



Interpretation

Interpretation of new uses, terms or phrases will be reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning Policy issues that include, but are not limited to the Springfield Development Code, adopted refinement plans or the Metro Plan shall be reviewed under Type IV procedure.

Application Type		<i>(Applicant: check one)</i>
New Use: Type II <input type="checkbox"/>	Type III <input type="checkbox"/>	Clarify Planning Policy: Type IV <input type="checkbox"/>
Term or Phrase: Type II <input type="checkbox"/>		Type III <input type="checkbox"/>
Required Project Information		<i>(Applicant: complete this)</i>
Applicant Name:		Phone
Company:		Fax:
Address:		
Applicant's Rep.:		Phone
Company:		Fax:
Address:		
Property Owner:		Phone
Company:		Fax:
Address:		
ASSESSOR'S MAP NO:	TAX LOT NO(S):	
Property Address:		
Size of Property:		Acres <input type="checkbox"/> Square Feet <input type="checkbox"/>
Description of Proposal: <small>If you are filling in this form by hand, please attach your proposal description to this application.</small>		
Existing Use:		
Signatures: Please sign and print your name and date in the appropriate box on the next page.		
Required Project Information		<i>(City Intake Staff: complete this section)</i>
Associated Applications:		Signs:
Case No.:	Date:	Reviewed by:
Application Fee: \$	Technical Fee: \$	Postage Fee: \$
TOTAL FEES: \$		PROJECT NUMBER:

Signatures

<p>The undersigned acknowledges that the information in this application is correct and accurate.</p> <p>Applicant:</p> <p>_____ Date: _____</p> <p>Signature</p> <p>_____</p> <p>Print</p>

<p>If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf.</p> <p>Owner:</p> <p>_____ Date: _____</p> <p>Signature</p> <p>_____</p> <p>Print</p>
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Section 5.11-100 Interpretations (Springfield Development Code)

5.11-105 Purpose

The purpose of an Interpretation is to:

- A.** Consider the applicability of new uses within each zoning district that are not specifically identified in this Code;
- B.** Clarify the meaning of terms or phrases found in this Code; or
- C.** Clarify planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-110 Authority

The Director shall have the initial authority and responsibility to interpret the appropriateness of new uses and the meaning of all terms and phrases in this Code. The City Council shall have the authority to interpret planning policy contained in this Code, adopted refinement plans or the Metro Plan, or other policy documents.

5.11-115 Review

A request for an Interpretation of this Code concerning new uses and terms and phrases is reviewed under Type II procedure, unless the Director determines that the application should be reviewed as a Type III decision by the Planning Commission or Hearings Official due to the complexity of the application or the need for discretionary review. Planning policy issues that include, but are not limited to this Code, adopted refinement plans or the Metro Plan is reviewed under Type IV procedure.

5.11-120 Interpretation of New Uses

- A.** Application Submittal. The request shall include information on the following characteristics of the new use:
 - 1.** A description of proposed structures and the operational characteristics of the new use.
 - 2.** Where commercial and industrial uses are involved, the following topics are considered:
 - a.** Emission of smoke, dust, fumes, vapors, odors, and gases;
 - b.** Use, storage and/or disposal of flammable or explosive materials;
 - c.** Glare;
 - d.** Use of hazardous materials that may impact groundwater quality;
 - e.** Noise;
 - f.** The potential for ground vibration; and
 - g.** The amount and type of traffic to be generated, parking required and hours of operation.
 - 3.** Where residential uses are involved, the following topics are considered:
 - a.** Density; and
 - b.** The amount and type of traffic to be generated and parking required.

- B. Criteria.** A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:
1. Has the characteristics of one or more use categories currently listed in the applicable zoning district;
 2. Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and
 3. Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

5.11-125 Interpretation of Terms or Phrases

- A. Application Submittal.** The request shall include:
1. The particular term or phrase requiring Interpretation; and
 2. The applicant's statement describing what the particular term or phrase means.
- B. Criteria.** The Director shall interpret a term or phrase, after consultation with the City Attorney and City staff. The meaning of any term or phrase:
1. Shall be consistent with the purpose and intent of this Code, including any Chapter or Section to which the term or phrase is related;
 2. May be determined by legislative history, including staff reports and public hearing tapes and minutes; and
 3. Shall be consistent with any dictionary of common usage, if criteria 1. and/or 2., above cannot be applied.

5.11-130 Interpretations Reviewed Under Type III and Type IV Procedure

- A.** Interpretations that the Director may elevate from a Type II to a Type III review shall follow the approval criteria specified in either Section 5.11-120 or 5.11-125 depending upon the nature of the interpretation requested. In addition, the Planning Commission or Hearings Official shall consider the Metro Plan and any refinement plans or other policy documents of the City, where applicable.
- B.** The Planning Commission or Hearings Official, upon a finding in support of a particular Interpretation, shall make a decision and may impose reasonable conditions to ensure compliance with the approval criteria.
- C.** Where there is an Interpretation of planning policy, the matter is forwarded to the City Council:
1. For consideration on the record;
 2. To consider appropriate revisions to this Code to resolve the question; or
 3. To revise or supplement a policy issue.

5.11-135 Effect of a Decision

An approved Interpretation is effective on the date of approval, unless appealed. An approved Interpretation may be superseded by a subsequent Interpretation or a Code amendment.

Revised 12/4/2006 Brenda Jones

Interpretation Application Process

1. Applicant Submits an Interpretation Application to the Development Services Department

- The application must conform to the *Interpretation Submittal Requirements Checklist* on page 6 of this application packet.
- Planning Division staff screen the submittal at the front counter to determine whether all required items listed in the *Interpretation Submittal Requirements Checklist* have been submitted.
- Applications missing required items will not be accepted for submittal.

2. City Staff Conduct Detailed Completeness Check

- Planning Division staff conducts a detailed completeness check within 30 days of submittal.
- The assigned Planner notifies the applicant in writing regarding the completeness of the application.
- An application is not be deemed technically complete until all information necessary to evaluate the proposed development, its impacts, and its compliance with the provisions of the Springfield Development Code and other applicable codes and statutes have been provided.
- Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial.

3. City Staff Review the Application and Issue a Decision

- A Type II decision, made after public notice, but without a public hearing, unless appealed, is issued within 120 days of submittal of a complete application.
- Mailed notice is provided to property owners and occupants within 300 feet of the property being reviewed and to any applicable neighborhood association. In addition, the applicant must post one sign, provided by the City, on the subject property.
- There is a 14-day public comment period, starting on the date notice is mailed.
- Applications are distributed to the Development Review Committee, and their comments are incorporated into a decision that addresses all applicable approval criteria and/or development standards, as well as any written comments from those given notice.
- Applications may be approved, approved with conditions, or denied.
- The City mails the applicant and any party of standing a copy of the decision, which is effective on the day it is mailed.
- The decision issued is the final decision of the City but may be appealed within 15 calendar days to the Planning Commission or Hearings Official.

Interpretation Submittal Requirements Checklist

NOTE: If you feel an item does not apply, please state the reason why and attach the explanation to this form.

- Submitted Concurrently** with Site Plan Review or Minimum Development Standards, where applicable
- Application Fee** - refer to the *Development Code Fee Schedule* for the appropriate fee calculation formula. A copy of the fee schedule is available at the Development Services Department. The applicable application, technology, and postage fees are collected at the time of complete application submittal.
- Interpretation Application Form**
- Interpretation of New Uses Narrative** – explaining the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with the Criteria described in SDC 5.11-120 B and information on the following characteristics of the new use:
 - Description of proposed structures and operational characteristics of the new use
 - Commercial/Industrial Uses
 - Emission of smoke, dust, fumes, vapors, odors, and gases
 - Use, storage, and/or disposal of flammable or explosive materials
 - Glare
 - Use of hazardous materials that may impact groundwater quality
 - Noise
 - Potential for ground vibration
 - Amount and type of traffic to be generated and parking required
 - Hours of operation
 - Residential Uses
 - Density
 - Amount and type of traffic to be generated and parking required
- Interpretation of Terms or Phrases Narrative** – explaining the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with the Criteria described in SDC 5.11-125 B, as well as the following information:
 - Particular term or phrase requiring interpretation
 - Applicant's statement describing what the particular term or phrase means

NOTE: Before the Director or Planning Commission can make an Interpretation, information submitted by the applicant must adequately support the request. All of the Interpretation Criteria must be addressed by the applicant. Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial.