



# City of Lynden

## Conditional Use Approval Process

- ❑ **Pre-application Meeting (MANDATORY)**  
*Applicant or agent meets with the Technical Review Committee for a “feasibility review” and to discuss fees, time frames for completion of the project, and early issues with the project.*
- ❑ **Application Review and Determination of Completeness**  
*City staff reviews all application materials, makes a determination of completeness, and notifies the applicant within 14 days of receiving the application that the application is complete or what information is missing.*
- ❑ **Publication of Legal Notice of Application and Project Proposal**  
*City staff is responsible for publishing a legal notice of application and public hearing on the proposed project. Legal notices of application must be published at least 14 days prior to the public hearing.*
- ❑ **Certified Mailing to Surrounding Property Owners**  
*The proponent or applicant is responsible for notifying surrounding property owners within 300 feet of the project proposal. Property owners must be given at least 14 days written notice by certified or registered mail. In addition to the mailing, three copies of the legal notice must be posted within 300 feet of the project. A notarized affidavit of the postings and receipts for the certified mailings must be turned over to the Planning Department at least 10 days prior to the hearing date.*
- ❑ **Technical Review Committee (TRC) Report and Recommendations**  
*The TRC is notified of the application and reviews it for compliance with City plans and regulations, coordinates necessary permit reviews and identifies the development’s environmental impacts. The TRC consists of representatives from Fire, Parks, Public Works, Planning, and the Administration Department. The applicant is mailed a copy of the report, and it is also forwarded to the Planning Commission as part of the record for the hearing.*
- ❑ **SEPA Determination and Publication of Legal Notice (if applicable)**  
*All development permits require a SEPA checklist, except short plats and other projects exempted by WAC 197-11 and LMC 16.05.070. City Staff will be able to advise whether or not this is required for your project.*
- ❑ **Public Hearing at Planning Commission**  
*The Planning Commission makes its recommendation for approval or denial after reviewing and considering the project application materials, the TRC report, and any written or oral testimony in reference to the request. The Commission then forwards its resolution outlining the decision, its findings, conclusions and recommendations to the City Council for consideration.*
- ❑ **Consideration by City Council**  
*The City Council makes a decision based upon the Planning Commission’s recommendation and the record established at the Planning Commission hearing. Their decision can be made by motion, resolution or ordinance as appropriate. The Council may also issue Findings of Facts and Conclusions of Law, outlining their decision.*
- ❑ **Publication of Legal Notice of Decision**  
*City staff is responsible for publishing a legal notice of final decision on the project. This legal notice, along with a copy of the Planning Commission resolution is mailed to the applicant, specifying any conditions of the decision.*



# City of Lynden

## *Conditional Use Application Requirements*

1. *Completed application form for conditional use permit request.*
2. *All applicable fees.*
3. *Project drawings showing the following:*
  - building / site elevations of the proposed project*
  - floor plans (if applicable)*
  - landscaping plans (if applicable)*
4. *Property site map showing the following:*
  - property dimensions and size*
  - street and alley dimensions*
  - footprint and dimensions of existing buildings*
  - setbacks to existing buildings*
  - other existing physical features*
  - north point and scale*
5. *Area map showing the following:*
  - adjacent properties*
  - zoning of adjacent properties if different than site zoning*
  - nearby structures and buildings*
  - streets/highways*
  - watercourses*
  - easements*
6. *Legal description of the property.*
7. *Names and addresses of all persons, firms and corporations holding interest in the property.*
8. *Written explanation of why the applicant meets the criteria listed in Chapter 19.49.020 (A) and (C). This should include any additional information necessary to provide proof that the criteria have been met.*
9. *Critical Areas Ordinance Checklist.*



# City of Lynden

## Conditional Use Permit Application

### General Information:

#### Property Owner

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

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

#### Applicant (Agent, Land Surveyor or Engineer)

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

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Who is the primary contact for this project? This person will receive all official correspondence for the project.    Property owner     Applicant

### Property Information

Project Location (street address / block range): \_\_\_\_\_

Legal Description (attach if necessary): \_\_\_\_\_

Assessor's Parcel Number: \_\_\_\_\_ Zoning Designation: \_\_\_\_\_

Parcel Square Footage: \_\_\_\_\_ Property Dimensions: \_\_\_\_\_

Applicable Sub-Area: \_\_\_\_\_ Building/Structure Size: \_\_\_\_\_

Height of Structure: \_\_\_\_\_ Addition Size: \_\_\_\_\_

**Please describe request in detail:**

**CUP Criteria must be attached**

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By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

PRE-APPLICATION MEETING DATE: \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT A PRE-APPLICATION MEETING)

FEE'S (CONDITIONAL USE PERMIT \$350.00 BASE FEE OR FINAL REVIEW COST) DATE PAID: \_\_\_\_\_ RECEIPT # \_\_\_\_\_

**Excerpts from Chapter 19.49 of the Lynden Municipal Code**  
**Standards and criteria for granting a CUP**

- A. Certain uses may be allowed by a CUP granted by the City Council, after it receives the recommendation of the Planning Commission. The Planning Commission shall issue its recommendation after a public hearing on the CUP application. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this ordinance, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.
- B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.
- C. The Planning Commission and Council shall enter findings to support any recommendation or decision on a CUP application. Conditions may be attached to CUP approvals to mitigate any adverse impacts, protect surrounding properties and to promote the general welfare of the public. A CUP will be granted only if the proposed use complies with the standards and criteria listed below. The applicant shall bear the burden of proof in all CUP proceedings:
1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district;
  2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
    - i) traffic and pedestrian circulation,
    - ii) noise, smoke, fumes, glare or odors generated by the proposed use,
    - iii) building and site design,
    - iv) the physical characteristics of the subject property
  3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services; and
  4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.
  5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.
  6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.
  7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.
  8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan.

**Special conditions for the approval of a bed and breakfast establishment**

Bed and breakfast establishments require a CUP in all single-family zones and the RM-3 and RM-4 zones and are permitted within the RM-1, RM-2, HBD and CS-1 zones. All proposed bed and breakfast establishments, regardless of zone, shall be required to show compliance with the standards listed below. Bed and breakfast establishments proposed within an area requiring a CUP will be required to meet the standards and criteria listed in Section 19.49.020 as well as those conditions listed below.

- A. A bed and breakfast establishment shall appear as any other single-family residence within the surrounding area. One flat, unlighted sign, not exceeding 16 square feet mounted flush against the building will be permitted. In addition, a single monument sign may be permitted if it meets the requirements for monument signs within Chapter 19.33.
- B. The applicant shall comply with local fire and building codes and guidelines fixed by the city fire chief and building inspector, including, but not limited to adequate exits as required by the Uniform Building Codes. A smoke alarm and a household size fire extinguisher shall be present in each guestroom.
- C. A telephone shall be available for occupant use with emergency numbers and the address of the establishment posted.
- D. Proprietors of the bed and breakfast establishment shall follow health guidelines and regulations of the Whatcom County Department of Health and Washington State regulations.
- E. The applicant shall meet all requirements for the provision of off-street parking. Parking shall be adequately screened from the neighboring properties.
- F. An annual business license shall be required and an inspection fee, in an amount set by resolution of the Lynden City Council, shall accompany each application and renewal. The Public Works Director, Building Inspector or, Fire Chief may require inspections.
- G. Dwellings with more than two rooms available for guests shall be considered transient accommodations and will be subject to regulation by the State Board of Social and Health Services under Chapter 248-144 WAC "TRANSIENT ACCOMMODATIONS."
- H. The operator of the bed and breakfast shall reside on the premises. Owner and operator quarters and guestrooms shall be in the same building.
- I. No other business, service or commercial activity may be conducted on the premises. Breakfast only may be served and no meals may be served to the general public.

**Special Conditions for the approval of CUP within West Lynden Sub-Area.**

In addition to being required to satisfy the general CUP standards and criteria listed in Section 19.49.020, CUP applicants in the West Lynden Sub-Area shall also meet the below listed criteria.

- A. Multi-tenant buildings with separate entrances for each tenant shall not be oriented to the Guide Meridian.
- B. Any retail establishment, or combination of retail establishments, in a single building greater than 15,000 square feet shall incorporate the following elements in the design:
  1. Facades in excess of 100 horizontal feet shall incorporate recesses and projections.
  2. Windows, awnings and arcades shall total at least sixty percent of the facade length abutting a public street.
  3. Predominant exterior building materials shall be of high quality, including, but not limited to, brick, wood, sandstone, or other native stone, and tinted/textured concrete masonry units. Smooth faced concrete block, tilt-up concrete panels, and prefabricated steel panels are discouraged.
- C. Restaurants, cafes, and service stations within the CS-3 zone must be located within 700 feet of the Guide Meridian and have frontage on West Main Street.