



Department of Planning and Building Services
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FORMAL CODE INTERPRETATIONS

WHAT IS A FORMAL CODE INTERPRETATION?

A Formal Code Interpretation (LOC 50.01.005.1.a) is the resolution of a question concerning the meaning or applicability of any part of the Development Code or Comprehensive Plan as it relates to the proposed development of a specific property owned by the applicant (owner or owner's appointed agent). A Formal Code Interpretation is considered a Minor Development and is subject to public notice, opportunity for appeal, and fees. The interpretation is binding on City staff as it applies to future development of the subject property but is not binding as it relates to the development of other properties.

(Note: The Lake Oswego Community Development Code also provides rules for issuing *Informal* Code Interpretations [LOC 50.01.005.1.b]. An Informal Code Interpretation is not subject to notice, appeal, or fee and is not binding on future land use decisions on the subject property or in general. A request for an Informal Code Interpretation can be made to City staff orally or in writing.)

PRE-APPLICATION CONFERENCE REQUIRED

A Pre-Application (Pre-App) Conference is required for a Formal Code Interpretation prior to submitting the land use application. The purpose of the Pre-App is to discuss the proposal, the applicable criteria, and the requirements for completing an application. Please refer to the City's Pre-App handout for more detailed information on this process.

APPLICATION PROCEDURE

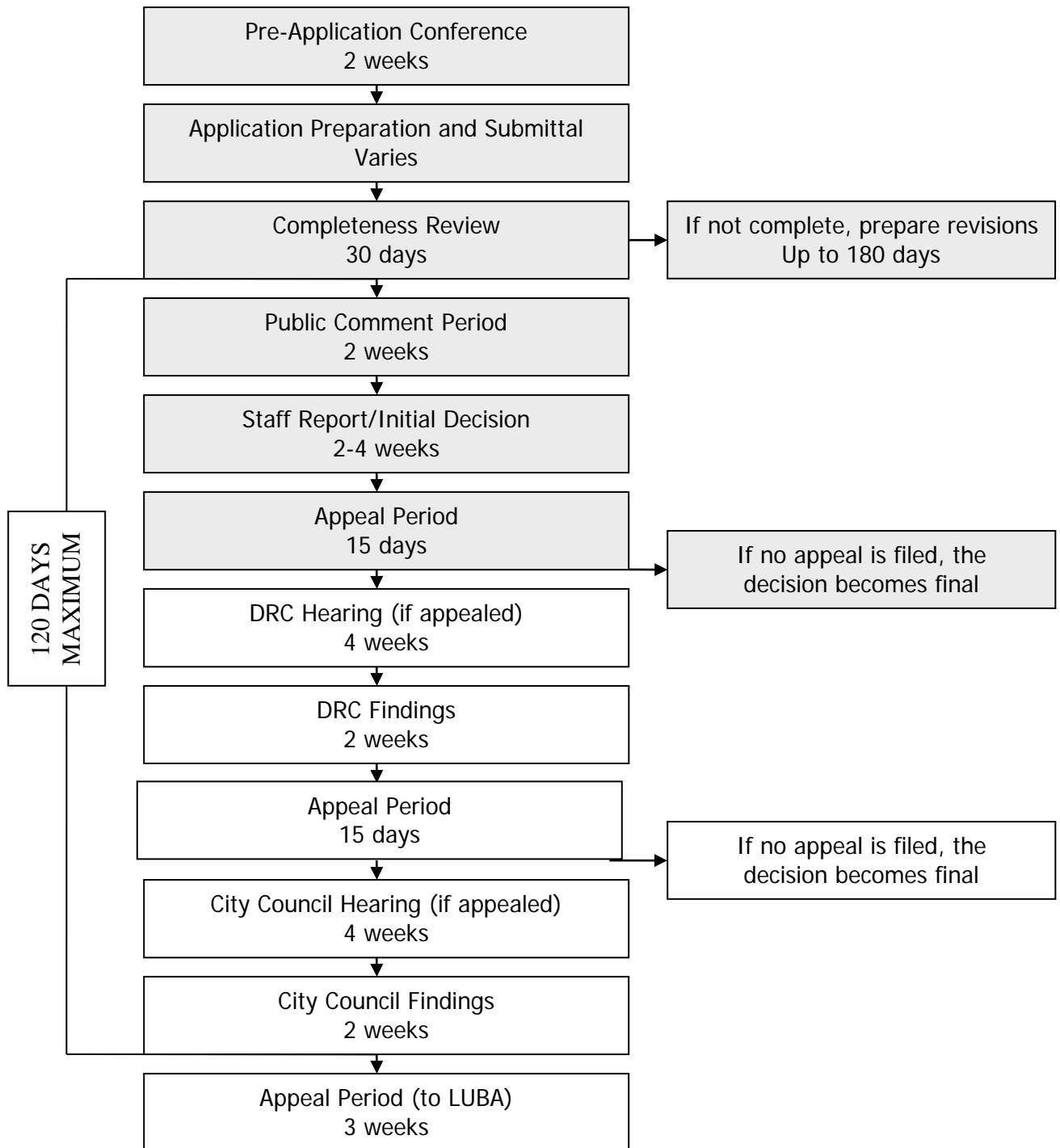
Following the Pre-App, the applicant (owner or owner's appointed agent) files a complete application with the Department of Planning and Building Services using the Land Use Application form available at the department (and on our website at www.ci.oswego.or.us). The applicant also provides information and materials specified in the Pre-App Checklist. Please refer to the attached "Submittal Requirements" section for a list of the materials that are typically required for a Formal Interpretation application. A complete list of the required application materials for your proposal will be provided at the Pre-App.

Submitted plans and attachments are routed to all concerned City departments for review. The City has 30 days to determine whether the Formal Code Interpretation application is complete. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is "complete," the City mails a Notice of Application to surrounding property owners, which begins a 14 day comment period.

WHO MAKES THE DECISION

In most cases, planning staff will make the decision on a Formal Code Interpretation application following the comment period. Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent sections of the City's Community Development Code and other codes, public

comment, and inspection of the property. Appeals of the staff decision can be made to the Development Review Commission (DRC). If staff finds that the Formal Code Interpretation request will be controversial or that there is a high likelihood that the staff decision will be appealed, staff will forward the application to the DRC for a public hearing for the initial decision. Appeals of the DRC's decision can be made to the City Council. The flow chart below identifies the typical review process for a Formal Code Interpretation; however, special circumstances may increase certain processing times. A staff decision becomes final after expiration of the 15-day appeal period unless an appeal is filed.



SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with analysis and make an informed decision on your application. Following is a list of materials that are typically required for a Formal Code Interpretation application; however, as each request is unique, additional items may be identified at the Pre-App. Please do not submit your application until all the items on the list that apply to your proposal have been included. Consult with the Department of Planning and Building Services if you have a question. All application materials become public record.

GENERAL

The following items are required to be submitted in **FIVE COLLATED SETS** unless otherwise noted:

- Completed Land Use Application form signed by the property owner(s). Agent authorization is required if application is not signed by owners of all subject parcels.
- Proof of ownership such as a copy of deed or title report (**TWO SETS**).
- A narrative clearly describing the issues and the code section(s) that the applicant desires to be interpreted. The narrative shall also address the applicable standards listed in the Pre-App Checklist in detail. Additional information may be provided by the applicant in support of their desired interpretation.
- Any relevant graphic information such as a scaled site plan and floor plans.
- Sticky back address labels with name and addresses of at least 50 properties within 300+ feet of the site boundaries (excludes the site and City owned properties). This information shall be obtained from the most current tax assessor records (**TWO SETS**). Please make sure to add tax lot and tax map information for each lot above the respective address (see Mailing Label handout for specific instructions).
- 8 x 11 ½ reductions of all oversized materials (**TWO SETS**).
- Payment of application fee.
- Additional information as identified by the City in the Pre-App Checklist.