

## USE PERMIT CHECKLIST

This checklist applies to:

- Conditional Use
- Unclassified Use



***These applications may be applied for under the USE Application Type in the Online Permitting Portal.***

The materials listed below must be submitted at the time of your application. **ADDITIONAL MATERIALS MAY BE REQUIRED.** A pre-application meeting is encouraged prior to submitting an application.

Shoreline Conditional Use permits are processed under a separate Shoreline permit.

Please ensure files are **saved as PDF** and conform to **City of Tukwila electronic submittal standards** prior to upload.

**\*\*\*\*ADDITIONAL PERMITS MAY BE REQUIRED\*\*\*\***

ATTACHMENTS REQUIRED		ATTACHMENT FILE NAME
<b>DOCUMENTS</b>		
	1. Completed and notarized Affidavit of Ownership and Hold Harmless Permission to Enter Property	Affidavit
	2. Sewer availability letter (if located outside of Tukwila sewer district)	Sewer Availability
	3. Water availability letter (if located outside of Tukwila sewer district)	Water Availability
	4. Critical area studies (if applicable)	Critical Area Study
	5. Geotechnical Report (if applicable)	Geotech Report
	6. A written discussion of project consistency with decision criteria.	Response to Criteria
<b>PLANS</b>		
	7. Site Plan	Site Plan
	8. Landscape planting plan stamped and signed by a Washington State licensed landscape architect.	Landscape Plans
	9. Civil plans and analyses stamped, signed and dated by a licensed professional engineer.	Civil Plans
	10. Lighting plan	Lighting Plan
	11. Building elevations – dimensioned & scalable with keyed colors and materials (if applicable)	Elevations

## CONDITIONAL USE PROCESS

The Conditional Use Permit provides approval procedures for unusual or unique types of land uses that, due to their nature, require special consideration of their impact on the neighborhood and land uses in the vicinity (TMC 18.64.010).

Shoreline Conditional Uses (TMC 18.44.110) require a separate permit and shall be processed in accordance with the Shoreline regulations Chapter of the Tukwila Municipal Code.

### REQUIREMENTS:

A Conditional Use Permit is required for all land uses listed as Conditional Uses in the various Zoning Districts.

### PROCEDURES:

At the time you submit your application you must have all of the items listed on the attached "Complete Application Checklist." You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff either at a pre-application meeting or at the time of application submittal. Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City's request for additional information the City may cancel your application.

A project's hearing date is determined when all application materials have been submitted and development issues defined with staff. Staff will review the application, meet with you as needed, and formulate a recommendation to the Hearing Examiner. The Hearing Examiner will approve, deny or conditionally approve a development based on review criteria in the application forms.

Other associated Planning Permits and Environmental Reviews shall be addressed and resolved during the complete application phase. All permits related to the project must be addressed in a comprehensive manner at the Public Hearing. Please note that an environmental "Determination" must be issued by the City prior to the Planning Commission's Public Hearing.

### CRITERIA:

The following criteria shall apply in granting a conditional use permit (TMC 18.64.050):

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
2. The proposed use shall meet or exceed the performance standards that are required in the district it will occupy;
3. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
4. The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan;
5. All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.

**EXPIRATION:**

A conditional use permit shall automatically expire one year after a Notice of Decision approving the permit is issued unless a building permit conforming to plans for which the CUP was granted is obtained within that period of time. A conditional use permit shall automatically expire unless substantial construction of the proposed development is completed within two years from the date a Notice of Decision approving the permit is issued. The Hearing Examiner may authorize longer periods for a conditional use permit if appropriate for the project. The Hearing Examiner may grant a single renewal of the conditional use permit if the party seeking the renewal can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application for a conditional use permit was granted, which would not warrant such a renewal. No public hearing is required for a renewal of a conditional use permit. (TMC 18.64.060).

**REVOCATION OF PERMIT:**

- A. The Hearing Examiner may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:
  - 1. That the approval was obtained by deception, fraud, or other intentional and misleading representations.
  - 2. That the use for which such approval was granted has been abandoned.
  - 3. That the use for which such approval was granted has at any time ceased for a period of one year or more.
  - 4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulations.
  - 5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.
- B. Any aggrieved party may petition the Director of Community Development in writing to initiate revocation or modification proceedings.
- C. Before a conditional use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this chapter for the initial consideration of a conditional use permit application.

## UNCLASSIFIED USE PROCESS

The following uses are of such unusual, large scale, or special form that they cannot be automatically included as a type of use (permitted, accessory or conditionally permitted) in any Zoning Code district. They are identified as "Unclassified Uses" and require approval by the City Council.

### PROCEDURES:

At the time you submit your application you must have all of the items listed on the attached "Complete Application Checklist." You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff either at a pre-application meeting or at the time of application submittal.

Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City's request for additional information the City may cancel your application.

The City Council will hold a Public Hearing on a project after a complete application has been received, project consistency with City development standards has been evaluated and environmental review has been completed. Staff will meet with you as needed, and formulate a recommendation to the City Council. The Council will approve, deny or conditionally approve a development based on review criteria outlined in the Application Packet.

### REVIEW PROCESS:

#### Area and Dimensional Requirements (TMC 18.66.030)

- A. The requirements for front, rear and side yards and open spaces and landscaping applicable to the underlying zone classification in which any such use is proposed to be located shall prevail, unless specific modifications are required in granting the unclassified use permit.
- B. The provisions applying to height and minimum lot area and width applicable to the underlying zone classification in which any such use is proposed to be located shall prevail unless specific modifications are required in granting the unclassified use permit.

#### Application Requirements (TMC 18.66.040)

- A. Applications for unclassified use permits shall be Type 5 decisions and shall be processed pursuant to TMC 18.108.050.
- B. An unclassified use permit application for a secure community transition facility shall be accompanied by the following:
  - 1. The siting process used for the secure community transition facility, including alternative locations considered.
  - 2. An analysis showing that proper consideration was given to potential sites such that siting of the facility will have no undue impact on any one racial, cultural or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.
  - 3. Documentation demonstrating compliance with Chapter 71.09 RCW for establishing the need for additional secure community transition facility beds and documentation demonstrating compliance with the "equitable distribution" requirements under the same chapter.
  - 4. Proposed mitigation measures including the use of sight-obscuring buffers and other barriers from adjacent uses. At a minimum, the project must provide buffering similar to that required between residential and industrial zones.

5. DSHS must consult with the City's Police Department on the security requirements for both the facility and its residents. A statement from the City's Police Department indicating that the DSHS security and emergency procedures for the facility and its residents comply with the requirements of Chapter RCW 71.09 must be included in the Unclassified Use Permit application. A description of the general security and operational requirements shall also be included with the permit application.
6. Proposed operating rules for the facility.
7. A schedule and analysis of all public input solicited or to be solicited during the siting process.

**CRITERIA:**

The City Council shall be guided by the following criteria in granting an unclassified use permit (TMC 18.66.060)::

1. Where appropriate and feasible, all facilities shall be undergrounded.
2. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.
3. The proposed use shall meet or exceed the same standards for parking, landscaping, yards and other development regulations that are required in the district it will occupy.
4. The proposed development shall be compatible generally with the surrounding land uses.
5. The proposed development shall to the maximum extent feasible be consistent with and promote the goals, objectives, and policies of the Comprehensive Land Use Policy Plan and applicable adopted area plans.
6. The proposed unclassified use shall, to the maximum extent feasible, mitigate all significant adverse environmental impacts on public and private properties. Full consideration shall be given to: (a) alternative locations and/or routes that reduce or eliminate adverse impacts; and (b) alternative designs that reduce or eliminate adverse impacts.
7. In the event that a proposed essential public facility of a countywide or statewide nature creates an unavoidable significant adverse environmental or economic impact on the community, compensatory mitigation shall be required. Compensatory mitigation shall include public amenities, incentives or other public benefits which offset otherwise unmitigated adverse impacts of the essential public facility. Where appropriate, compensatory mitigation shall be provided as close to the affected area as possible.
8. For uses in residential areas, applicants shall demonstrate that there is no reasonable nonresidential alternative site for the use.
9. For uses in residential areas, applicants shall demonstrate that the use provides some tangible benefit for the neighborhood.
10. Secure community transition facilities shall be meet the following additional criteria:
  - (a) No facility shall house more than four persons or the number of persons requested by DSHS after DSHS both demonstrates a need for additional beds in compliance with Chapter 71.09 RCW and it demonstrates compliance with Chapter 71.09 RCW's "equitable distribution" requirements.
  - (b) The facility shall be located in relation to transportation facilities in a manner appropriate to the transportation needs of the secure community transition facility residents.

**EXPIRATION:**

An unclassified use permit shall automatically expire one year after the date of issuance of a Notice of Decision granting approval of the application unless a building permit conforming to plans upon which the permit was granted is obtained within that period of time. An unclassified use permit shall automatically expire unless substantial construction shall be completed within two years from the date of issuance of a Notice of Decision granting approval of the application, unless a renewal is granted or unless the unclassified use permit specifically provides for a period greater than two years. The City Council, may renew an unclassified use permit for a maximum period of one additional year. No more than one renewal shall be issued for any unclassified use permit. A renewal may be granted only if there have been no pertinent changes in conditions surrounding the property since the time of original approval. No public hearing is required for renewal of an unclassified use permit.

**REVOCATION OF PERMIT:**

- A. The City Council may revoke or modify any unclassified use permit. Such revocation or modification shall be made on any one or more of the following grounds:
  - 1. That the approval was obtained by deception, fraud, or other intentional and misleading representation;
  - 2. That the use for which such approval was granted has at any time ceased for a period of one year or more;
  - 3. That the use for which such approval was granted has been abandoned;
  - 4. That the permit granted is exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation;
  - 5. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety.
- B. Any aggrieved party may petition the City Council in writing to initiate revocation or modification proceedings.
- C. Before an unclassified use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting, and appeals shall be the same as required for the initial consideration of an unclassified use permit application.

**RESUBMITTAL OF APPLICATION:**

An application for an unclassified use permit which has been disapproved by the Council cannot be resubmitted within six months of the date of Council disapproval.

## CONDITIONAL USE PERMIT WORKFLOW

(Unclassified Use Permits are Type 5 decisions that go before the City Council)

