



REQUIREMENTS FOR Conditional Use Permit ECDC 20.05

PERMITTING & DEVELOPMENT
PLANNING
DIVISION
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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.

Depending on the request, a Conditional Use Permit application is either a Type II, Type III-A or Type III-B decision. Please refer to ECDC 20.01 or consult with the Planning Division to determine which type of permit is appropriate or if you need any other assistance during the process.

CRITERIA: Per ECDC 20.05.010, a Conditional Use Permit cannot be approved unless all of the following findings can be made:

Comprehensive Plan. That the proposed use is consistent with the Comprehensive Plan.

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.

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.

Transferability. If a conditional use permit approved by the Hearing Examiner, the Examiner will determine whether the Conditional Use Permit is 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. The application

materials should state whether or not you would like for the Conditional Use Permit to be transferable.

APPLICATION: Land use permit applications are submitted through the MyBuildingPermit portal and must include the following:

- Criteria Statement.** A cover letter that addresses how the project meets each of the criteria of ECDC 20.05.010.
- Project Plans.** A site plan, floor plan, or other information may be required depending on the type of conditional use permit. The Planning Division can assist with the specific requirements.
- Fees.** See Fee Sheet. Type II, III-A, or III-B + actual cost of Hearing Examiner, as applicable.
- 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.

REVIEW PROCESSES: Type II decisions are made administratively by staff, while Type III-A and Type III-B decisions are made by the Hearing Examiner following a public hearing.

Public Hearing. If your proposal is a Type III-A or 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 prior to meeting.

Final Action. For Type III-A and 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 is filed in a timely manner according to ECDC 20.06.

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.