

Chapter 125
PLANNING DIRECTOR'S INTERPRETATION

125.01 Purpose

125.02 Procedure

125.01 Purpose. It is anticipated that some terms or phrases within the Baker County Zoning Ordinance may be ambiguous and, therefore, subject to two or more reasonable meanings. Since it is not possible to identify or remove all ambiguities in the Ordinance, this process is established for resolving these ambiguities in advance of or concurrently with the application for a particular permit or other action.

125.02 Procedure

- A. Requests. A request for a Planning Director's Interpretation shall be made in writing to the Planning Director. The Planning Director may develop guidelines for the application process.
- B. Decision to issue. The Planning Director shall have the authority to consider the request for an Interpretation. The Planning Director shall respond within 14 days after the request is made, as to whether or not the Planning Director will issue the requested Interpretation.
- C. Planning Director may decline. The Planning Director is authorized to issue or decline to issue a requested Interpretation. The Planning Director's decision to issue or decline to issue an Interpretation is final when such decision is mailed to the party requesting the Interpretation and such decision is not subject to any further local appeal.
- D. Written Interpretation mailed. If the Planning Director decides to issue an Interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the Interpretation and any other person that has specifically requested a copy of such Interpretation.
- E. Appeal to the Planning Commission. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the Planning Director's Interpretation to the Planning Commission within 12 days after the Interpretation was mailed to the applicant. The appeal may be initiated by filing a Notice of Appeal with the Planning Director, pursuant to Section 115.06(G).
- F. Appeal procedure. The Planning Commission shall hear all appeals of a Planning Director's Interpretation as a Type III action, pursuant to Section 115.07, except that notice of the hearing shall be provided only to the applicant, any other party who has filed a notice of appeal, and any other person who has requested notice.
- G. Final decision. The decision of the Planning Commission on an appeal of a Planning Director's Interpretation shall be final and effective when notice of the decision is mailed to the applicant.
- H. Appeal to the Board of Commissioners. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the Planning Commission's decision within 12 days after the decision was mailed to the applicant. The appeal may be initiated by filing a Notice of Appeal with the Planning Director, pursuant to Section 115.06(G)(2)(a)(2).

- I. Interpretations on file. The Planning Director shall keep on file in the Planning Department a record of all Planning Director's Interpretations. When appropriate, these Interpretations shall be codified into the Ordinance by means of a Type IV procedure, as governed by Chapter 115.