



# Garfield County

## “Conditional Use Permit Application”

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P.O. Box 278, Garfield County Court House Pomeroy, WA 99347  
Phone 509-843-1301 [www.co.garfield.wa.us](http://www.co.garfield.wa.us)

### Conditional Use Permit (CUP)

#### What is a Conditional Use?

“Conditional Use” is a use permitted in one or more districts as defined in the Zoning Ordinance, but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district, and to assure that such use shall not be favorable to the public interest. A conditional use is intended to provide flexibility in administration of the County’s zoning ordinance without compromising the purpose or intent of the County’s Comprehensive Plan. Conditional Use Permits require approval of the Hearing Examiner, which includes a public hearing.

#### How do I obtain a Conditional Use Permit?

Submit an application that includes all the information listed on the form (available at the Community Development Department). The current application fee is due upon application and payable to Garfield County. A completed SEPA Environmental Checklist also may be required. The application and environmental checklist (if required) are routed to various local state agencies for review and comment. A staff report is prepared and a public hearing is scheduled before the Hearing Examiner. CUP applications are public documents. Any party can examine the file upon request for a nominal fee.

#### Why is a public hearing required?

Conditional Use Permits undergo public review in order to provide an opportunity for residents in the area to have input regarding the impacts of the proposed use. In many cases, public

comments may help the Hearing Examiner develop conditions of approval that will ensure that the proposed use will be conducted in a manner that is not injurious to surrounding properties. Public opposition in and of itself is not generally a reason to deny a Conditional Use Permit. The Hearing Examiner seeks to provide a balance between the desire of the applicant to establish a conditional use and the concerns of the neighbors. Nonetheless, in order for the Hearing Examiner to approve a CUP, they must find the proposal is consistent with the Comprehensive Plan, meets the purpose and intent of the zoning code, is compatible with the existing and permitted uses allowed in the zone, and conforms with the environmental ordinances and other findings developed by the Hearing Examiner.

#### How long does it take to get a Conditional Use Permit?

On average, you should allow 45-90 days for this process.

#### Hearings

It is very important that all information received by the Hearing Examiner occurs on the record. Any contact with the Hearing Examiner that occurs outside the hearing must be disclosed on the record. It is not appropriate to attempt to contact the Hearing Examiner about pending business items outside of the hearing.

#### Who may attend the hearing?

Hearings of the Hearing Examiner are open to the public. It is in the best interest of the applicant to attend the hearing. The Zoning Official will send the Notice of Public Hearing to landowners within 500 feet and post the Notice on the property. Notice is also published in the

local newspaper. In addition, the property will be posted with a Notice of Public Hearing.

**When and where is the hearing?**

The Hearing Examiner meets on an as-need basis in the Courtroom of the Garfield County Courthouse. Agendas are posted on the County's web page prior to the meetings.

**Do I have to speak at the hearing?**

No, you do not have to speak at the hearing. Written testimony may be submitted on or before the date of the public hearing. Written testimony may also be delivered to Department staff at least one week prior to the hearing so that it can be included in the meeting packet.

**How do I appeal a Hearing Examiner's decision?**

The Hearing Examiner's decision contains information on the time limits and methods of appeal for each decision. An appeal or request for reconsideration must be filed within the specified time limit to be considered. Applications for appeal forms are available at Community Development.

**May I start my project before the Conditional Use Permit is effective?**

No. If another permit is required, such as a building permit, septic permit or change or use permit, it cannot be issued until the Conditional Use Permit becomes effective after all the appeal periods or appeal proceedings have been finalized.

This brochure contains general information only and is subject to periodic change. Contact the Zoning Official for specific details regarding current information.

