

TOWN OF LYMAN

CONDITIONAL USE PROCEDURE

Conditional uses are not allowed outright, but are included in a list of conditional uses, which may only be permitted if the project conforms to specific criteria. As with all land use permits, reasonable conditions may be placed on approval.

The procedure is as follows:

Meet with the Town clerk to determine what information is needed to adequately review the proposed project.

Complete the application form and provide a list of the names and addresses of all property owners within 600 feet of the site to the Town clerk. That information is available at the County Assessor's office. A filing fee is required. Environmental review may also be required, depending on the specific facts of the case at hand.

Public Notice is provided by the Town clerk as follows:

Notice of Application. Notice is published in the newspaper, mailed to all property owners within 600 feet and published in the monthly land use bulletin, starting a fourteen-day comment period.

Notice of Public Hearing. Notice of the public hearing before the Town Council is published in the newspaper, mailed to all property owners within 600 feet of the site and published in the monthly land use bulletin. It is also provided to any parties of record who may have commented on the Notice of Application. Open meeting notice is always provided of the agenda as well.

Action by the Town Council. One open public hearing is required before the town council, provided that a closed record appeal may be held in the event that a request for further consideration is filed:

1. Any person substantially affected by or interested in the town council's recommendation regarding a conditional use permit decision may submit in writing to the town council a *request for further consideration, which shall be filed with the town council by 5:00 p.m. of the fifteenth calendar day following the date of mailing of the town council's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or town holiday, the request period shall run until 5:00 p.m. on the next business day. The request shall clearly identify specific objections to the town council's recommendation, facts missing from the record, and the relief sought.

**Applicant Appeals of Decision/Interpretation- \$ 100.00 fee*

2. After town council receipt of the request for further consideration, the town council shall mail a copy of the request for further consideration and instructions for those responding to the request to those individuals who were provided written notice of the town council's action, the parties of record. Such notice shall be mailed at least seven days prior to the date of the town council's closed public hearing to consider the request for further consideration.
3. If there is no request for further consideration, town council action shall be based on the record established by the town council. The town council may allow oral or written arguments based on the record.
4. If the town council examines the record and determines that a factual error exists or that essential information is missing from the record, the town council may:
 - a) Remand the request and record to the director for further consideration and report; or
 - b) Remand the request to the town council and direct the town council to conduct another hearing, limited to the consideration of perceived factual error or new information and to reconsider the recommendation; or
 - c) Open the record to correct the factual error or receive the new information. The town council shall conduct a hearing on the new or corrected information. The town council may hear testimony from those who testified before the town council, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven days prior to the hearing to the parties of record.

TOWN OF LYMAN

CONDITIONAL USE APPLICATION

Shaded areas for official use only

C.U. # _____

DATE FILED _____

RECEIPT NUMBER _____

NAME _____ PHONE _____

ADDRESS _____

ADDRESS OF PROPERTY IF DIFFERENT _____

LEGAL DESCRIPTION _____

ZONING CLASSIFICATION _____

WHAT DO YOU WISH TO USE THE PROPERTY FOR _____

A. AN APPLICATION SHALL BE REQUIRED FOR APPROVAL OF A CONDITIONAL USE PERMIT WHICH SHALL **INCLUDE A SITE PLAN THAT ILLUSTRATES THE FOLLOWING:**

- _____ 1. VICINITY MAP;
- _____ 2. MAP, ADDRESS, PHONE NUMBER OF PROPERTY OWNER;
- _____ 3. NAME, ADDRESS, PHONE NUMBER OF ENGINEER OR AGENT;
- _____ 4. BOUNDARIES AND DIMENSIONS OF PROPERTY;
- _____ 5. ADJACENT PUBLIC STREETS;
- _____ 6. EASEMENTS, EXISTING AND PROPOSED;
- _____ 7. LOCATION AND SIZE OF ALL EXISTING AND PROPOSED UTILITIES;
- _____ 8. LOCATION OF BUILDINGS, INCLUDING SETBACKS;
- _____ 9. LOCATION AND LAYOUT OF OFF-STREET PARKING;
- _____ 10. LOCATION AND HEIGHT OF FENCES
- _____ 11. LOCATION AND SIZE OF SIGNS;
- _____ 12. LANDSCAPE DETAIL;
- _____ 13. INDICATION OF HEIGHT OF BUILDINGS.

B. THE SITE PLAN SHALL BE PROPERLY DIMENSIONED AND DRAWN TO SCALE.

**PLEASE INDICATE BELOW HOW YOUR PROPOSAL WILL SATISFY
THE CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT:**

A. The use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service areas, utilities, screening and buffering, signs, yards and other open spaces, height bulk and location of structures, location of proposed open spaces, hours and manner of operation, and noise, lights dust, odor, fumes and vibration.

B. The proposal is in accordance with the goals, policies and objectives of the Comprehensive Plan.

C. The proposal complies with all the requirements of this Title.

D. The proposal can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity and provides a high quality of development.

E. The proposal will not adversely affect the public infrastructure.

**NAMES AND ADDRESSES OF PROPERTY OWNERS WITHIN 600 FEET OF ANY PORTION
OF THE LAND WHICH IS BEING ADVERTISED FOR PUBLIC HEARING.**

(INFORMATION TO BE OBTAINED AT THE SKAGIT COUNTY ASSESSOR'S OFFICE IN MOUNT VERNON)