



Planning Services
Location: 400 W. Gowe Kent, WA 98032-5895
Permit Center (253) 856-5300
KentWA.gov/permitcenter

Conditional Use Permit Application

Application Fee and Public Notice Board Fee...See Fee Schedule

Please print in black ink only.

Application #: OFFICE USE ONLY KIVA #: OFFICE USE ONLY

Application Name:

Proposed Use: Zone:

Address/Location:

King County Parcel Number(s): Acres:

1/4 Section Section Township N Range E

Applicant: (mandatory)

Name: Daytime Phone:
Mailing Address: Fax Number:
City/State/Zip: Contact Person:

Property Owner 1:

Name: Daytime Phone:
Mailing Address: Fax Number:
City/State/Zip: Signature:

Property Owner 2:

Name: Daytime Phone:
Mailing Address: Fax Number:
City/State/Zip: Signature:

The above signed property owners, certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the following party to act as our agent with respect to this application:

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: Daytime Phone:
Mailing Address: Fax Number:
City/State/Zip: License No.:

OFFICE USE ONLY:

Date Application Received: Received by:
Date Application Complete: Completeness Review by:

# Conditional Use Permit Application Submittal Requirements Checklist

THE APPLICANT MUST ADDRESS EACH OF THE FOLLOWING STANDARDS AND CRITERIA. THE INFORMATION MUST BE SUBMITTED ON SEPARATE 8½ × 11-INCH SHEETS OF PAPER, TYPED WITH ONE-INCH MARGINS. PROVIDE THE FOLLOWING:

- A. Seven (7) copies of a detailed project description of the specific conditional use permit requested including all proposed activities to take place on the site, hours of operation, existing and proposed structures, and list the applicable zoning code section(s) for which the conditional use permit is being sought.
- B. Seven (7) copies of complete legal descriptions of all parcels involved with the project.
- C. Seven (7) copies of answers addressing Kent Zoning Code Section 15.09.030(D) Standards and Criteria for Granting a Conditional Use Permit:

**A conditional use permit shall only be granted after the Hearing Examiner has reviewed the proposed use to determine if it complies with the standards and criteria listed below. A conditional use permit shall only be granted if such finding is made.**

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.
2. The size of the site is adequate for the proposed use.
3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
4. The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
5. Adequate buffering devices such as fencing, landscaping or topographic

characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.

6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
7. The proposed use complies with the performance standards, parking requirements and other applicable provisions of this title.
8. Any other similar considerations may be applied that may be appropriate to a particular case.

**In addition to answering the above criteria, the applicant must submit all of the following information and materials:**

- D. The completed original application making sure that all of the required signatures are obtained.
- E. Seven (7) copies of detailed site plans, drawn to decimal scale. **All large maps must be folded to fit into an 8½ × 14-inch envelope with the application name of the plan showing.** The site plans must include the following information:
  1. Vicinity map clearly showing the location of the project with respect to public streets and other parcels and development
  2. Property lines
  3. North arrow and engineering scale (ie. 1"=20'; not 1/8"=1' architectural scale)
  4. King County tax identification number
  5. Lot dimensions
  6. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement. Include all existing driveways within 300 feet of the subject property on both sides of all streets, in both directions along public street frontages.
  7. Vehicle Maneuvering Diagrams for all multi-family, commercial and industrial

developments (See Development Assistance Brochure #6-4 Vehicle Maneuvering Diagrams, for additional information)

8. All major manmade or natural features
  9. Proposed building location
  10. Building dimensions
  11. Building floor plan
  12. Building height and number of stories
  13. Setback dimensions (distance from all existing and proposed structures to property lines)
  14. Location of fire hydrants closest to the site
  15. Fire access road/drive within 150 feet of all portions of the exterior first floor of all structures. If not providing a circuitous fire access around each building, provide fire turn-around(s) with an unobstructed 45-foot radius.
  16. Location of parking areas (include dimensions of stalls and drive aisles)
  17. Location and type of any existing or proposed exterior lighting to be placed on the site
  18. Vehicle loading and unloading areas, including truck loading and maneuvering area
  19. Location of paved areas
  20. Location of proposed landscape areas (include dimensions and area)
  21. Areas of future development
  22. Location of outside storage areas (include dimensions and area)
  23. List of all hazardous materials and waste, the quantities and location on site
  24. Trash dumpster location
  25. Adjacent uses (undeveloped, single family, commercial, etc.)
  26. Location of water and sewer mains closest to the site and utility connections
  27. Existing and proposed fences (specify type of fence)
  28. Water features or wetlands, including but not limited to, lakes, ponds, saltwater, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
  29. Critical areas such as hazard area slopes and endangered wildlife habitat
  30. Contours if the parcel(s) or access road(s) contain slopes of greater than 10%
  31. Sight distance triangles for all driveway locations and across the corners of properties at street intersections. Show the location and type of potential sight obstructions. (See Development Assistance Brochure #6-7, Sight Distance Requirements, for additional information)
- F. Four (4) copies of ITE Land Use Code (number) for each proposed use of property (see DEVELOPMENT ASSISTANCE BROCHURE #6-9, Trip Generation Guidelines, for a list of ITE Land Use Codes). If the proposed land use is not accurately described by an ITE Land Use Code, state that the use does not have an ITE Land Use Code.
- G. Seven (7) copies of required Code data:
1. Type of construction per UBC
  2. Sprinklered/non-sprinklered
  3. Occupancy classifications per UBC Chapter 3
  4. Zoning district
  5. Total lot area (square feet)
  6. Total building area with area breakdown by levels (ie. 1st floor, mezzanine)
  7. Allowable area calculations
  8. Percent of site coverage
  9. Area per occupancy (office, manufacturing, warehouse, retail, etc.)
  10. Total number of parking stalls (include handicapped)
  11. Total square footage of parking and maneuvering area
  12. Total square footage of paved area
  13. Square footage of required landscaping areas

14. Percentage of parcel in open space (apartment complexes only)

H. Four (4) copies of an existing tree survey, drawn to a decimal scale. **All large maps must be folded to fit into an 8½ × 14-inch envelope with the application name of the plan showing.** The tree survey must illustrate:

1. The precise location of all trees that are six (6) inches caliper or greater at three (3) feet above grade (forestry standard), including the location of the drip line of each tree
2. The caliper size of each tree at three (3) feet above grade (forestry standard)
3. The common name of each tree (i.e. fir, spruce, maple, alder, etc.)
4. Specify which trees are intended to be retained or removed with development
5. The tree survey must address each tree location in relation to all existing and proposed development on the site including, but not limited to, the following information:
  - a. Property lines with lot dimensions.
  - b. Proposed and existing building locations
  - c. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement.
  - d. Location of all parking areas, vehicle loading and unloading areas, other paved areas, fences, trash dumpsters, outdoor storage areas, and areas reserved for future development.
  - e. Location of all utilities, stormwater detention facilities and other development requiring tree removal
  - f. Location of all proposed landscape areas

I. Four (4) copies of the landscape plan, drawn to a decimal scale. **All large maps must be folded to fit into an 8½ × 14-inch envelope with the application name of the plan showing.** The landscape plans must include the following information:

1. Property lines
2. Lot dimensions
3. North arrow and engineering scale (ie. 1"=20'; not 1/8"=1' architectural scale)
4. Proposed and existing building locations
5. All areas designated as undeveloped or for future development
6. All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement. Include all existing driveways within 300 feet of the subject property on both sides of all streets, in both directions along public street frontages.
7. All major manmade or natural features (gully, railroad tracks, etc.)
8. Water features or wetlands, including but not limited to, lakes, ponds, saltwater, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
9. Location of proposed landscape areas (include dimensions of all landscape areas)
10. Location of paved areas (include calculations of total square footage of area)
11. Parking areas and parking stalls (include dimensions of stalls and drive aisles and calculations of total square footage of area)
12. Outside storage areas (include calculations of total square footage of area)
13. Proposed fences (type and height)
14. Location and/or arrangement of proposed plantings

15. Existing natural vegetation to be incorporated into formal planting areas
16. Sight distance triangles for all driveway locations and across the corners of properties at street intersections. Show the location and type of potential sight obstructions including height of vegetation.
17. Cross section of typical planting and berm areas
18. Cross section of drainage swale if slopes contain landscape plantings
19. Planting schedule:
  - a. Plant Type (both common name and botanical name)
  - b. Amount / Number of Plants
  - c. Caliper size of deciduous trees (as measured by nursery industry standard at six (6) inches above grade)
  - d. Height of conifer trees and shrubs
  - e. Spacing of proposed plantings
  - f. Gallon sizes of shrubs and groundcover

- J. Four (4) copies of architectural drawings showing all building elevations, including the location and type of any existing or proposed lighting to be placed on the building.
- K. One (1) copy of the development plan (Sections E, H, I and J above) at a reduced size of 8½ x 11-inch sheets.
- L. One (1) copy of signed Certificates of Water and Sewer Availability, if served by other than City of Kent Water and Sewer. Please verify service district area with Public Works prior to submitting an application. Certificate forms are attached.
- M. An environmental checklist application may be required to be completed and submitted in conjunction with this application. See Fee Schedule for the Environmental checklist application fee.

**All above items and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted.**



# Conditional Use Permit Application Instructions

A conditional use is a type of development which requires special consideration prior to being permitted in a particular zoning district because of its possible impact on adjacent developments, the environment, and the growth and development of the city. The purpose of the conditional use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or if the site is regulated in a particular manner. The characteristics of designated conditional developments shall be reviewed during the application and public hearing process to determine whether or not the development is appropriate and compatible in the particular location proposed and what, if any, conditions are necessary to ensure compatibility. The Hearing Examiner is authorized by the Kent Zoning Code to hold a public hearing and render a decision on Conditional Use Permits.

## I. Pre-Application Conference

If an applicant elects to submit for a pre-application meeting, the meeting shall precede the submittal of any project permit application and the environmental checklist, if required. A pre-application meeting is designed to bring together the applicant and designated City development application review staff (including, but not limited to, Public Works, Planning, Building, Fire and Parks) to review and discuss a proposed project in its preliminary stages.

## II. Conditional Use Permit Application Process

### A. Application Form

Provide all information requested on the application form and accompanying application requirements. Answer all criteria and standards clearly and in as much detail as possible. Return the completed forms and supporting materials with the required

number of copies and the appropriate fees to Planning Services.

All items requested on the application and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted. An environmental checklist must be submitted in conjunction with this application unless Kent Planning Services has made a determination that the proposed project is considered to be SEPA exempt.

### B. Completeness Review

A project permit application consistent with instructions for a complete application submittal is deemed complete upon acceptance by the Permit Center.

Acceptance of a project permit application means that the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently.

Acceptance of a project permit application shall not preclude the City from requesting additional information or studies if new information is required or where there are substantial changes in the proposal.

### C. Notice of Application

A notice of application shall be issued within fourteen (14) calendar days after the city has made a determination of completeness. One notice of application will be done for all permit applications related to the same project at the time of the earliest complete project permit application.

#### **D. Comment**

Planning Services shall send a copy of the notice of application to all agencies with jurisdiction and affected city departments for review and comment. The city will also mail a notice of application to any person who requests such notice in writing. The affected agencies, city departments and the public shall have fourteen (14) calendar days to comment on the application.

#### **E. Public Notice**

The applicant is required to place one or more public notice boards on the property. The public notice board must be placed on the property as directed by Planning Services, and no later than 5 business days after submittal..

The city will post the notice of application on the website and at Kent City Hall.

The city will publish the notice of application in a newspaper of general circulation within the city.

#### **F. Application Modifications**

Minor changes in the application must be submitted no later than two working weeks prior to the scheduled public hearing on the application. Major changes in the application may require a new application submittal and/or a new SEPA determination.

#### **G. Fees**

There is a nonrefundable application fee for the Conditional Use Permit and for the Environmental Checklist. See Fee Schedule for application fees. Checks should be made payable to the City of Kent.

### **III. Public Hearing Process**

#### **A. Scheduling for Hearing Examiner**

An application will be scheduled for a hearing before the Hearing Examiner after the application has been determined to be complete. The date set for a public hearing shall be no more than 100 days after the application has been determined to be complete. This time limit may be extended if an Environmental Impact Statement (EIS) is required.

#### **B. Notice of Public Hearing**

The city will post the notice of public hearing on the public notice board already located on the property.

The city will publish the notice of public hearing in a newspaper of general circulation within the city.

The city will mail the notice of public hearing to the applicant, all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the subject property, and any person who submits written comments on an application. Notices shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date.

#### **C. Staff Report**

Planning Services shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the staff's findings and recommendations. The report must state all of the decisions made as of the date of the report including recommendations on project permits in the consolidated permit process that do not require a public hearing. The report shall also state any mitigation required or proposed under the development regulations or SEPA. The report will be filed with the Hearing Examiner at least seven (7) calendar days prior to the scheduled hearing. Copies of the report will be mailed to the applicant and made available for use by any interested party for the cost of reproduction.

#### **D. Public Hearing**

Before rendering a decision, the Hearing Examiner shall hold at least one (1) open record public hearing on any proposed conditional use permit.

Order of Hearing Proceedings:

- a. Presentation by city staff to describe the application, summarize issues presented, and give a recommendation;
- b. Presentation by applicant or representative;

- c. Presentations, questions or statements by members of the public interested in the application;
- d. Responses to questions by staff and applicant (rebuttal);
- e. Final recommendation by city staff (if necessary);
- f. Applicant and public may be permitted to respond to final recommendations if appropriate.

#### **E. Due Process Considerations**

Hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. For example, no one may contact the Hearing Examiner in any manner, other than in the public hearing, for the purpose of influencing a decision, nor may the Hearing Examiner participate in any matter where he or she has a financial or personal interest, or where he or she has prejudged the matter in any way. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner.

### **IV. Decision Process**

#### **A. Hearing Examiner Decision**

When the Hearing Examiner renders a decision, the Hearing Examiner must make written findings from the record and conclusions therefrom, which support such decision. The decision shall be rendered within ten (10) working days following the conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the Hearing Examiner.

The city will provide a notice of decision that also includes a statement of any threshold determination made under SEPA and the procedures for appeal of the Hearing Examiner's decision. The written notice of decision shall be provided to all parties of record and to any person who requested notice of the decision prior to the decision.

#### **B. Request of Reconsideration**

A party of record who believes that a decision or recommendation of the Hearing Examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not reasonably be available at the prior hearing, may make a written request for reconsideration by the Hearing Examiner within five (5) working days of the date the decision or recommendation is rendered. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

A reconsideration request must set forth the specific errors or new information relied upon by such appellant and cite specific references to the findings and/or criteria. Reconsideration requests should be addressed to: Hearing Examiner, 220 Fourth Avenue S., Kent, WA 98032. Reconsideration requests are answered in writing by the Hearing Examiner within five (5) working days of the request.

#### **C. Notice of Right to Appeal**

The decision of the Hearing Examiner is final unless the original applicant or an adverse party files a land use petition in King County Superior Court according to the procedures outlined in Chapter 36.70C RCW Judicial Review of Land Use Decisions. The petition must be filed within 21 calendar days from the date of the notice of decision.

#### **D. Permit Expiration**

An approved conditional use permit shall remain effective for three (3) years unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within three (3) years, the conditional use permit shall become invalid.

**THESE INSTRUCTIONS PROVIDE GENERAL INFORMATION ONLY AND DO NOT REFLECT THE COMPLETE TEXT OF THE PERMIT PROCESS REVIEW. SEE THE KENT CITY CODE FOR COMPLETE TEXT AND REQUIREMENTS.**

**Any person requiring a disability accommoda-**



tion should contact the city in advance for more information. For TDD relay service for Braille, call 1-800-833-6385, For TDD relay service for the hearing impaired, call 1-800-833-6388, or call the City of Kent at (253) 856-5725.