

**From:** [Randy Trout](#)  
**To:** [Anne Marie Skinner](#); [Weston Fritz](#)  
**Cc:** [Fowler.fab.customs@gmail.com](mailto: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](#)

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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](http://www.architrout.com)

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**From:** [Anne Marie Skinner](#)  
**Sent:** Tuesday, November 22, 2022 6:11 PM  
**To:** [Randy Trout](#); [Weston Fritz](#)  
**Cc:** [Fowler.fab.customs@gmail.com](mailto: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  
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**From:** Randy Trout <[randy@architrou.com](mailto:randy@architrou.com)>  
**Sent:** Tuesday, November 22, 2022 3:36 PM  
**To:** Weston Fritz <[wfritz@lincolncity.org](mailto:wfritz@lincolncity.org)>; Anne Marie Skinner <[askinner@lincolncity.org](mailto:askinner@lincolncity.org)>  
**Cc:** [Fowler.fab.customs@gmail.com](mailto:Fowler.fab.customs@gmail.com)

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

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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](http://www.architrout.com)

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**From:** [Weston Fritz](#)  
**Sent:** Tuesday, November 22, 2022 2:36 PM  
**To:** [Randy Trout](#); [Anne Marie Skinner](#)  
**Cc:** [Fowler.fab.customs@gmail.com](mailto: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

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

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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](mailto: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

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