



King County
Department of Development
and Environmental Services
 900 Oakesdale Avenue Southwest
 Renton, Washington 98057-5212
 206-296-6600 TTY 206-296-7217

CONDITIONAL USE PERMIT (CUP): INSTRUCTIONS & INFORMATION

For alternate formats. call 206-296-6600.

General Information

The following is a summary of the Conditional Use Permit (CUP) application process and a description of the application submittal requirements. The information for a Conditional Use Permit application is necessary in order to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts. If required to be submitted, the environmental checklist will be the basis for determining if an environmental impact statement will be required prior to any approval of a Conditional Use Permit.

An application will be evaluated on the basis of information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King County Code, site inspection, and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area features on the subject property.

Copies of the King County Codes and Comprehensive Plan are available for inspection at the DDES Permit Center and at the main branch of the Seattle Public Library. King County Codes and other development regulations are also available on the Internet via the King County Web site at www.kingcounty.gov.

Questions related to Conditional Use Permits may be answered by calling or contacting:

Department of Development and Environmental Services
 Land Use Services Division
 900 Oakesdale Avenue Southwest
 Renton, WA 98057-5212
 Telephone: 206-296-6600

Pre-Application Conference

A pre-application process, which includes three steps, must be followed prior to filing a CUP application. **Note: The three-step pre-application process does not apply to communication facility applications.** These steps are: Step 1, an *Informational Meeting*; Step 2, a *Pre-Application/Feasibility Meeting*; and Step 3, an *Application Review Meeting*. A description of the content and purpose of these meetings, as well as the forms and instructions for scheduling them are available at the DDES Permit Service Center.

There is no charge for Step 1, the *Informational Meeting*, which can be scheduled shortly after submitting a meeting request, or can occur on a walk-in basis. For Steps 2 and 3, the *Pre-Application/Feasibility Meeting* and the *Application Review Meeting*, these meetings can be scheduled within a few days of the request submittal, and will occur within thirty (30) days. A

monetary deposit of \$383 is required at the time of the meeting request submittal for Steps 2 and 3, and hourly charges for all staff work performed for Steps 2 and 3 will be billed to the applicant. Note that requests for Step 2 and Step 3 meetings must be submitted in person. Please call 206-296-7059 for more information.

Filing an Application

A CUP application must be filed in person at the DDES Permit Center. An appointment with a Zoning Technician is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described below. LUSD staff has twenty-eight (28) days from the date of filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After LUSD staff determines that a CUP application is complete, a Notice of Application is issued, as specified below. The minimum public comment period is twenty-one (21) days, although public comments may be submitted and considered until the time of the decision.

1. LUSD sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the division may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by LUSD in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board, which must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by LUSD.

The cost of the board is the applicant's responsibility. LUSD will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to the division requesting information regarding the CUP request.

Method for Processing

The Director of the Department of Development and Environmental Services has appointed the Manager of LUSD to make final decisions regarding CUPs. This process generally takes 120 days provided no appeals are filed or substantial additional information is required. Upon conclusion of the review of the CUP application materials, the Manager issues a written decision based on the written record. If the proposal is subject to the State Environmental Policy Act (SEPA), LUSD will issue the SEPA threshold determination at the same time as the CUP decision. A copy of the decision is mailed to all parties who have written to the division. There is a 14-day appeal period whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County Hearing Examiner.

In those cases where a proposed action for a CUP also requires other County permits, the following procedures shall apply:

1. When other permits require a public hearing before the Hearing Examiner, the review of the CUP shall be combined with the other permit(s), and the Examiner shall act on behalf of the Manager for the purpose of the CUP decision.
2. When other permits are administratively approved, review of the CUP application may be combined with other permits dependent on the granting of a CUP. If not combined, other permits may proceed prior to review and approval of such CUP.
3. In those cases where the Hearing Examiner is presiding, the Examiner will also act as the decision-maker and rule on the CUP.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of CUP requests.
5. No permit shall be approved without prior review and approval of any required variance.

Criteria for CUP Approval

K.C.C. 21.44.040 Conditional Use Permit. A Conditional Use Permit shall be granted by the county, only if the applicant demonstrates that:

- A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
- B. The location, size and height of the buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- D. Requested modifications to standards are limited to those that will mitigate impacts in a manner equal to or greater than the standards of this title;
- E. The conditional use is not in conflict with the health and safety of the community;
- F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

Submittal Requirements for Filing a CUP Application

Unless otherwise noted, the following listed items are required to be submitted at the time of application.

1. Land Use permit application form: Submit one (1) original and two (2) copies.
2. Legal Description: Submit three copies

One a piece of white, legal-size, 8-1/2" X 14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the Assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description along with the Assessor's map outlined in red.

3. Assessor's Maps: Submit two (2) sets

Submit up-to-day prints of the Assessor's 1/4 section maps covering the area within the application and all property within 500-feet of the boundaries of it. Outline subject property in red pencil and give a parcel number to each ownership. Prints of these must be ordered from the King County Department of Assessments, Room 700A, King County Administration Building, 500 – 4th Avenue, Seattle, 206-296-7300. (Full sheet Assessor maps are required as part of the submittal package. Do not cut, tape, or alter the maps.)

4. Conditional Use Permit (CUP) Application: Submit 15 copies.
5. CUP Development Plans: Submit 15 copies on uniform-sized sheets, preferably 24" by 36". Plans must be folded to fit in a legal-size folder (8½" x 14").

Provide on cover sheet

- A 6" X 6" blank space in the lower right hand corner for DDES identification stamps.
- Name, address, day telephone number of owner.
- Name, address, day telephone number of registered engineer, land surveyor, architect, or planner.
- Existing zone classification.
- Acreage within property boundaries.
- Proposed method of sewage disposal and sewer district.
- Source of water; if water district, include name.
- Fire district.
- School district.
- Legal description (type or print).
- A written statement of the general purposes of the project.
- An explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form.
- Vicinity maps: Show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers, and municipal boundaries, together with its scale.
- In the case of kennels, include the number, size, and characteristics of the breed.
- For communication facilities: name, address, and day telephone number of operators.

Site plans – drawn to a convenient engineer scale:

- Map scale and north arrow.
- Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color.
- Boundary lines and zoning classification of adjacent tracts within 500 feet of the subject property.
- Locate, name, and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development.
- Existing and proposed topography on separate drawings showing at least 5-foot contours to be extended at least 100-feet beyond project boundaries.
- Location of any major physical features such as railroads, lakes and rivers, including those with 500-feet of the subject property.
- Locate all critical areas and associated buffers on plans. A critical area includes erosion hazards, landslide hazards, steep slope hazards, avalanche, floodplain, wetland, and/or stream. Indicate if streams are intermittent: 100-year floodplain for rivers, 25-year floodplain for streams, and delineate top and toe of 40% slopes. See K.C.C. 21A.24 for Critical Area Standards and Development Limitations.
- Accurate dimensions, location, and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Identify any structures to remain or to be removed. Identify existing wells and/or septic tank and drainfields.
- General size, location and uses of all existing structures within 100-feet of boundaries of the subject property.
- Show elevations and/or sections of all existing and proposed buildings depicting general character of the structures, relationship between floors, entrances, building height and grades.
- Illustration of building types or building complexes (may be schematic plan view) showing relationships between parking, entrances, walks, indoor areas and outdoor uses (structural floor and building plans are not required).
- A minimum of one cross-section in each direction showing the relationship of the proposed structures to both existing and final grade
- If any new streets are proposed (public or private), show street construction section or reference to suitable King County Department of Transportation standards (reference King County Road Standards).
- Location, dimensions, and design of off-street parking facilities showing points of ingress and egress (See K.C.C. 21A.18 and King County Road Standards.)
- Boundaries of proposed common open space land, if any; indicate proposed use.
- Proposed public dedications, e.g. school sites, parks, etc., if any, within the site.
- Preliminary landscape plan showing existing vegetation to be retained and proposed landscaping identifying height and type of landscaping to be provided at time of planting. This plan can include narrative, if necessary. (See K.C.C. 21A.16 for applicable standards for the proposed use.)
- Easements, deed restrictions or other encumbrances restricting the use of the property.

6. Reduced Site Plan: Submit ten (10) copies of a reduced site plan on an 8-1/2" X 11" sheet.

7. Water Availability Certificate: Submit five (5) copies.

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan or for connection with a private well from the Seattle-King County Department of Public Health; or

The Certificate of Water Availability form for the site must be given to the appropriate existing water purveyor to complete (water district; city; water association) and then returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

8. Sewer Availability Certificate: Submit five (5) copies

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; or

The Certificate Sewer Availability form for the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

9. Certificate of Future Water/Sewer Connection (if applicable): Submit five (5) copies

If the site is located in the Urban Growth Areas, and an interim on-site sewage system is proposed consistent with K.C.C. 13.24.136, the following information is also required:

- a. The sewer availability form must be submitted to the most logical sewer purveyor to complete and returned with this application along with a letter which demonstrates to the satisfaction of the Director of the Department of Development and Environmental Services that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of construction; and
- b. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.

10. SEPA Environmental Checklist (only if required by K.C.C. 20.44): Submit 20 copies.

Please refer to instructions on the SEPA checklist form. The applicant will be contacted by LUSD if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the SEPA lead agency for this project, also submit 20 copies of the Threshold Determination. If an EIS has been prepared for this proposal, submit three (3) copies of the EIS with the application.

11. Level-One Drainage Analysis: (required only if the thresholds for drainage review per the King County Surface Water Design Water Manual are met) Submit four (4) copies.
12. Conceptual Drainage Plan: (required only if the thresholds for drainage review per the King County Surface Water Design Manual are met). Submit four (4) copies.
13. Fire District Receipt: Obtain from the local fire district. Submit three (3) copies.
14. Proof of "Legal" Lot Status: Documentation of the date and method of segregation of the subject property. Submit three (3) copies.
15. Certificate/Affidavit of Critical Areas Compliance: Submit three (3) copies.
16. Transportation Certificate of Concurrency (if required by K.C.C. 14.70): Submit three (3) copies.
17. Certification of Applicant Status Form: Submit three (3) copies.
18. Copies of variance decisions required per King County Code 21A (submit 3 copies).
19. List of other issued or pending permits or decisions related to the proposal
20. Permit Review Fees
21. Additional Documents Required for Communication Facilities Only: Submit four (4) copies of each.
 - a. Attachment A for Communication facilities filing requirements
 - b. Interference and Noise Report
 - c. NIER Report
 - d. A list of community meeting attendees, a list of those who received a mailed notice, and a copy of the published meeting notice.
22. Other documents: (Optional at time of application submittal – LUSD may request or require submittal after application has been filed):
 - a. Special studies or reports (e.g., traffic studies, wetland reports, geotechnical evaluation). Submit four (4) copies.
 - b. Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8½" x 14" legal-sized file folder.

Check out the DDES Web site at www.kingcounty.gov/permits