

An Interpretation of the Planning Commission  
July 7, 1997

Section 2.040(h) of the Rivergrove Land Development Ordinance (RLDO) seems to be internally inconsistent. It excludes from the requirement for a development permit the "installation or construction of an accessory structure that does not require a building permit." It then goes on to add the parenthetical expression: "(i.e. 108 square feet in size)."

Clackamas County issues "building permits" within the City of Rivergrove. The requirement for a building permit is established by Clackamas County. Clackamas County has established that "small accessory buildings not over 120 square feet or a height of 10 feet measured from the highest point are exempt." In other words, according to the current County requirements, a small accessory building that is neither more than 120 square feet in area nor more than 10 feet in height does not require a building permit.

The internal inconsistency creates an ambiguity. The ambiguity calls for an interpretation. The Planning Commission has the authority and responsibility to interpret the RLDO (Section 3.090 of the RLDO). That interpretation shall be in writing and shall be available with copies of the RLDO. The following interpretation of Section 2.040(h) is hereby adopted by the Planning Commission at its regular meeting on July 7, 1997. Until this Section is revised or until a different interpretation of this Section is adopted by the Planning Commission, this Section shall be applied and enforced in accordance with the following interpretation:

**INTERPRETATION**

**Section 2.040(h), Rivergrove Land Development Ordinance**

Parenthetical expressions are normally used to supplement or clarify rather than contradict the content of the body of the sentence. It is not likely that the City Council that originally enacted this provision intended for the parenthetical expression to contradict or overrule the body of the sentence. Therefore, the Planning Commission hereby makes the following "interpretation" of Section 2.040(h):

In the case of inconsistency between the body of the sentence of Section 2.040(h) and the parenthetical expression of that Section, *the requirement as stated in the body of the sentence shall govern*. In other words, an accessory structure that does not require a building permit by Clackamas County does not require a development permit by the City of Rivergrove.