

# CONDITIONAL USE APPLICATION PACKET



## **CITY OF SNOHOMISH**

*Founded 1859, Incorporated 1890*

116 UNION AVENUE • SNOHOMISH, WASHINGTON 98290 • TEL (360) 568-3115 FAX (360) 568-1375



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## CONDITIONAL USE APPLICATION SUBMITTAL PACKET

### **This packet contains:**

1. Frequently Asked Questions for Conditional Use Permits
2. Conditional Use Application Form
3. Conditional Use Application Submittal Checklist
4. Land Use Application Form
5. Instructions for Compiling the Adjacent Property Owners List
6. Affidavit of Adjacent Property Owners List
7. Type 5 Review Process Flowchart for SEPA exempt proposals
8. Type 6 Review Process Flowchart for SEPA applicable proposals

### **Submit Application to:**

Planning and Development Services  
Permit Coordinator  
116 Union Avenue  
Snohomish, WA 98290

### Permit Counter Hours:

Monday – Friday 9:00 a.m. to 5:00 p.m.

Phone: (360) 568-3115

Fax: (360) 568-1375

For any questions that you might have regarding your project, please contact the City of Snohomish Planning & Development Services at (360) 568-3115.



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## CONDITIONAL USE PERMITS

For more information, refer to Snohomish Municipal Code (SMC) 14.65.020

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### WHAT IS A CONDITIONAL USE?

A Conditional Use is the use of a property within a certain designation, which is only allowed after review by the Hearing Examiner. Conditions may be applied to make the use compatible with other permitted uses in the same vicinity.

According to Title 14 of the Snohomish Municipal Code (SMC), each land use designation has a set of permitted land uses. In some cases, certain uses are allowed conditionally, such as a Bed and Breakfast within a Single Family Residential designation. These conditional uses require a special permit, and are identified in the land use tables in Chapter 14.207 SMC with a “c”.

For a complete listing of land use designations and their allowable and conditional uses, refer to the Land Use Tables in SMC Chapter 14.207 (14.207.070 – 14.207.150).

### WHAT IS THE PURPOSE OF A CONDITIONAL USE?

The purpose of the Conditional Use permit is to allow potentially incompatible uses in a particular land use designation where special conditions will ensure compatibility. A conditional use permit does NOT provide flexibility to allow uses that are not listed for a land use designation in Chapter 14.207 SMC.

### HOW DO I USE THE LAND USE TABLES IN SMC 14.207?

First, refer to the City’s land use map to find the land use designation of the subject property. Then, in the tables, find your proposed use listed on the left side, and the land use designation along the top. The cell where those two intersect will indicate whether it is allowable or not.

- If the cell is blank, the use is not allowed in that designation.
- If the cell contains a “p”, the use is allowed.
- If the cell contains a “c”, a Conditional Use Permit is required.
- If the cell contains a number after the “p” or “c”, a special regulation applies, which is described on the next page. Find the section with the number corresponding to the one found in the cell for details.

### WHAT ARE THE CRITERIA FOR A CONDITIONAL USE PERMIT?

Criteria for approval of conditional uses can be found in Chapter 14.65 SMC and include:

- Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.
- The design and appearance of the structure shall be compatible with surrounding developments that are in conformance with the land use designation.
- The development shall be consistent with the Comprehensive Plan.
- The development shall mitigate any significant adverse environmental impacts.
- Concurrency requirements (SMC 14.55.030) shall be complied with.
- The development shall be consistent with the health, safety, and general welfare.



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## WHAT DOES MY APPLICATION LETTER NEED TO INCLUDE?

The Conditional Use Permit Application requires submittal of a written letter, in addition to all necessary forms and plans.

This letter must include a description of the specific conditional use being requested. In addition, you must describe how your proposal meets all of the conditional use criteria in SMC 14.65.020.B.

The City's Municipal Code can be found at City Hall (116 Union Avenue), or on our website at [www.ci.snohomish.wa.us](http://www.ci.snohomish.wa.us).

## WHAT IS THE PROCESS FOR THE HEARING EXAMINER?

You will be assigned the first available hearing date as soon as your application is deemed complete and a SEPA (environmental impact) determination is issued. The Hearing Examiner renders a decision within 10 working days of the hearing.

You or your representative must appear at the meeting so the Hearing Examiner can ask questions about your application. If you are unable to attend, or if you'd like to withdraw your application, please notify Planning & Development Services in writing at least 5 days in advance of the scheduled hearing.

## WHERE ARE THE HEARINGS HELD?

Hearings are held in the George Gilbertson Board Room at 1601 Avenue D, Snohomish School Administration Building, and are open to the public.

## WHAT IF MY APPLICATION IS DENIED?

If your application is denied, you will have 21 days from the date of decision to file an appeal to the Snohomish County Superior Court (36.70C RCW), except for Shoreline permit appeals, which are made to the State Shoreline Hearings Board (90.58 RCW). If you do not file a timely appeal, the Hearing Examiner's decision is considered final.

## DO CONDITIONAL USE PERMITS EXPIRE?

Yes. If the approved conditional use permit is not acted on by the owner within two years from the date of approval, the permit will expire and a new application is required.

You may apply for a 1-year extension, but must do so *before* the original permit expiration date. Permit extension requests must be in writing, sent to the City Planner, and must include justification for the delay, and reasonable grounds for the extension.

## WHAT DOES THE CITY NEED TO REVIEW MY APPLICATION?

In addition to the Conditional Use Application form and the written letter mentioned above, the City will require a completed Land Use Application, a Site Plan, Building Plans (sufficient to determine consistency with the Conditional Use criteria and applicable design standards), SEPA checklist (if applicable), all associated fees, and a list of all property owners within a 300' radius of the project site. Instructions on specific requirements and how to compile the list can be found in the Adjacent Property Owners List handout, included in this packet. Additional information may be requested as the application is reviewed.

Pre-Application review is required prior to formal submittal. Applicants are encouraged to meet with City staff early in the design process to identify potential issues and review submittal requirements.

**NOTE:** This information should not be used as a substitute for City codes and regulations. You should review all the details of your project with the Planning and Development Services Department at 116 Union Avenue (360-568-3115) between 9:00 a.m. and 5:00 p.m. Monday through Friday.



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## CONDITIONAL USE APPLICATION

For more information, refer to Snohomish Municipal Code (SMC) 14.65.020

<b>Date:</b>	<b>Project #</b>
<b>Project Address:</b>	
Land Use Designation:	Property Tax #(s):

### APPLICANT/CONTACT

<b>Name:</b>	
<b>Address:</b>	
<b>City/State/Zip:</b>	
<b>Phone:</b>	
<b>Cell Phone:</b>	
<b>Alternate Phone:</b>	
<b>E-mail:</b>	

### OWNER (IF DIFFERENT FROM APPLICANT)

<b>Name:</b>	
<b>Address:</b>	
<b>City/State/Zip:</b>	
<b>Phone:</b>	
<b>Cell Phone:</b>	
<b>Alternate Phone:</b>	
<b>E-mail:</b>	

### DEPOSITS

<input type="checkbox"/>	SEPA Review (if applicable)	\$ 300.00	<b>Date of Receipt:</b>	<b>Receipt #:</b>
<input type="checkbox"/>	Critical Areas Review (if applicable)	\$1,200.00		
<input type="checkbox"/>	Public Hearing	\$2,000.00		
<b>TOTAL</b>		<b>\$</b>		

Please submit, on a separate sheet of paper, a letter describing the specific requested conditional use, and describing how the proposed use meets all of the criteria in the Snohomish Municipal Code (SMC) Title 14 Land Use Code.

Signature of Owner or Authorized Agent

Printed Name

Date

Permit Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_



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## CONDITIONAL USE SUBMITTAL CHECKLIST

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### ALL SUBMITTALS **MUST** BE COMPLETE

- Conditional Use Permit Application
- Land Use Application Form
- Detailed **Description of Proposal**
- Letter** describing how the proposal meets all applicable criteria in Title 14 SMC.
- SEPA Checklist**
- Critical Areas Review** (if applicable. Refer to Critical Areas Regulations in SMC 14.265)
  - Letter from qualified professional stating no critical areas exist on the site
  - Critical areas report
- Five (5) copies of a **site plan** with the following requirements:
  - 22" x 34" in size, folded to 8½" x 11".
  - Drawn to 1" = 20' or 1"=40' scale.
  - Plan must include a North arrow and the date of preparation.
  - Show location of all structures (existing and proposed), property lines, streets and alleys.
  - Include all dimensions for lots, structures, and setbacks.
  - Show all critical areas and required buffers, if present.
- Landscape plans**, if applicable.
- Compact disc with a .pdf of each plan sheet
- Mailing labels all property owners within 300'** of the subject property (2 sets), & affidavit See Adjacent Property Owners List Handout.

**Note: Additional information may be required to process your application, depending upon the nature of the conditional use being requested.**



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## LAND USE APPLICATION

<input type="checkbox"/> BOUNDARY LINE ADJUSTMENT <input type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> DESIGN REVIEW <input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> HOME OCCUPATION <input type="checkbox"/> PLAT <input type="checkbox"/> SHORT PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> PLANNED RESIDENTIAL DEVELOPMENT <input type="checkbox"/> SEPA (ENVIRONMENTAL REVIEW) <input type="checkbox"/> SHORELINE SUBSTANTIAL DEVELOPMENT <input type="checkbox"/> STREET VACATION <input type="checkbox"/> VARIANCE <input type="checkbox"/> OTHER: _____  <b>PROJECT ADDRESS OR LOCATION:</b>   	<b>FOR OFFICE USE ONLY</b>						
	FILE #:						
	DATE:	REC'D BY:					
	FEE:	RECEIPT #:					
	<input type="checkbox"/> HE	<input type="checkbox"/> STAFF	<input type="checkbox"/> DRB	<input type="checkbox"/> CC			
	Permit Type	1	2	3	4	5	6
	STAMP IN DATE						
<b>Land Use Designation:</b>							
<b>Property Tax#(s):</b> (14 digits)							
<b>Property Owner:</b>					<b>Phone:</b>		
<b>Mailing Address:</b>					<b>E-mail:</b>		
<b>Applicant/Agent:</b>					<b>Phone:</b>		
<b>Mailing Address:</b>					<b>E-mail:</b>		
<b>Please Attach a Detailed Description of Your Request</b>							
Note: Property Legal Description Must be Attached							
<b>SIGNATURE OF OWNER(S):</b>							
<p>The undersigned owner, and his/her/its heirs and assigns, in consideration of the processing of the application, agree to release, indemnify, defend and hold the City of Snohomish harmless from any and all damages, including reasonable attorney's fees, arising from any action or infraction based in whole or in part upon false, misleading, inaccurate or incomplete information furnished by the owner, his/her/its agents or employees. The undersigned owner grants his/her/its permission for public officials and the staff of the City of Snohomish to enter the subject property for the purpose of inspection and posting attendant to this application.</p> <p>I/We, hereby attest that I am/we are the owner(s) in fee simple of the property involved in this application and that the foregoing statements and answers contained herein, and the information herewith submitted, are in all respects true and correct to the best of my/our knowledge and belief. I/We shall be solely responsible for verification of all property lines and setbacks. I/We also understand that signing and submitting this application authorizes City staff and agents to enter and inspect the site at any reasonable time for the purpose of reviewing this application.</p>							
_____ Signature		_____ Printed Name				_____ Date	
Subscribed and sworn to before me this _____ day of _____, 20 _____							
_____ Notary Name Printed							
_____ Signature of Notary							
Notary Public in and for the State of Washington, County of Snohomish. Appointment expires: _____							





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## INSTRUCTIONS FOR COMPILING THE ADJACENT PROPERTY OWNERS LIST

The Snohomish Municipal Code 14.55.040 (C) requires that notification of a proposed action be mailed to property owners of record and all street addresses within 300 feet of any point of the subject property. It is the responsibility of the applicant to provide accurate ownership information for the properties that must be notified by the Planning and Development Services Department. Failure to provide an adequate list may result in an incomplete application or an additional notification and comment period.

When submitted to Planning and Development Services, the adjacent property owner names, tax parcel identification number(s), and mailing addresses **must** be given on Avery 5160 white mailing labels or a compatible label format. **Also include an address label for the applicant and any parties of record.** The attached affidavit of adjacent property owners list must be notarized and submitted together with your application.

### HOW TO OBTAIN PROPERTY OWNERS AND TENANT INFORMATION:

The required information may be obtained from the Snohomish County Assessor at the Customer Services Center, on the 1<sup>st</sup> Floor of the Snohomish County Administration East Building, 3000 Rockefeller Avenue, Everett, WA. For directions, please call the Assessor's Office at (425) 388-3433. The Assessor's office will assist you in identifying the property owners' tax parcel identification numbers and appropriate mailing addresses, if different than the site address. Tax parcel identification numbers and mailing addresses may also be obtained from a title company.

If the property is not owner-occupied, a label must be provided with the name and mailing address of the property owner, as well as a separate label for the resident at the site address. If it is not clear whether the owner lives at the property address, the label should be addressed to "[property owner's name] or RESIDENT." The address mailing list shall not be more than six months old.

### WHEN THE PROPERTIES INCLUDE CONDOMINIUMS AND/OR APARTMENTS:

When the properties within the notification area include condominiums, labels must be provided for the owner of each unit.

When the properties within the notification area include apartments, labels must be provided for the owner of the building, as well as a separate label for the resident of each unit.

### WHEN THE PROPERTY IS VACANT:

If a lot is vacant, a label must be provided with the name and mailing address of the property owner.

### MAILING LIST FORMAT:

Please provide the information in the following format:

Project Name:	Project Address:	
Applicant Name Address City, State Zip Code	Tax I.D. (Parcel) Number Owner/Resident's Name Property Address, Apt/Condo # City, State Zip Code	Tax I.D. (Parcel) Number Owner/Resident's Name Property Address, Apt/Condo # City, State Zip Code
Tax I.D. (Parcel) Number Owner/Resident's Name Property Address, Apt/Condo # City, State Zip Code	Tax I.D. (Parcel) Number Owner/Resident's Name Property Address, Apt/Condo # City, State Zip Code	Tax I.D. (Parcel) Number Owner/Resident's Name Property Address, Apt/Condo # City, State Zip Code

The affidavit must be notarized and submitted with your application. See the affidavit on the back side of this page.



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Attach this notarized declaration to the Adjacent Property Owners List.

## AFFIDAVIT OF ADJACENT PROPERTY OWNERS LIST

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF SNOHOMISH )

Address of Project Site: \_\_\_\_\_, Snohomish, Washington.

Project Site Tax Parcel Number(s): \_\_\_\_\_  
\_\_\_\_\_

On my oath, I certify that the names and addresses provided represent all properties located within 300 feet of the subject property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Applicant/Applicant's Representative Printed Name

\_\_\_\_\_  
Signature of Applicant/Applicant's Representative

**SUBSCRIBED AND SWORN before me on this** \_\_\_\_\_ day of \_\_\_\_\_ 2008

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

NOTARY PUBLIC in and for the State of Washington,

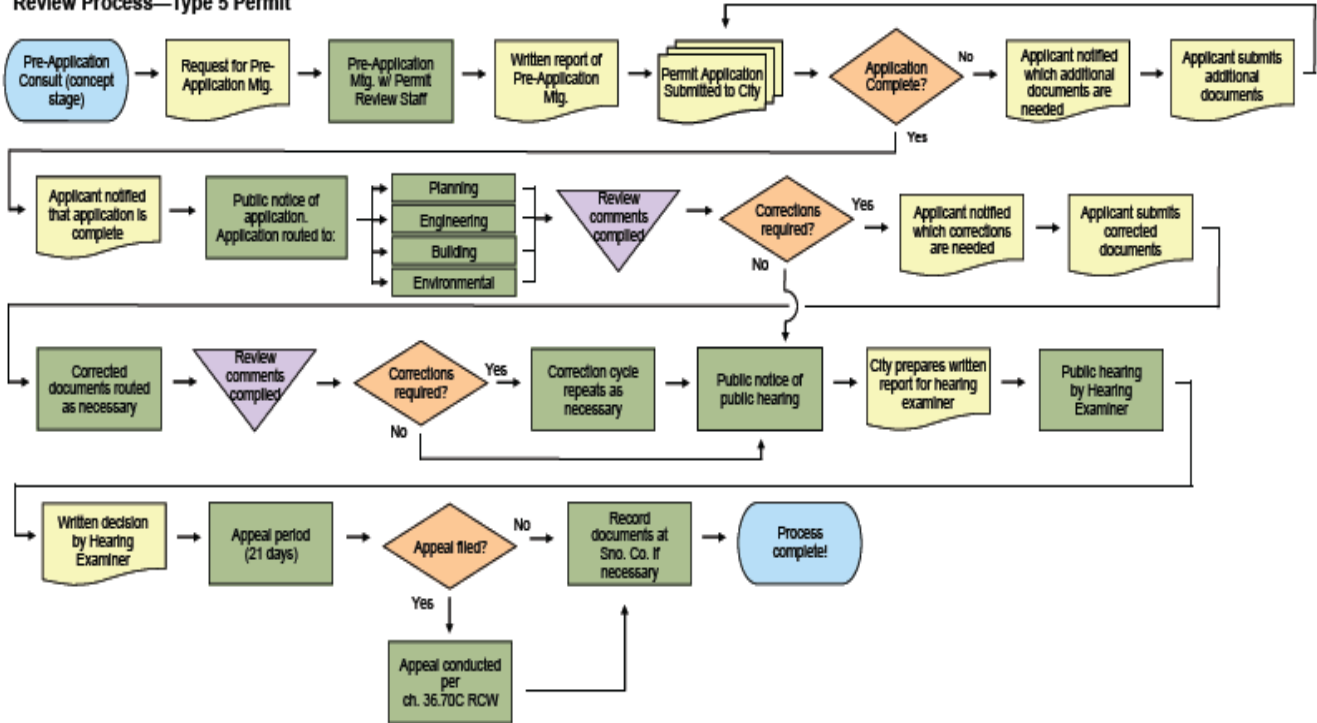
Residing in: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

## Conditional Use – Applicable Permit Review Processes

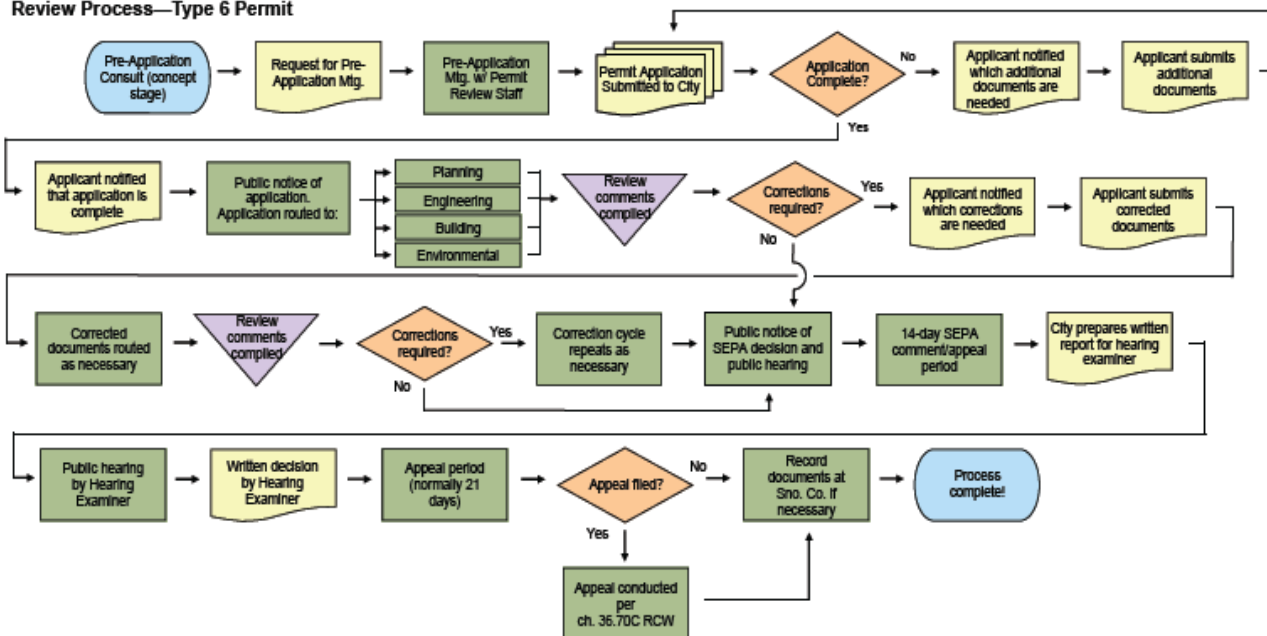
Type 5 permits include: conditional use, recorded development plan, and variance not subject to SEPA. Public notice of application and decision is required.

### Review Process—Type 5 Permit



**Type 6 Permits include:** preliminary plat, planned residential development, shoreline substantial development; and also recorded development plan, variance and conditional use when subject to SEPA. Public notice of application and decision is required.

### Review Process—Type 6 Permit



#### NOTES:

1. Refer to Title 14 of the Snohomish Municipal Code for current information.
2. If required, design review conducted during department application review.
3. Permit fees are required in order for an application to be considered complete.
4. Additional fees, including impact fees, may be required at the time of permit approval.
5. Additional time required for public notice and appeal periods for shoreline permits.
6. Public hearing would include SEPA appeal, if any.

## USEFUL LINKS:

REFERENCE ITEM	LINK
<b>Snohomish Municipal Code</b>	<a href="http://www.ci.snohomish.wa.us/MunicipalCode.htm">http://www.ci.snohomish.wa.us/MunicipalCode.htm</a>
<b>Land Use Map</b>	<a href="http://www.ci.snohomish.wa.us/MapLandUse.htm">http://www.ci.snohomish.wa.us/MapLandUse.htm</a>
<b>Snohomish Comprehensive Plan</b>	<a href="http://www.ci.snohomish.wa.us/ComprehensivePlan.htm">http://www.ci.snohomish.wa.us/ComprehensivePlan.htm</a>
<b>Application Forms</b>	<a href="http://www.ci.snohomish.wa.us/FormsApplications.htm">http://www.ci.snohomish.wa.us/FormsApplications.htm</a>
<b>City of Snohomish Design Standards and Guidelines Outside the Historic District</b>	<a href="http://www.ci.snohomish.wa.us/PDFs/DesignStandards.pdf">http://www.ci.snohomish.wa.us/PDFs/DesignStandards.pdf</a>
<b>Snohomish Historic District Design Standards</b>	<a href="http://www.ci.snohomish.wa.us/PDFs/DesignStandardsHistoricDistrict.PDF">http://www.ci.snohomish.wa.us/PDFs/DesignStandardsHistoric District.PDF</a>
<b>Endangered Species Act Response Planning</b>	<a href="http://snoedc.com/pdfs/Snohomish_ESA_Strategy_060704b.pdf">http://snoedc.com/pdfs/Snohomish ESA Strategy_060704b.pdf</a>

For more information, visit Snohomish City Hall at 116 Union Avenue any time from 9:00 a.m. until 5:00 p.m. Monday through Friday, excluding holidays. You may also contact Planning & Development Services at (360) 568-3115.