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CITY OF HALSEY

Request for Code Interpretation

File Number: _____

APPLICANT INFORMATION

Name: _____

Phone: _____

Address: _____

Cell: _____

Email: _____

APPLICANT CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and accurate to the best of my knowledge; that the proposed land use activity does not violate covenants, conditions and restrictions associated with the subject property; and, any approval granted based on this information may be revoked if it is found that such statements are false.

Signature: _____

Date: _____

Requesting Interpretation of Chapter _____ Section _____ of the Halsey Development Code

Reason for requesting Code Interpretation:

(Please attach additional sheet if necessary)

REQUIRED SUBMITTALS

- Completed, signed Application
- \$200 Deposit

The City Planner is authorized to issue, refer to the Planning Commission, or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. The City Planner decision to issue, refer, or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further appeal.

If the City Planner or the Planning Commission decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 21 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with the standards established in Halsey Development Code 4.7.2. E-G.

OFFICE USE ONLY

APPLICATION RECEIPT & PAYMENT

Date Received: _____ Payment Received: _____
Received by: _____ Receipt No.: _____
Application Reviewed for completeness by: _____ Date: _____
City Planner decision to:
 ___Decline ___Issue ___Refer to Planning Commission
Notice mailed on: _____ By: _____
Planning Commission Met: _____
Written Interpretation Mailed: _____ By: _____
 Appeal Filed: _____
 Appeal Hearing Held: _____
 Appeal Period Expires: _____
Notice of Final Decision Mailed: _____ By: _____

CODE INTERPRETATION

Property owners or applicants may disagree with the conventional interpretations of some terms and phrases in the Development Code. For this reason, the City established a process to document official interpretations where disagreements may occur. Code Interpretations may involve clarification of language and terms, make determinations regarding similarities of use, and make decisions regarding applicability of Code provisions.

CODE INTERPRETATION PROCESS

1. The City Planner has the authority to review a request for an interpretation, and to decide to issue or deny an interpretation or refer it to the Planning Commission. The City Planner will advise the requester in writing within 14 days whether the City will issue the requested interpretation.
2. The City Planner decision to issue, refer, or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to further local appeal.
3. If the City Planner or Planning Commission decides to issue an interpretation, it shall be issued in writing and shall be issued within 21 days after the City advises the requester that an interpretation shall be issued.
4. The decision shall become effective 14 days later, unless an appeal is filed in accordance with HDC 4.7.2.

APPEAL PROCESS

1. The City Council will hear all appeals of a City Planner or Planning Commission interpretation as a Type III action as established in Chapter 4.1.5. Written notice shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.
2. The decision of the City council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant.

LIMITATIONS TO CODE INTERPRETATIONS

Code Interpretations focus solely on interpretations of the Development Code text; for example, whether a zone allows a specific use. In contrast, to modify a standard or requirement for development of an individual property requires a Variance, not an Interpretation. The limitation guidelines include the following:

1. Code Interpretations must be as narrow in reach as possible and must be text specific.
2. No Code Interpretation can be in conflict with or contrary to other provisions of the Halsey Comprehensive Plan, the HDC, the Halsey Municipal Code (HMC), or any other adopted plans or standards of the City.
3. Code Interpretations do not apply to site specific development standards, and infrastructure requirements.
4. Any and all Code Interpretations may be altered by future Code Interpretations, but such future revisions will not invalidate land use decisions made under previous interpretations.

This information is only a summary. For additional information or clarification, please refer to the Halsey Development Code, or request clarification from city staff.