



COMMUNITY DEVELOPMENT

DECLARATORY RULING APPLICATION

Contact Information

Applicant: _____ Phone: _____

Address: _____ Email: _____

Property Owner: _____ Phone: _____

Address: _____ Email: _____

ePlans Submitter: _____ Phone: _____

Address: _____ Email: _____

Property Information

Site Address: _____ Tax map & lot number: _____

Comprehensive Plan Designation: _____ Zoning District: _____

Proposal

Reason for Request: _____

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct. I authorize City of Bend staff and/or Hearings Body to enter the property for inspection of the site in conjunction with this land use application.

Property Owner: _____ Date: _____

All plans must be submitted electronically. Please complete this application, save it to your computer, and e-mail it to BendPlanning@bendoregon.gov. Once the application is received by the City and entered into our system, you will receive emailed instructions on how to upload your application materials to the City's ePlans electronic permitting system. Application fees may be paid in person or mailed to the City of Bend Permit Center, 710 NW Wall Street, Bend, OR 97703. Credit card payments may also be made by phone after you receive the ePlans upload request. Call (541) 388-5580 and select option #3 for the Planning Division to pay with a credit card.

BEND DEVELOPMENT CODE SECTION 4.1.1400 DECLARATORY RULING

4.1.1410 Availability of Declaratory Ruling.

- A. Subject to the other provisions of this section, there shall be available for the City's Comprehensive Plan and this Code a process for:
1. Interpreting a provision of the Comprehensive Plan or implementing ordinances (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 of a development approval issued by the City in which there is doubt or a dispute as to its meaning or application;
 3. Determining whether an approval has been initiated or considering the revocation of a previously issued development approval.
 4. Determining the validity and scope of a nonconforming use; and
 5. Lot of Record
- Such a determination or interpretation shall be known as a "declaratory ruling" and shall be processed in accordance with this chapter. In all cases, as part of making a determination or interpretation the Community Development Director (where appropriate) or Hearings Body (where appropriate) shall have the authority to declare the rights and obligations of persons affected by the ruling.
- B. 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 on a specific quasi-judicial development application. Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.
- C. Declaratory rulings shall not be used as a substitute for an appeal of a decision or for a modification of an approval. In the case of a ruling on a City development approval, a declaratory ruling shall not be available until 60 days after a decision is final.
- D. 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 application or if in the Community Development Director or Hearings Body's judgment the requested determination should be made as part of a decision on a development application not yet filed; or
 2. The Community Development Director or Hearings Body determines that there is an enforcement case pending in circuit court in which the same issue necessarily 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 compliant.