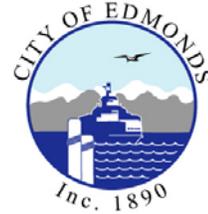


City of Edmonds Development Information



Conditional Use Permit

A conditional use is a use that is allowed by the Edmonds Community Development Code (ECDC) in one or more zones, but which requires a special permit because of characteristics specific to such use. The purpose of this permit is to provide a particular degree of control to make sure the proposed use is consistent with and compatible to other existing or permissible uses in the same zone and adjacent zone(s). A Conditional Use Permit allows a potentially more intensive use to be properly integrated into a neighborhood of uses. This use may only be suitable under certain conditions.

Depending on the request, a Conditional Use Permit application is either a Type II or Type III-B decision. You may refer to ECDC 20.01 or consult with the Planning Division in order to determine which decision type your request is. Whether it is a Type II or Type III-B decision, the proposal must be found to meet the required criteria of ECDC 20.05.

Criteria: Pursuant to ECDC 20.05, no Conditional Use Permit may be approved unless all of the following findings can be made:

1. Comprehensive Plan. That the proposed use is consistent with the Comprehensive Plan.
2. Zoning Ordinance. That the proposed use, and its location, is consistent with the purposes of the Zoning Ordinance and the purposes of the zone district in which the use is to be located, and that the proposed use will meet all applicable requirements of the Zoning Ordinance.
3. Not Detrimental. That the use, as approved or conditionally approved, will not be significantly detrimental to the public health, safety and welfare, or to nearby private property or improvements unless the use is a public necessity.
4. Transferability. The Hearing Examiner will determine whether the Conditional Use Permit shall be personal to the present owner of the property or be transferable. A transferable Conditional Use Permit “runs with the land” and can be transferred to any future property owner(s) as long as the conditions of the approval are still met. If the Hearing Examiner decision states the Conditional Use Permit runs with the land, the applicant may be required to record notice of this in the form of a covenant with the Snohomish County Auditor. Your application materials should state whether or not you would like for the Conditional Use Permit to be transferable.

APPLICATION: Your application must include the following:

- Land Use Application Form: Completed and signed by the property owner and applicant.
- Criteria Statement: A statement that addresses how the project meets each of the criteria of ECDC 20.05.010.
- Adjacent Property Owners List: Refer to handout #P2 for instructions on how to compile an adjacent property owners list.

- Supporting Documents: Depending upon the nature of the conditional use proposed, you may be requested to submit additional information such as a site plan, grading plan, elevations, photographs, etc.
- Application Base Fees:
 - Type II (Administrative Review): \$570
 - Type III-B (Hearing Examiner Review): \$1,350

Note: Additional fees will apply for either a Type II or Type III-B application.
- Environmental Checklist (if applicable): The requirement for an Environmental Checklist is only applicable to certain projects. Please contact the Planning Division to determine if an Environmental Checklist is required for your proposal.

APPLICATION PROCESS:

An application for a Conditional Use Permit is either a Type II or Type III-B decision. Type II decisions are made administratively, while Type III-B decisions are made by the Hearing Examiner following a public hearing. The Planning Division will be able to tell you which decision type your application is and whether or not a hearing will be required.

Public Hearing: If your proposal is a Type III-B decision, once it has been determined that your application is complete and no additional information will be needed for completion of a staff report, your project will be assigned a date for a Public Hearing with the Hearing Examiner. Hearing Examiner meetings are typically held at 3:00 pm on the second and fourth Thursdays of each month in the Council Chambers, Public Safety Complex, 250 5th Ave. N., Edmonds, and are open to the public. You or your representative must appear at the hearing so the Hearing Examiner can ask questions concerning your application. Should you or your representative be unable to attend the meeting, or if you wish to withdraw your application, please notify the Planning Division in writing at least four days before the meeting.

Final Action: Type II decisions are made by staff, while Type III-B decisions are made by the Hearing Examiner. For Type III-B decisions, the Hearing Examiner will render a decision within ten working days following the conclusion of the hearing. The decision on a Conditional Use Permit will be final unless a written appeal, stating reasons, is filed with the Planning Division prior to the appeal deadline.

Time Limit: An approved Conditional Use Permit must be acted on by the owner within one year from the date of approval or the Conditional Use Permit will expire and be null and void. The applicant may apply for one, 1-year extension but must do so prior to the original expiration date of the permit.

Note: This information should not be used as a substitute for City codes and regulations. The Edmonds Community Development Code (ECDC) may be viewed at www.edmondswa.gov. The applicant is responsible for ensuring compliance with the fees and regulations that are applicable at the time of submittal. If you have a specific question about a certain aspect of your project, please contact the Planning Division at 121 Fifth Avenue North, (425) 771-0220. Please note that other local, state, and/or federal permits or approvals may be required.