

## 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.

