEAL:

CASE FILE NUMBER: DI 2022-02 Trout

DECISION BEING APPEALED: _____

Director's Interpretation Decision re: setbacks

REVIEW AUTHORITY THAT MADE THE DECISION: Ann Marie Skinner

DATE OF THE DECISION: January 30, 2023

DOCUMENTATION THAT THE APPELLANT WAS A PARTY TO THE INITIAL PROCEEDINGS: See decision documents and application for director's interpretation submitted November 23, 2022

DETAILED STATEMENT ON THE BASIS OF THE APPEAL, INCLUDING WHICH APPROVAL CRITERIA, DEVELOPMENT STANDARDS, OR CONDITIONS OF APPROVAL WERE ALLEGEDLY IMPROPERLY EVALUATED OR APPLIED TO THE DECISION: *(attach additional sheets as necessary to include the applicable criteria, development standards, or conditions of approval that were allegedly improperly evaluated)* _____

The decision is based on defining an entire structure as more than one story if ANY portion of the structure is more than one story. This is not supported by the definitions provided in the decision, namely "Story mean that PORTION of a building included between a floor and ceiling above. The decision fails to demonstrate that "7-1/2' for structures more than one story" refers to "buildings with any second floor of any footprint." The decision also fails to address the INTENT of the two different setbacks. The fact that the two setbacks exist in the code demonstrates an intent to allow the first story of a building to be closer to the property line. In common practice, this type of regulation is intended to protect solar and view rights of adjacent property. Inflicting the 7.5' setback on the lower floor does nothing to meet this intent which was not addressed in the decision.

The required appeal application fee must accompany this application.

I hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information is true, complete, and accurate.

SIGNATURE:

Appellant

1.30.2023

Date



Additional explanation page

Photo A and land use plan AS101 (first story addition within 5 ft setback) demonstrates the corner of the house where the addition we are proposing does not meet the cities 7 1/2ft setback. The city approved the current 7 ½ ft code so the adjacent houses can have solar rights and protected views. As you can see from this photo, the house adjacent to us is elevated due to the land being incredibly sloped from our property up to theirs. Per photo A, the elevation of the foundation of our neighbor's home is higher than our roofline. Per photo B1 & C, the part of the addition we are proposing that infringes upon the 7 ½ ft setback is staying one level which would not cause any issue whatsoever to our neighbor's ability to add solar to their home or obstruct any views. Per photo B2, C & D, the same goes for the opposite side of the proposed addition as the lot that is adjacent to the front door area of the addition is an easement for parking and can never be built on so no solar rights or views would ever be infringed upon. We propose the code should be interpreted to allow both these 1 level portions of the new structure to be approved at the 1 level setback of 5 feet.

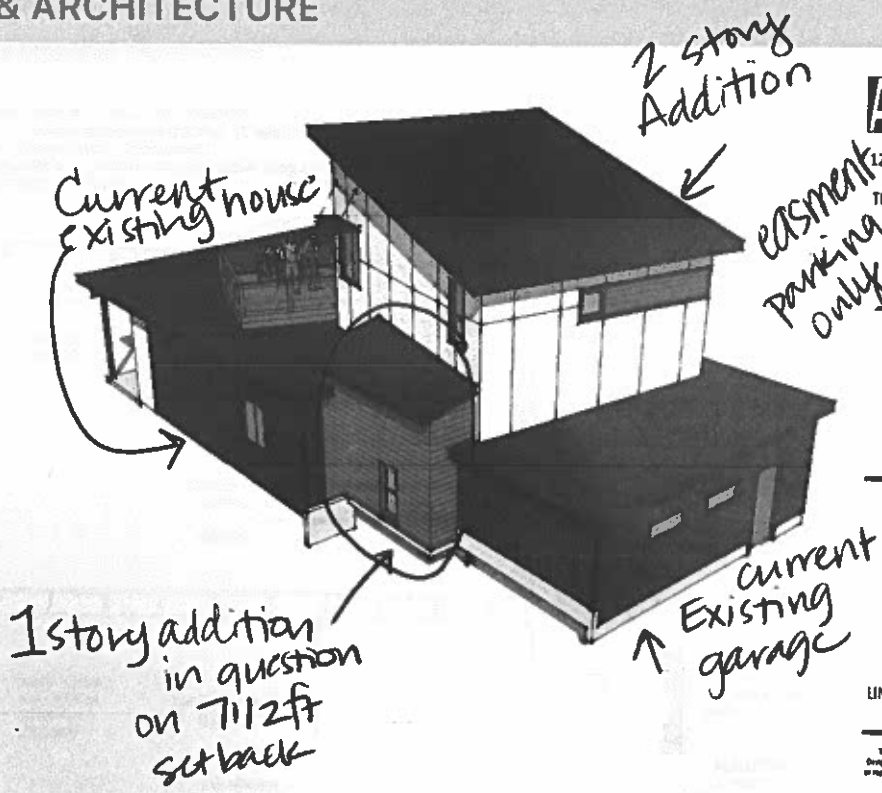
We are proposing the planning commission takes a hard look and considers re-interpreting the current code more accurately, or amending the current code to include specific language that addresses split level homes where the first story is not infringing on solar rights or the rights of neighboring views. If an amendment to the code cannot be facilitated, we are asking for a variance or conditional use permit or just a more accurate interpretation of the current code to address the unique split level design of our plans. There are many split level homes in our city and we hope the city can see the need for the code to be interpreted with this in mind to approve or deny permits. Per Anne Marie Skinner's printed language in her denial of our directors review, no such language exists to determine any rights for setbacks on the first story to remain at 5 ft.

She writes: "The code does not provide a separate requirement for split level structures, nor does it provide any relief for minimum setback requirements for split level structures. The code does not provide a separate requirement for each level of a multi-level structure. Rather, the code provides a minimum setback requirement for one story structures and a more restrictive minimum setback requirement for structures with more than one story. LCMC17.16.070 does not provide any provisions for step-back building forms or for graduated setbacks. Rather, LCMC17.16.070 clearly lists a minimum 5-foot setback requirement for one-story structures and a 7 ½'-foot setback requirement for structures more than one story."

We feel her language clearly shows the need to address split level structures as she feels her hands are tied in interpreting the code to address the needs of homes who don't fit into the box of only one story or only 2 story homes.

Thank you for your consideration,

Photo B1



ARCHITROUT
DESIGN & ARCHITECTURE

12558 SW AUTUMNVIEW STREET
TIGARD, OREGON, 97224
503.329.7448
ARCHITROUT.COM



FOWLER
RESIDENCE

ADDITION

2864 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

This drawing is the property of Architrout Design & Architecture, LLC. and may not be used or reproduced in any manner without permission. © 2022

PERMIT SET
06.22.2022

3/16" = 1'-0"

PERSPECTIVES

A405

Photo
B2



12558 SW ALUMINUMVIEW STREET
TIGARD, OREGON, 97224
503.329.7448
ARCHITROUT.COM



DRAWN 04.06.2022

FOWLER RESIDENCE

ADDITION

2854 NE LAKE DRIVE
LINCOLN CITY, OR, 97367
LINCOLN COUNTY

These drawings are the property of ArchitROUT Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022






PROGRESS SET
04.06.2022

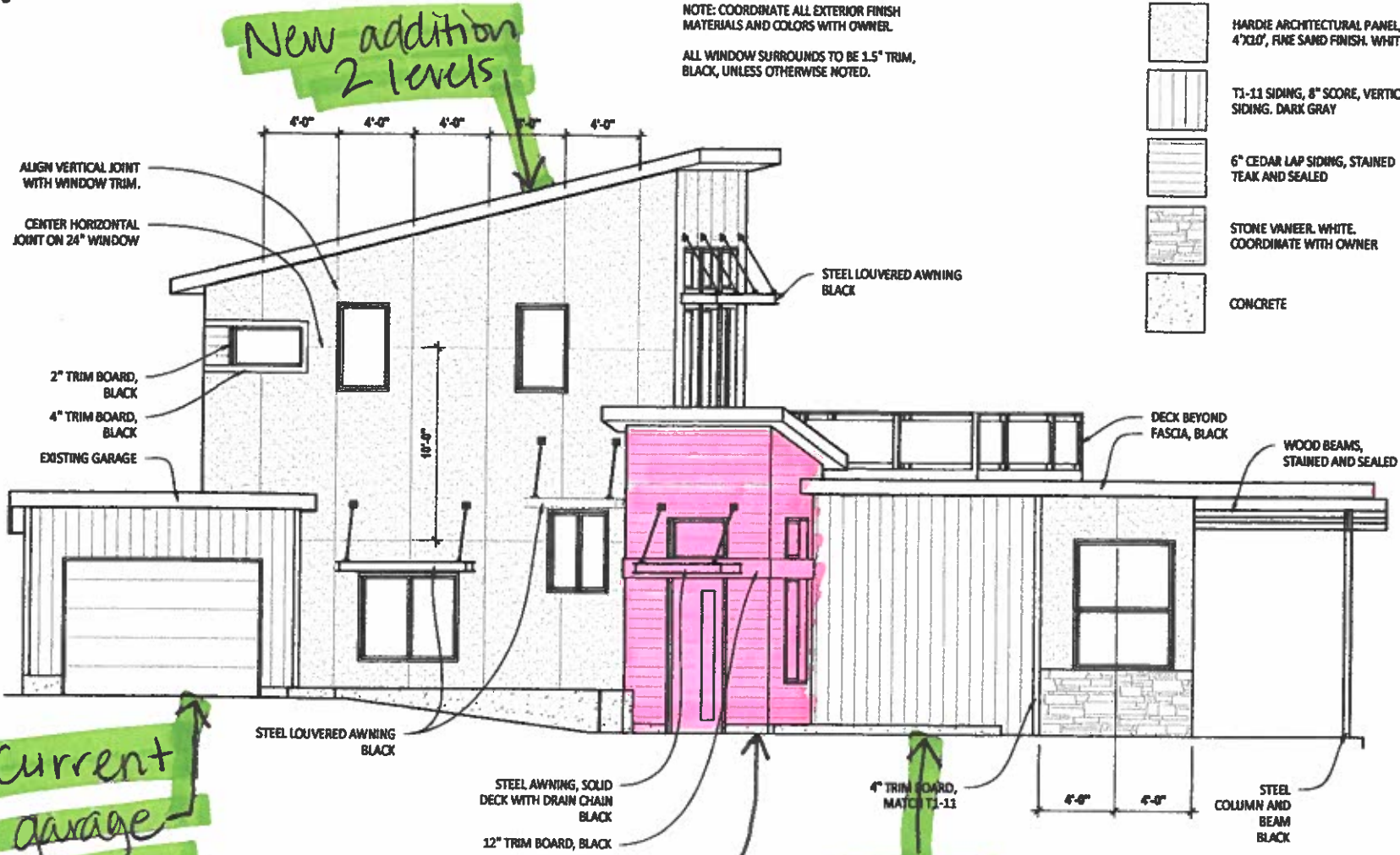
3/16" = 1'-0"

SOUTHEAST ELEVATION

A401

NOTE: COORDINATE ALL EXTERIOR FINISH MATERIALS AND COLORS WITH OWNER.
ALL WINDOW SURROUNDS TO BE 1.5" TRIM, BLACK, UNLESS OTHERWISE NOTED.

-  HARDIE ARCHITECTURAL PANEL, 4'x10', FINE SAND FINISH, WHITE
-  T1-11 SIDING, 8" SCORE, VERTICAL SIDING, DARK GRAY
-  6" CEDAR LAP SIDING, STAINED TEAK AND SEALED
-  STONE VANEER, WHITE, COORDINATE WITH OWNER
-  CONCRETE



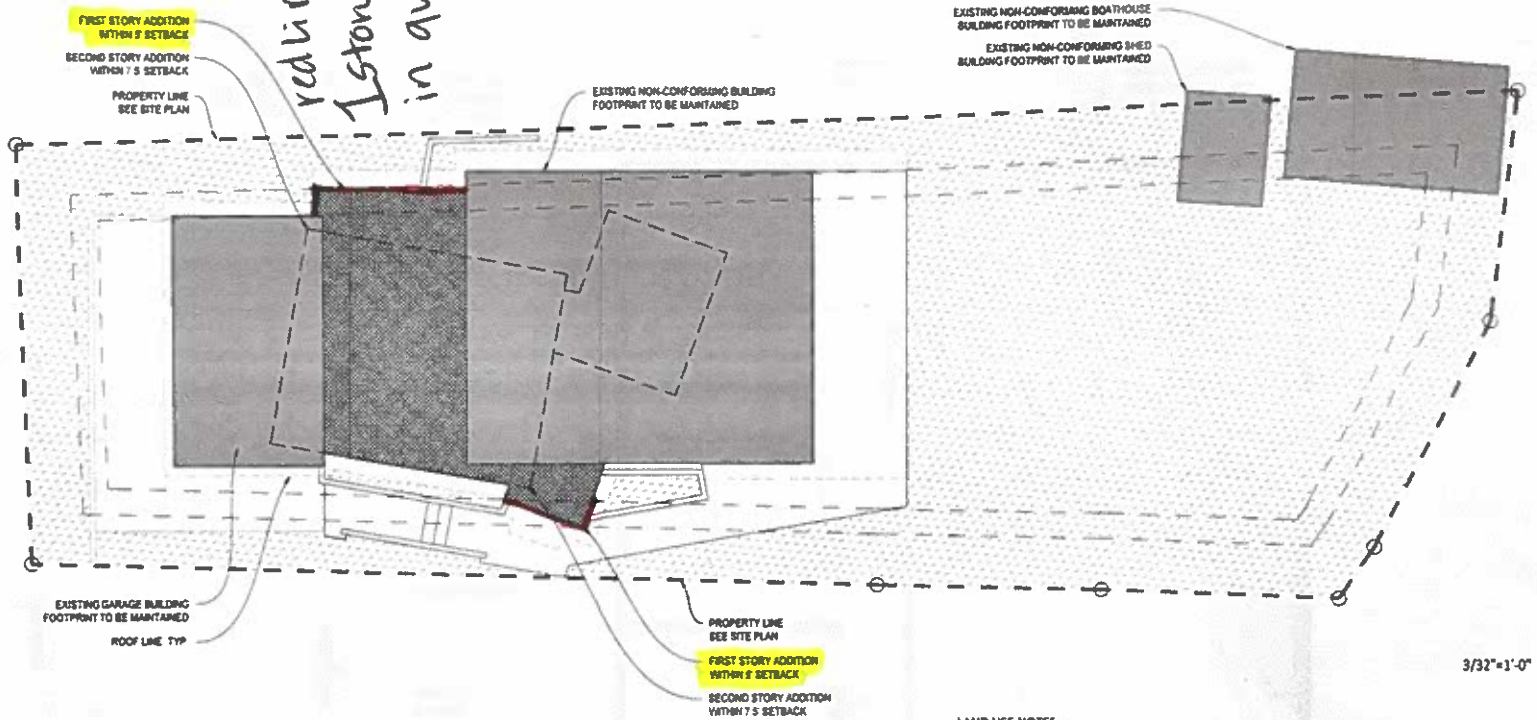
New addition
2 levels

Current
garage
1 level

structure in
question
drawn 5 ft
back from
property line
since its 1 level

Current
house
1 level

Photo



SURVEYOR'S HARRATIVE FROM DAVID LOOMIS SURVEYING, JANUARY 2022.

THIS SURVEY WAS DONE TO MARK THE BOUNDARIES OF TAX LOT 700 AS DESCRIBED IN DOC. 2021-08041. THESE BEARINGS ARE BASED ON COUNTY SURVEY 18,806 PRIOR TO THE YEAR 2000 THE OLD MONUMENTS WERE LOCATED AND USED FOR THE BOUNDARY LINES. IN CS 18,697 AND FUTURE SURVEYS IT WAS DETERMINED THAT THE DEED TIES FROM THE QUARTER CORNER BETWEEN SECTIONS 2 & 11 WERE WRONG FOR MANY YEARS. THE OLD MONUMENTS HAVE BEEN USED FOR 50+ YEARS SO THE OLD MONUMENTS SHOULD BE HELD FOR THE LINE BETWEEN THE LOTS AND THE RECORD. NEW SURVEYS SHOULD BE USED TO LOCATE THE WESTERN BOUNDARY OF THESE LOTS IN FOREST PARK. A TOPCON ONE SECOND GPT 3102W TOTAL STATION AND DATA COLLECTION WERE USED TO MAKE THE MEASUREMENTS IN THIS SURVEY.

7-11-11-AB-00700
 AREA 6402 SF
 BUILDING COVERAGE 1580 SF (20.8%)

COUNTY RECORDS INDICATE THAT THE EXISTING LOT 700 IS 13 ACRES OR 5,662 SQ.FT. THIS AREA HAS BEEN USED FOR LAND USE CALCULATIONS DESPITE THE 2022 SURVEY CONCLUDING THAT THE SITE IS 6,402 SQ.FT.

LAND USE NOTES:

- 1) ZONING: LINCOLN CITY R-1-7.5
- 2) SETBACKS.
- 211) ONE STORY: 5', ALL SIDES
- 212) OTHER: 7'-6", ALL SIDES
- 3) YEAR BUILT : 1962
- 4) PROPERTY LINES SHOWN ARE DERIVED FROM SITE SURVEY BY DAVID LOOMIS SURVEYING, JANUARY, 2022
- 5) EXISTING LOT = 13 ACRES = 5,662 SQ.FT
- 6) MAXIMUM LOT COVERAGE = 35% = 1,981 SQ.F.T
- 7) (E) MAIN HOUSE FOOTPRINT = 937 SQ.FT. (ARCH SURVEY)
- 8) (E) BOAT HOUSE = 240 SQ.FT
- 9) (E) DETACHED GARAGE = 341 SQ.FT. (ARCH SURVEY)
- 10) (E) TOTAL LOT COVERAGE = 1,518 SQ.FT
- 11) AVAILABLE FOOTPRINT INCREASE = 463 SQ.FT
- 12) TOTAL PROPOSED ADDITION FOOTPRINT = 410 SQ.FT. (< AVAILABLE)
- 13) TOTAL PROPOSED FOOTPRINT = 1,928 SQ.FT
- 14) TOTAL PROPOSED FOOTPRINT COVERAGE = 34%
- 15) TOTAL PROPOSED PERVIOUS AREA = 3,019 SQ.FT
- 16) TOTAL IMPERVIOUS AREA = 2,643 SQ.FT. = 47%
- 7) LOT PERIMETER 359'



12558 SW AUTUMNVIEW STREET
 TIGARD, OREGON. 97224

503.329.7448
 ARCHITROUT.COM



FOWLER RESIDENCE

ADDITION

2864 NE LAKE DRIVE
 LINCOLN CITY, OR, 97367
 LINCOLN COUNTY

These drawings are the property of ArchitROUT Design & Architecture, LLC, and are not to be used or reproduced in any manner without prior written permission. © 2022

PERMIT SET
 06.22.2022

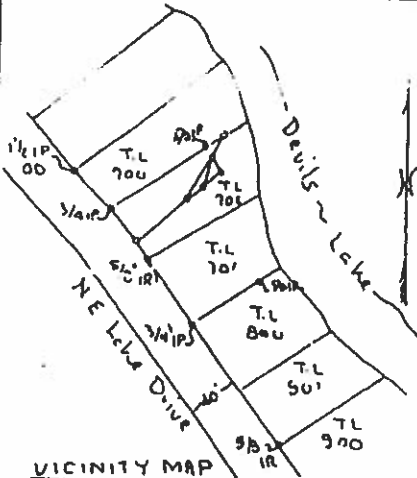


LAND USE PLAN

AS101

SURVEY OF EASEMENT LINES ON TAX LOT 702
MAP 7-11-11 AB LINCOLN COUNTY OREGON

BOOK 236 PAGE 1961

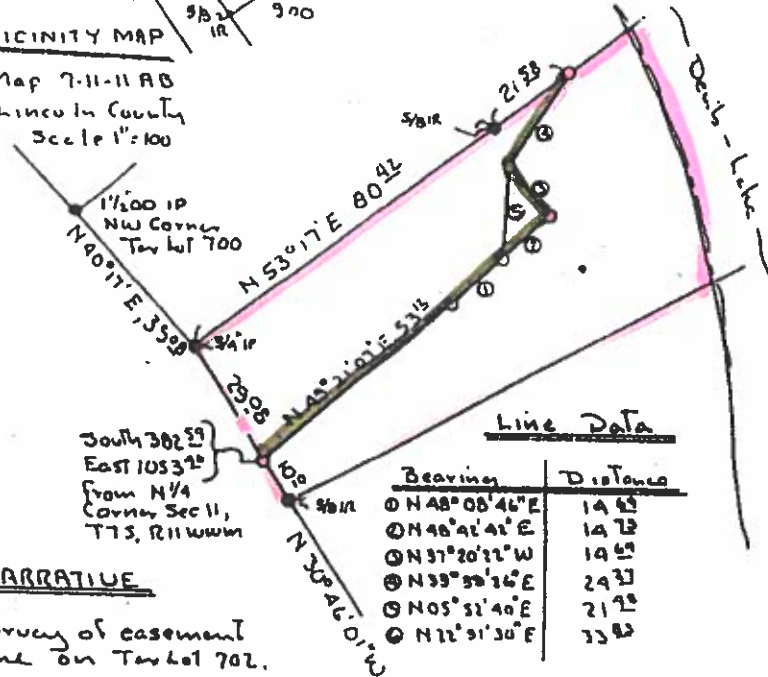


COPY

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
James A Paeth
 OREGON
 EXPIRES 12/31/91
 JAMES A. PAETH
 1991

VICINITY MAP

Map 7-11-11 AB
 Lincoln County
 Scale 1"=100'



South 382.23
 East 1053.25
 from N 1/4
 Corner Sec 11,
 T7S, R11W

Line Data

Bearing	Distance
⊙ N48°05'46"E	14.63
⊙ N48°41'41"E	14.73
⊙ N37°20'21"W	14.63
⊙ N33°59'36"E	24.33
⊙ N05°51'40"E	21.95
⊙ N12°51'30"E	33.83

NARRATIVE

Survey of easement
 line on Tax lot 702.

Basis of Bearing N 1/4
 & E 1/16 Corner Sec 11
 T7S, R11W (East/West)

NOTES

- ⊙ Denote Monuments Set
 3/8" x 30" IR (R.L.S. 1205)
- ⊙ Denote Monuments found

Equipment Used:
 1 Sec gun
 EDM
 Steel Tape

JAMES A. PAETH P.E.
 LAND SURVEYOR, R.L.S.
 2411 NW HIGHWAY 101
 LINCOLN CITY, OREGON
 97367
 Phone: 994-7574

SEC. 11 T 7 S, R 11 W, 10 M.
 NW 1/4 of the NE 1/4
 LINCOLN COUNTY

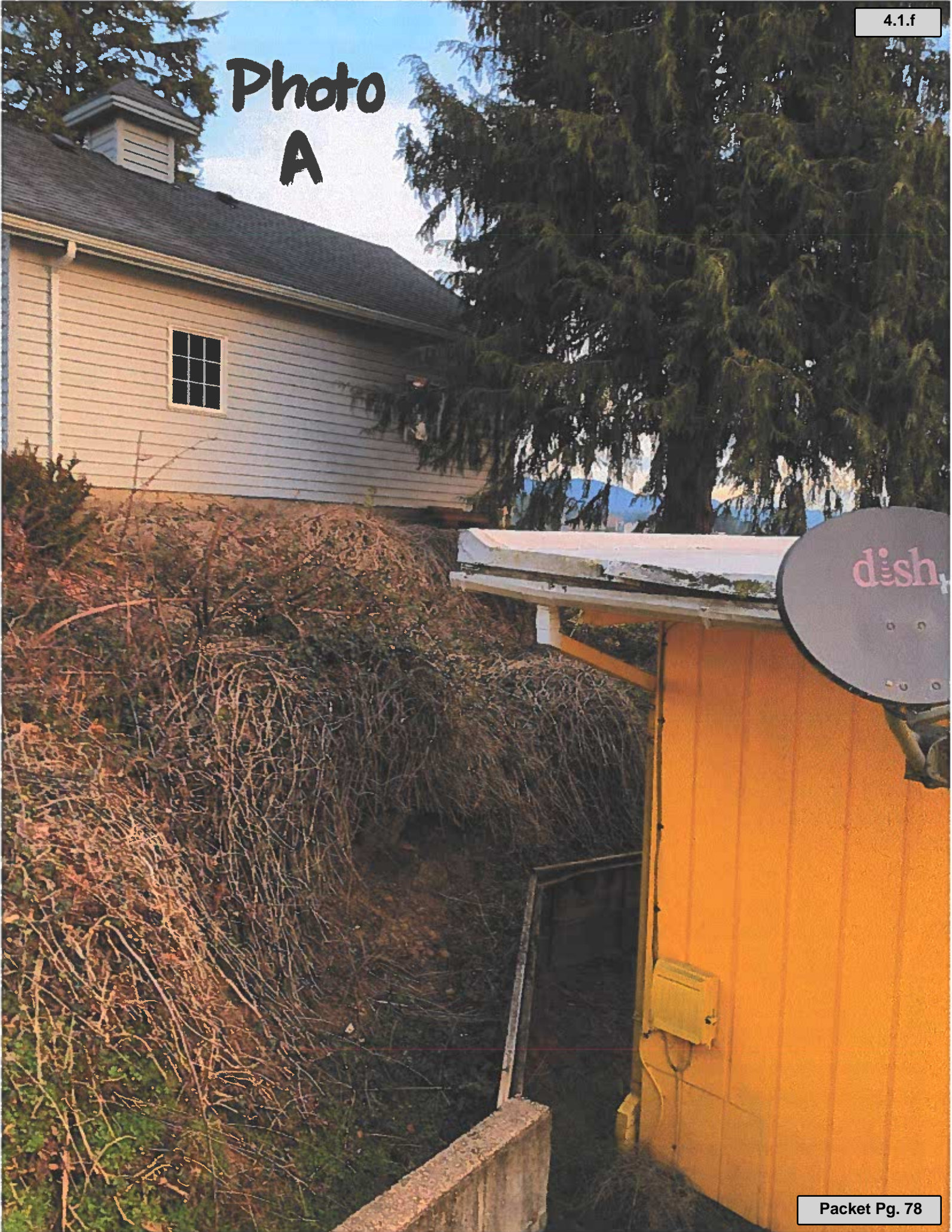
FOR: Fowler/Neal

Scales: As Noted
 Date: 3/24/91
 Jobs: 89-109

Exhibit A
 Lot 1

Photo
 D
 Easement
 lot is
 highlighted

Photo A



Appeal Staff Report for Planning Commission Public Hearing on March Case File APP 2022-01

Date:	June 2, 2022
Case File:	APP 2023-01 Appeal of Director's Interpretation DI 2022-02
Appellant:	Randy Trout Jennifer L. Fowler and Keith L. Fowler
Situs Address:	2864 NE Lake Dr
Location:	Between NE Lake Dr to west and Devils Lake to east, approximately 285 feet north of NE 28 th St
Tax Map and Lot:	07-11-11-AB-00700-00
Comprehensive Plan Designation:	Medium-Density Residential District (R-7.5)
Zoning District:	Single-Unit Residential (R-1-7.5) Zone
Site Size:	5,662.80 square feet (per Lincoln County Assessor)
Proposal:	Request to appeal director's interpretation (DI 2022-02) of minimum setback requirement
Surrounding Land Uses and Zones:	North: Houses; R-1-7.5 South: Houses; R-1-7.5 East: Devils Lake West: NE Lake Dr, Hospital; PC
Authority:	Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 lists an appeal of a Type II application as a Type III application with the Planning Commission as the review authority.
Procedure:	The application was received on February 9, 2023. The application was deemed complete on February 9, 2023. On February 14, 2023, pursuant to LCMC 17.76.050(E), the Planning and Community Development Department mailed a notice of public hearing to property owners within 500 feet of the subject property. The <i>News Guard</i> published the public hearing notice on February 21, 2023.
Applicable Substantive Criteria:	LCMC Chapter 17.16 Single-Unit Residential (R-1) Zone LCMC Section 17.76.050 Type III Procedure; 17.76.180 Appeals LCMC Section 17.77.030 Appeal



BACKGROUND

The subject property (site) is addressed as 2864 NE Lake Dr. The tax lot number is 07-11-11-AB-00700-00, and the assessed site size is 5,662.80 square feet. The site is developed with an existing single-story dwelling and a boat house, both of which were built in 1962. A boat dock was added in 1992, and a covered porch and detached garage were added in 2005. The site's east boundary is Devils Lake and the west boundary is NE Lake Dr. Houses are to the north and south of the site. Across NE Lake Dr to the west is the hospital. The site is in the R-1-7.5 zone, the properties to the north and south are zoned R-1-7.5, and the property to the west is zoned Professional Campus.

Lincoln City's GIS mapping shows the site does not contain bluff erosion hazards, trails, aesthetic resource, floodway, or natural resource overlays. The eastern portion of the site does contain AE flood hazard area.

The property owners desire to convert the existing single-story house to a two-story house, as well as adding onto the existing footprint. The conversion involves the new construction addition of a second story over the existing first story and an enlargement of the footprint by extending the southwest building corner to the south. A building permit application was submitted on July 22, 2022. The description of work on the application states: "Remodel: adding 2nd story, no change in footprint." On July 27, 2022, the applicant was notified that the permit application was on hold because additional items were needed to complete the application, consisting of payment of the plan review fee, a site plan, the Public Works Combined Checklist, and the Pre-Submittal Checklist. The plan review fee was paid, but the site plan and checklists were still outstanding as of October 20, 2022, when a reminder email was sent to submit the previously requested checklists and site plan. The checklists and site plan were received on November 4, 2022, and the building permit technician was able to deem the building permit application complete and move it forward for review.

Lincoln City Public Works review the application for compliance with Public Works Design Standards on November 14, 2022. The application was missing several items, and the applicant was notified accordingly on November 14, 2022. To date, the applicant has not submitted the additional items or revisions to address comments from Public Works.

The associate planner reviewed the application for compliance with LCMC Title 17 on November 17, 2022. The associate planner found several items out of compliance and notified the applicant accordingly on November 17, 2022. One of the non-compliant items involved setbacks. The comment from the associate planner states: "Setbacks need to be revised. The addition of the 2nd story turns the home from a 1 story to a two story home. All new additions must meet the setbacks for a 2 story structure which is 7.5 ft. no addition footprint may be added to the home, even on the 1st story, unless it meets the 7.5 ft setback."

A series of emails between the applicant and the associate planner regarding the minimum setback requirement resulted in the submittal of an application for a director's interpretation. The application for a director's interpretation was submitted on November 23, 2022, identified as DI 2022-02. The applicant stated the following in the application materials for DI 2022-02:

"The proposed addition to the existing residence consists of single story sections and a new second level. It has been carefully planned so that the single story portions of the addition fall within the 5' setbacks for 'one story structures' and the two story portions of the addition fall within the 7'-6" setbacks for structures 'more than one story.' This accomplishes a step-back building form consistent with the intent of the graduated set-back rules."

The director found the following in reaching the setback interpretation for DI 2022-02:

LCMC Section 17.08.010 provides the following definitions:

Setback means the minimum or maximum distance required between object and another point. Typically, a setback refers to the minimum or maximum distance from a building or structure to a specified property line.

Story means that portion of a building included between a floor and the ceiling above.

Structure means, except as provided by applicable building codes, any object constructed in or on the ground.

LCMC 17.16.070 states the following required minimums for setbacks:

<i>Front Setback</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>
<i>Side Setback</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>
<i>Street Side</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>
<i>Rear Setback</i>	<i>5' for one-story structures</i> <i>7 ½' for structures more than one story</i>

The code does not provide a separate requirement for split-level structures, nor does it provide any relief for minimum setback requirements for split-level structures. The code does not provide a separate setback requirement for each level of a multi-level structure. Rather, the code provides a minimum setback requirement for one-story structures and a more restrictive minimum setback requirement for structures more than one story. The applicant notes that the project “accomplishes a set-back building form consistent with the intent of graduated set-back rules.” However, LCMC 17.16.070 does not provide any provisions for step-back building forms or for graduated setbacks. Rather, LCMC 17.16.070 clearly lists a minimum 5-foot setback requirement for one-story structures and a 7 ½’-foot setback requirement for structures more than one story.

The applicant states: “I cannot find anything in the zoning code that supports defining single story portions of an addition as two story structures simply because the building is two story.” LCMC 17.16.070 clearly provides a minimum setback requirement for one-story structures and a separate minimum setback requirement for structures more than one story. Either the structure is a one-story structure or it is a structure with more than one story, with the minimum setback requirements applying accordingly. The applicant’s building permit application specifically notes in the description of work that the project is adding a second story. The addition of a second story to a single-story structure makes the structure a structure with more than one story.

As stated by the applicant, the existing single-story building footprint does not conform to the minimum 5-foot setback for a single-story structure. LCMC 17.64.020(A) notes:

Alteration of a Nonconforming Structure. A nonconforming building or structure may be enlarged or altered to the extent that such alteration or enlargement conforms to current regulations.

LCMC 17.16.070 requires a minimum setback of 7 ½ feet for structures more than one story. The structure is currently a single story. Accordingly, any enlargement or alteration is allowed, but only to the extent that such alteration or enlargement conforms to current regulations. As stated in LCMC 17.16.070, the current regulations require a minimum setback of 7 ½ feet for a two-story structure. The addition of the second story

converts the entire structure to a two-story structure. All portions of the addition, enlargement, or alteration must conform to the current regulation of a 7 ½-foot minimum setback for a two-story structure. LCMC 17.64.020 does not allow for the enlargement or alteration to the existing structure as proposed because it will not be able to conform to current regulations; namely, the proposed expansion of the southwest corner does not meet the 7 ½-foot setback requirement for a two-story structure. The applicant proposes a 5-foot setback for the expansion of the southwest corner. However, the applicant is converting the structure to a two-story structure. Accordingly, all portions of the addition, enlargement, or alteration must conform to the requirements for a two-story structure. If the applicant was not converting the structure to a two-story structure and keeping it as a single-story structure with an expansion of the southwest corner, then the minimum 5-foot setback requirement for a single-story structure would be applicable.

The applicant references a tight and small site and a “proposed design” that “is not unreasonable.” The size of the site is not applicable to the interpretation of the setback requirement in LCMC 17.16.070. Whether the proposed design is reasonable or not is not applicable to the interpretation of the setback requirement in LCMC 17.16.070.

The applicant cites the “inferred intent of the graduated setbacks” where there are no inferred intents. The requirement is very clear – a 5-foot setback for single-story structures and a 7 ½-foot setback for structures with more than one story (see LCMC 17.16.070 below).

17.16.070 Lot requirements.

The map designations R-1-5, R-1-7.5 and R-1-10 create separate single-unit residential zoning classifications as though separately listed in LCMC [17.12.010](#). Lot requirements for the zoning classifications designated on the zoning map shall be as follows:

REQUIRED MINIMUMS								
Zone	Lot Area	Lot Width	Lot Depth	Front Setback ⁽³⁾	Side Setback	Street Side Setback ⁽³⁾	Rear Setback	Maximum Building Coverage ⁽⁵⁾
R-1-5	5,000 sq. ft.	50' detached; 35' attached	70'	5 ⁽¹⁾ 7-1/2 ⁽²⁾	5 ⁽¹⁾ 7-1/2 ⁽²⁾ or 0' for common wall of attached dwellings	5 ⁽¹⁾ 7-1/2 ⁽²⁾	5 ⁽¹⁾ 7-1/2 ⁽²⁾	35% ⁽⁴⁾
R-1-7.5	7,500 sq. ft.	70' detached; 35' attached	80'	same as above				35% ⁽⁴⁾
R-1-10	10,000 sq. ft.	80'	80'	same as above				35% ⁽⁴⁾

(1) For one-story structures.

(2) For structures more than one story.

(3) The front and street side setbacks shall be increased to a minimum of 20 feet in front of a garage/carport and/or driveway entrance to a garage/carport. The increase in setback shall not apply to portions of the dwelling that are below or to the side of the garage/carport or driveway entrance. The increase in setback shall not apply to any portion of the dwelling above the garage/carport that is cantilevered (i.e., supported only by the wall of the structure from which it projects), provided the lowest point of the cantilever is a minimum of seven feet above grade. On corner lots, the clear-vision area requirements of LCMC [17.52.060](#) shall apply.

(4) For existing lots between 3,000 sq. ft. and 4,000 sq. ft., maximum building coverage shall be 40 percent. For existing lots less than 3,000 sq. ft., maximum building coverage shall be 50 percent.

(5) See definition of “building coverage” in Chapter [17.08](#) LCMC.

COMMENTS

No comments were received for APP 2023-01.

ANALYSIS

Chapter 17.76 Procedures

17.76.050 Type III procedure

- A. *General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. *When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.*

Finding: A pre-application conference was not held, nor was one required.

- D. *Application Requirements. Type III applications shall:*
 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 2. *Be accompanied by the required fee as adopted by city council resolution.*
 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110(D) and (E).

- E. *Notice of Public Hearing.*
 1. *After a Type III application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant’s representative;*
 - b. *Owner of record of the subject property;*
 - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor’s office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*
 - e. *At the discretion of the application, the department also shall provide notice to the Oregon Department of Land Conservation and Development.*

Finding: The Planning and Community Development Department mailed the public notice of a public hearing to the parties noted in LCMC 17.76.050(E)(1)(a) through (e).

2. *The notice of public hearing shall include the following:*
 - a. *A brief description of the request;*

- b. *A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
- c. *The street address or other easily understood geographical reference to the subject property;*
- d. *The date, time, and location of the hearing;*
- e. *A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board based on that issue;*
- f. *The name of a department staff member to contact and the telephone number where additional information may be obtained;*
- g. *A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;*
- h. *A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
- i. *A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*

Finding: The public notice of hearing contained all the information required in LCMC 17.76.050(E)(2)(a) through (i).

F. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing. The failure of a property owner to receive notice does not invalidate the land use action if the notice as sent. Notice of the public hearing for Type III applications shall also be published in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.

Finding: The public hearing is scheduled for March 7, 2023. The public notice was mailed on February 14, 2023. The public notice was published in *The News Guard* on February 21, 2023.

17.76.180 Appeals

A. In General. Appeals of director decisions are heard by the planning commission. Appeals of planning commission decisions are heard by city council. There is no local appeal of city council decisions. The city council decision is the final local decision.

Finding: DI 2022-02 is a director's interpretation, and the decision for the case was made by the director. According, any appeals of the decision for DI 2022-02 shall be heard by the Planning Commission.

B. Notice of Appeal. Where the appeal authority is the city, notices of appeal shall be filed with the department within 12 days of the mailing date of the written notice of the decision. Appeals must be received in the department no later than 5:00 p.m. of the twelfth day of the mailing date of the written notice of the decision. At a minimum, the notice of appeal shall include the following items:

Finding: The notice of decision was mailed on January 30, 2023. The notice of appeal was filed with the department on February 9, 2023, which is within the 12-day appeal period.

- 1. Identification of the decision being appealed, including the case file number, the review authority which made the decision, and the date of the decision;*

Finding: The case file number of the decision being appealed is DI 2022-02. The review authority who made the decision was the director. The date of the decision was January 25, 2023. The notice of decision was mailed on January 30, 2023.

2. *Documentation that the appellant was a party to the initial proceedings;*

Finding: The appellant was the applicant for DI 2022-02.

3. *A detailed statement on the basis of the appeal, including which approval criteria, development standards, or conditions of approval were allegedly improperly evaluated or applied to the decision; and*

Finding: The appeal application includes a written narrative detailing the reasons the appellant feels the director's interpretation of the minimum setback for a structure with more than one story is incorrect.

4. *Payment of the appropriate fee, as adopted by city council resolution.*

Finding: The appropriate fee was paid with submittal of the appeal application.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the appeal request, take public testimony, close the public hearing, deliberate, and determine if the director's interpretation of the minimum setback requirement of 7 ½ feet for a structure with more than one story is correct. Staff recommends that the Planning Commission deny the appeal and uphold the director's interpretation as being correct since the code states the minimum setback requirement for a structure with more than one story is 7 ½ feet.