



City of Redmond Declaratory Ruling

File Number: DR _____

Total fee **\$2986.76**

*A Public Hearing fee deposit*** of \$3,310.32 is required at the time of application.*

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applicant Name _____ Phone ____/____/____ Fax ____/____/____
Address _____ City _____ State _____ Zip Code _____
Email _____

Signature _____ Date: _____

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) _____

Legal Description - T15S, R13E, Section _____ Tax Lot(s) _____

Present Zoning _____ Total Land Area _____ (Square Ft.) _____ (acres)

Present Land Use _____

PROJECT DESCRIPTION

Describe Project

Applicable Code Section _____

FOR OFFICE USE ONLY

Date Received: _____

Rec'd By: _____

Fee Paid: _____

Receipt #: _____

*****DEPOSIT ONLY- Fee May Be Higher Based
On Actual Cost of Services**

WHAT IS A DECLARATORY RULING

A declaratory is a process for:

1. Interpreting a provision of a comprehensive plan or ordinance (and other documents incorporated by reference) in which there is doubt or a dispute as to its meaning or application;
2. Interpreting a provision or limitation in a land use permit issued by the City or quasi-judicial plan amendment or zone change in which there is doubt or dispute as to its meaning or application;
3. Determining whether an approval has been initiated or considering the revocation of a previously issued land use permit, quasi-judicial plan amendment or zone change;
4. Determining the validity and scope of a non-conforming use; and
5. Determination of other similar status situations under a comprehensive plan, zoning ordinance or land division ordinance that do not constitute the approval or denial of an application for a permit.

A declaratory ruling shall be available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings shall not be used to grant an advisory opinion.

Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.

Declaratory rulings shall not be as a substitute for an appeal of a decision in a land use action or for a modification of an appeal. In the case of a ruling on a land use action a declaratory ruling shall not be available until six months after a decision in the land use action is final.

The Community Development Director may refuse to accept and the Hearings Body may deny an application for a declaratory ruling if:

1. The Community Development Director or Hearings Body determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if the Community Development Director or Hearings Body's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial plan amendment or zone change or a land use permit not yet filed; or
2. The Community Development Director or Hearings Body determines that there is an enforcement case pending in district or circuit court in which the same issue necessary will be decided as to the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint. The Community Development Director or Hearings Body's determination to not accept or deny an application under this section shall be the City's final decision.

Persons who may apply

1. The owner of a property requesting a declaratory ruling relating to the use of the owner's property.
2. In cases where the request is to interpret a previously issued quasi-judicial plan amendment, zone change or land use permit, the holder of the permit; or
3. In all cases arising under Section 8.1700, the Community Development Director. No other person shall be entitled to initiate a declaratory ruling.

A request for a declaratory ruling shall be initiated by filling an application with the Planning Division and, except for applications initiated by the Community Development Director, shall be accompanied by such fees as have been set by the Community Development Department.

Each request for a declaratory ruling shall include the precise question on which a ruling is sought. The application shall set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the Community Development Department.

Procedures

Except as set forth in this section or in applicable provisions of the zoning ordinance, the procedures for making declaratory rulings shall be the same as set forth in this title for land use actions. Where the Planning Division is the applicant, the Planning Division shall bear the same burden that applicants generally bear in pursuing a land use action.

Effect of declaratory ruling

A declaratory ruling shall be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.

Parties to a declaratory ruling shall not be entitled to reapply for a declaratory ruling on the same question.