

## **CHAPTER 2.16**

### **REQUEST FOR INTERPRETATION**

#### **Section 2.16.10 - BACKGROUND**

Property owners and developers often seek interpretations of this Code or Comprehensive Plan from the Director or other City staff. These Interpretations may be legislative in that they apply to a large geographic area, such as all properties within a given zone, or they may be quasi-judicial, such as Interpretations that apply to a specific site or area. Through the processes identified in this Chapter, an applicant can obtain an official written Interpretation from the City.

#### **Section 2.16.20 - PURPOSES**

Requests for Interpretation may be made for the following purposes:

- a. Ensure uniformity of interpretations of this Code and the Comprehensive Plan through a formal process; and
- b. Provide an opportunity to appeal staff Interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

#### **Section 2.16.30 - PROCEDURES**

A Request for an Interpretation of this Code or the Comprehensive Plan shall be reviewed in accordance with the following procedures.

##### **2.16.30.01 - Application Requirements**

Any person may file a Request for Interpretation. Requests shall be in writing. The form of the Request for Interpretation shall be as specified by the Director.

##### **2.16.30.02 - Acceptance of Application**

- a. Per ORS 227, the Director shall review a Request for Interpretation to verify that the request meets the requirements specified above. If a Request for Interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative or quasi-judicial.

- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

#### **2.16.30.03 - Public Notice Prior to a Quasi-judicial Decision**

- a. The Director shall notify affected parties that a Request for a quasi-judicial Interpretation has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other resident owners of property whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the interpretation must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
  - 1. Street address or other easily understood geographical reference to the subject property;
  - 2. Applicable criteria for the decision;
  - 3. Place, date, and time comments are due;
  - 4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - 5. Name and phone number of staff contact person;
  - 6. Statement that Notice of Disposition shall be provided to the applicant and any person who submits comments;
  - 7. An explanation of appeal rights; and
  - 8. A summary of the local decision-making process.

#### **2.16.30.04 - Staff Evaluation**

After accepting a Request for Interpretation that meets the requirements specified above, the Director may route copies of the request to other City divisions or departments for comments or suggestions regarding the Interpretations.

### **2.16.30.05 - Action by Director**

- a. Within 30 calendar days after acceptance of a completed Request for Interpretation, the Director shall respond with a written Interpretation. The Director shall clearly state the Interpretation being issued and basis for such Interpretation.
- b. The Director may interpret provisions of this Code or the Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.
- c. Director's Interpretations are advisory only and do not bind the Land Development Hearings Board, Historic Resources Commission, Planning Commission, or City Council in making their decisions.
- d. The Director may modify previously issued Interpretations if specific circumstances warrant such modification.

### **2.16.30.06 - Notice of Disposition**

A copy of the Notice of Disposition and all applicable information shall be available in the Planning Division of the Community Development Department. The Notice of Disposition shall also be provided to the public in the following ways:

- a. **Legislative Interpretation** - Notice shall be published in a newspaper of general circulation in Corvallis and shall include a statement of the decision, reasons leading to it, and the appeals period deadline.
- b. **Quasi-judicial Interpretation** - The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice.

### **2.16.30.07 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

### **2.16.30.08 - Effective Date**

**Legislative and Quasi-judicial Interpretations** - Unless an appeal is filed, the Director's interpretation shall become effective 12 days after the Notice of Disposition is signed.

