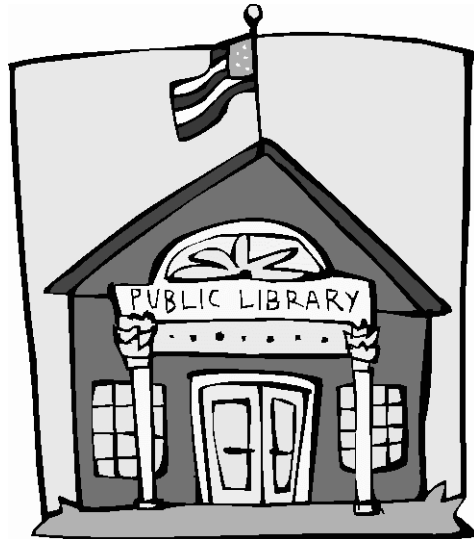




# Conditional Use Permit Application Packet



**PLANNING DEPARTMENT**  
319 Main St. Sultan, WA 98294  
Phone 360.793.2231 Fax 360.793.3344



## Type III Permit- Conditional Use Permit

**What is a conditional use permit?** A conditional use permit is required to locate and operate a specific land uses within a certain zoning district throughout the city. This permit is also required in order to expand in an existing non-conforming use within the city.

It is a Type III permit in the city. This permit type requires the public and all property owners within 300 feet of the project to be notified of the application, have an open record public hearing, and obtain a decision by the hearing examiner.

**What are some examples of a conditional use?** Conditional uses vary by the zoning district. A conditional use in one zone may be a permitted or prohibited use in another zone. Some examples of conditional uses are a bed and breakfast inn, library, or a house of worship in low/moderate density zone, a community center, multi-family housing, or night clubs in the high density zone, or a bar, auto repair shop, or a hotel in the economic development zone.

**What is the purpose of a conditional use permit?** The purpose of the conditional use permit is to establish and allow for land uses, which, due to their nature, require special consideration of their impact on the neighborhood and surrounding land uses.

**What are the criteria for approval for granting a conditional use permit? (SMC 21.04.050)**

- A. The proposed conditional use will not be detrimental to the public welfare or damaging to the property or improvements in the vicinity of the proposal or in the district in which the property is located;
- B. The proposed conditional use will meet or exceed the performance standards that are required in the zoning district it will occupy;
- C. The proposed conditional use will be generally compatible with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design as approved by the design review committee;
- D. The proposed conditional use will be consistent with the goals and policies of the comprehensive land use policy plan; and
- E. All measures have been taken to minimize the possible adverse impacts, which the proposal may have on the area in which it is located.

- F. Additional criteria are for single family and two-family or duplexes can be found in SMC 21.04.052 and SMC 21.04.054

### **What is the process for approval for the conditional use permit?**

1. First, consult with staff to see if a pre-application meeting is warranted.
2. At submittal, City staff will screen your application using this checklist in a submittal meeting. Contact the department at (360) 793-2231 to arrange an appointment. Applications that are missing items from this checklist will not be accepted for review.
3. Once the application has been accepted for review, City Staff will determine whether the application is complete within 28 days.
4. Then:
  - a. If the Determination is that the application is incomplete or needs modification you will be sent a letter explaining what is needed for a complete application. Your project will return at Step 2.
  - b. If staff issues a Determination of Completeness (RCW 36.70B.070), the application will move forward in the approval process (Step 6).
5. At the same time as Step 4b, the city will post a notice of application at City Hall, the post office, place a legal notice in the city newspaper, and notify by mail all property owners within 300 feet of the project. The applicant is also required to post notice on the site. The City may also place the notice of the application on the city's web page and on the local public access channel.
6. City Staff will review the application to determine if all approval criteria have been met.
7. Should the City Staff decide that additional information or changes are needed before the application goes before the Hearing Examiner:
  - a. You will be mailed a letter listing what information and corrections are needed.
  - b. You have 180 days to modify your application and resubmit it to the City. Your application returns to Step 6.
  - c. Your application expires in 180 days if the requested information is not provided.
8. If all information needed is present, a staff report will be compiled and a copy will be provided to the applicant at least two days prior to hearing.
9. The Hearing Examiner will hold an open record public hearing on the project. At least ten days public notice is required before the hearing.
10. The Hearing Examiner can approve the application with or without conditions, return the application to the applicant for further modification, or disapprove the application.
11. Decisions of the Hearing Examiner are appealable to Snohomish County Superior Court (SMC 2.26.140, RCW 36.70C).  
Additional Note: If your application is being processed concurrent with another land use action or SEPA determination, the application will be combined into the overall action and decided by the Hearing Examiner.

**Can the approved conditional use permit expire?** Yes, a conditional use permit will automatically expire one year after the notice of decision approving the permit was issued if it is not acted on. If a building permit conforming to plans for which the CUP

was granted is obtained within that period of time, the conditional use permit will automatically expire unless substantial construction of the proposed development is completed within two years of the CUP approval. A single renewal or extension of the conditional use permit may be issued if the applicant can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application was granted.

**What happens if the conditional use permit is denied by the hearing examiner?** The applicant, within 21 calendar days, may file an appeal with the Snohomish County Superior Court. The appeal must follow guidelines and regulations as stated in the Land Use Petition Act (36.70C RCW), as well as local rules for the Snohomish County Superior Court.

The application may also resubmit their application after it has been denied, no earlier than six months from the date of the denial by the hearing examiner (SMC 21.04.090).

## **INSTRUCTIONS**

Below is a checklist of items that must be submitted as part of your application for a conditional use permit. The below outlines the minimum information that must be provided on your plan sheets. Numbers in parenthesis equal the number of copies required. Please use only paper clips and/or binder clips when assembling documents.

All Boundary and Topographic Surveys must be prepared by—or under the supervision of—a professional land surveyor registered in the State of Washington.

If you have any questions about what is required, or if you would like to schedule a pre-application meeting, please call the Planning Department at 360.793.2231.

## **SUBMITTAL CHECKLIST**

- ◇ (1) CD with individual pdf's of each item listed below ↓
- ◇ (1) Original plus (4) copies of the Combined Permit Application Form
- ◇ (1) Vicinity map (on 8½" X 11")
- ◇ (2) Written narrative (description of proposal)
- ◇ (1) Original plus (4) copies of Conditional Use permit criteria (see attached - explaining how you have met the criteria)
- ◇ (1) Title Report (30 days to current from date of submittal)
- ◇ (1) Original signed SEPA checklist plus (4) copies.
- ◇ (2) Public notice materials (instructions attached)

## **SITE PLANS**

- ◇ (1) Original (wet-stamped) plus (4) full size copies
- ◇ (2) 11" X 17"
- ◇ (2) 8½" X 11"

## **SITE PLANS**

- ◇ (1) Original (wet-stamped) plus (5) full size copies
- ◇ (2) 11" X 17"
- ◇ (2) 8½" X 11"

## **REPORTS**

- ◇ (1) Original signed Environmental (SEPA Checklist) Plus (4) copies.
- ◇ (4) Critical Areas Study, If required [Not required](#)
- ◇ (4) Soils Report for Site, If required [Not required](#)
- ◇ (4) Traffic Impact Analysis, If required [Not required](#)
- ◇ (4) Stormwater Drainage Report, If required [Not required](#)
- ◇ (4) Geotechnical Report, If required [Not required](#)
- ◇ (1) Title Report, not more than 30 days old at time of submittal

## SITE PLAN REQUIREMENTS

### Cover Sheet

- ◇ Title Block (centered at top of sheet) That Includes the Following:
  - ◆ City of Sultan
  - ◆ Name of Proposed Development
  - ◆ File No. (call for correct number) *Not included*
  - ◆ Section, Township, & Range
  - ◆ Site Street Address (use block # if no bldg. #)
  
- ◇ Site Information
  - ◆ Zoning Designation
  - ◆ Comprehensive Plan Designation *Not included*
  - ◆ Permissible Use Classification (SMC Chapter 16) *Not included*
  - ◆ Dimension and Density Requirement Calculations
    - Lot(s) Size (both acreage and square footage)
    - Lot Dimensions (length, width) and Numbers/Letters.
    - Building Setback (for existing, proposed, and relocated buildings on site.
    - Total Lot Coverage (Impervious Surface) *Not included*
    - Size of Each Lot (both in acreage and square feet) *Not included*
  - ◆ Adjacent Street Names & Classifications
  - ◆ Required Parking Space Calculations (required & proposed) *Not required*
  - ◆ Screening Types Provided, If Required (indicate for each lot line) *Not required*
  - ◆ Utility Provider (Sewer & Water) *Not required*
  - ◆ Critical Area Types Located On-Site (If Applicable) *Not required*
  - ◆ Shoreline Classification (If Applicable) *Not required*

### Development Plan Sheet –SMC 16.80

- ◇ Title Bar (locate at bottom or along right edge of sheet) That Includes the Following:
  - ◆ Date Drawing was Prepared or Revised
  - ◆ Project Name & Location
  - ◆ Name, Address, & Phone Number of Applicant, Owner, Engineer, & Surveyor
  - ◆ North Arrow, Graphic Scale (1"=50' or larger), & Legend
  - ◆ Existing Lot Lines Within or Adjacent to the Project Site
  - ◆ Existing and Proposed Rights-of-Way (include dimensions & street name)
  - ◆ Existing and Proposed Easements (include dimensions)
  - ◆ Existing Critical Area Boundaries and Associated Buffers On-Site and Within 150ft. of Site

- ◆ Building (whether proposed, expanded, retained, or relocated) Setbacks From All Lot Lines
- ◆ Site Ingress/Egress (existing and/or proposed)
- ◆ Frontage Improvements with Dimensions (if required)
- ◆ Building (whether proposed, expanded, retained, or relocated) Dimensions and Square Footage
- ◆ Building Elevations (all sides for proposed or expanded buildings only – color renderings preferred)
- ◆ Parking Stall, Loading Stall, Driveway, & Isle Locations & Dimensions [Not required](#)
- ◆ Refuse Bin Location (including screening details) [Not required](#)
- ◆ Lighting Details (building exterior, site, & parking area) [Not required](#)

**Landscape Plan Sheet-SMC 16.58** [Not required](#)

- ◇ Plant Schedule and Legend Showing Scientific and Common Names for Each Type of Tree, Shrub, and Ground Cover and their Quantity, Planting Size Mature Size, and Symbol.
- ◇ North Arrow, Graphic Scale
- ◇ Tree, Shrub, and Lawn Planting Details
- ◇ Location and Spacing of All Trees, Shrubs, and Plants (including existing trees to be preserved)
- ◇ Irrigation Plans & Details (if required)
- ◇ Parking Area Shading Calculation (if applicable)
- ◇ Dimensions for Each Landscape Area, Including Frontage, Lot Boundary, and Vehicle Accommodation Area Landscaping.

## **CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL**

### **TO BE COMPLETED BY THE APPLICANT**

When reviewing an application for a conditional use permit, the Hearing Examiner will consider the following factors:

1. This proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is located. (Explain the ways it is not detrimental/injurious.)
  
2. This proposed use shall meet or exceed the performance standards that are required in the zoning district the proposed use will occupy. (Explain how it meets the standards.)
  
3. This proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design. (Explain the compatibility.)
  
4. The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan. (Explain how it meets the goals/policies.)
  
5. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located. (Explain what measures have been taken.)



# Public Notice Materials

## **INSTRUCTIONS:**

Below is a checklist of items that must be submitted as part of your permit application or land use request as indicated in the Submittal Checklist. Numbers in parenthesis equal the number of copies required. Please use only paper clips and/or binder clips when assembling documents.

These materials must be submitted concurrently with all other required submittals as indicated in the Submittal Checklist.

➡ For your convenience, when requesting these materials from Snohomish County, links to access their request forms are listed below.

Instructions for records requests:

<http://snohomishcountywa.gov/1704/Public-Records>

Form 1: Record Request

<http://snohomishcountywa.gov/DocumentCenter/View/18735>

Form 2: Release for List of Individuals

<http://snohomishcountywa.gov/DocumentCenter/View/18736>

➡ These materials can also be obtained through any Title Company.

## **SUBMITTAL CHECKLIST:**

- ◇ (1) Snohomish County Assessor's Quarter Section Map including the following:
  - ◆ Show Subject Property
  - ◆ Show 300 ft. Boundary
- ◇ (1) Current Owner List (of properties within 300ft. radius) hard copy mailing labels
- ◇ (1) Current Owner List (of properties within 300ft. radius) submitted electronically in an excel spreadsheet format with the following:
  - ◆ Tax Parcel ID Number(s)
  - ◆ Owner(s) Full Name(s)
  - ◆ Owner(s) Mailing Address(es)
- ◆ Include "Current Resident" & Mailing Address (if property owner doesn't reside at the property)



## TYPE III PERMIT APPLICATION- CONDITIONAL USE PERMIT

<b>Date Received:</b>	
<b>APPLICANT INFORMATION</b>	
<b>Name(s)</b>	
Address	
Phone (main)	
Phone (cell)	
Email	
<b>CONTACT INFORMATION</b>	
<b>Name(s)</b>	
Address	
Phone (main)	
Phone (cell)	
Email	
<b>CONSULTANT INFORMATION</b>	
<b>Surveyor</b>	
Address	
Phone (main)	
Phone (cell)	
Email	
<b>Engineer</b>	
Address	
Phone (main)	
Phone (cell)	
<b>Additional Contact(s)</b>	
Address	
Phone (main)	
Phone (cell)	
Email	
<b>GENERAL INFORMATION</b>	
Property Address & Location	
Total acres of proposal	
Tax Parcel ID#	

(list all)	
Existing Use of Property	
Water Supply (current & Proposed)	
Sewer Supply (current & Proposed)	
<b>PROJECT DESCRIPTION</b>	
<b>DATE OF PRE-APPLICATION (IF APPLICABLE)</b>	

**APPLICANT CERTIFICATION**

I certify that I am the Owner or Owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above referenced address for the purpose of filing applications for permits or review under the Sultan Municipal Code and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I do hereby declare under penalty of perjury under the laws of the state of Washington that I have familiarized myself with the rules and regulations with respect to preparing and filing this application and that the statements and information submitted herewith are in all respects true and correct to the best of my knowledge and belief.

DATED AT \_\_\_\_\_, Washington on this date: \_\_\_\_\_

Applicant's Signature: Meghan Howey

**REAL PROPERTY OWNER CERTIFICATION**

I do hereby declare under penalty of perjury under the laws of the state of Washington that I am the owner of the subject property or an officer/member of the entity owning the subject property, that it is my desire to seek the subject land use permit, and that I will abide by any requirements and conditions that may be part of the approval of this request. I also hereby grant permission for City employees, agents of the City and/or other agency officials to enter the subject property, if necessary, for the purpose of site inspections.

DATED AT \_\_\_\_\_, Washington on this date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

All other property owners of the subject property must also sign below (attach additional sheets if necessary):

1) Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

2) Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

3) Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

4) Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_