



CITY OF TUKWILA

Department of Community Development
6300 Southcenter Boulevard, Tukwila, WA 98188
Telephone: (206) 431-3670

REASONABLE USE EXCEPTION

INFORMATION

If application of **TMC Chapter 18.45** would deny all reasonable use of the property containing wetlands, watercourses or their buffers, the property owner or the proponent of a development proposal may apply for regulatory relief through a reasonable use exception.

PROCEDURE: 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.

Your application materials must clearly state which aspects of the Environmentally Sensitive Areas Chapter you are seeking relief from and how your project meets the criteria listed at **TMC 18.45.180(A)(4)**.

The Hearing Examiner will hold a public hearing after a complete application is received, issues are defined with staff, and an environmental "Determination" has been issued. See the SEPA application packet for more information about the environmental review process.

COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing by the Public Works Department and the Department of Community Development. Please contact each Department if you feel that certain items are not applicable to your project and should be waived, or should be submitted at a later date for use at the public hearing (e.g. colored renderings). Application review will not begin until it is determined to be complete.

ADDITIONAL MATERIALS MAY BE REQUIRED.

The initial application materials allow project review to begin and vest the applicant’s rights. However, the City may require additional information as needed to establish consistency with development standards.

City Staff are available to answer questions about application materials at 206-431-3670 (Department of Community Development) and 206-433-0179 (Department of Public Works).

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>						
APPLICATION MATERIALS:							
	1. Application Checklist (1 copy) indicating items submitted with application.						
	2. Completed Application Form and drawings (5 copies).						
	3. One set of all plans reduced to 8 1/2” x 11” or 11” x 17”.						
	4. Application Fee: See Land Use Fee Schedule for standard application fee.						
	5. SEPA Environmental Checklist and fee (see SEPA Application Packet).						
	6. Application(s) and fee(s) for all other applicable land use permits.						
PUBLIC NOTICE MATERIALS:							
	7. Payment of notice board fee (see Land Use Fee Schedule) to FastSigns Tukwila OR provide a 4’ x 4’ public notice board on site within 14 days of the Department determining that a complete application has been received (see Public Notice Sign Specifications Handout).						
	8. Pay the fee as established by the Land Use Fee Schedule for generating mailing labels; OR provide an excel spreadsheet of mailing labels for all <i>property owners</i> and <i>tenants</i> (residents and businesses) within 500 feet of the subject property. Each unit in multiple family buildings e.g. apartments, condos, trailer parks--must be included. Once your project is assigned to a planner, you will be required to provide an electronic copy of the mailing label spreadsheet in the following format: Name, Street Address, City St Zip, with each of these fields as an individual column:						
	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="padding: 2px;">Name</th> <th style="padding: 2px;">Street Address</th> <th style="padding: 2px;">City, St, Zip</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Mr. Smith</td> <td style="padding: 2px;">1234 Park Ave S</td> <td style="padding: 2px;">Tukwila WA 98188</td> </tr> </tbody> </table>	Name	Street Address	City, St, Zip	Mr. Smith	1234 Park Ave S	Tukwila WA 98188
Name	Street Address	City, St, Zip					
Mr. Smith	1234 Park Ave S	Tukwila WA 98188					
	PLEASE NOTE: Regardless of whether you pay the City to generate the mailing labels or you provide them, there is an additional fee for postage and material as listed under Public Notice Mailing Fee on the Land Use Fee Schedule . Payment of this fee is due prior to issuance of the decision and you will receive a separate bill for this fee.						

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>
	9. <u>If providing own labels</u> , include King County Assessor's map(s) which shows the location of each property within 500 ft. of the subject lot.
PROJECT DESCRIPTION AND ANALYSIS:	
	10. A written discussion of project consistency with decision criteria, see Application. This is your opportunity to argue the merits of your proposal.
	11. Other documentation, photos or graphics in support of the proposal may be included as appropriate, such as color renderings, perspective drawings, photographs or models. Color drawings or photos may be submitted as 8 ½” x 11” color photocopies.
	12. Provide two copies of sensitive area studies such as wetland or geotechnical reports if needed per Tukwila’s Sensitive Areas Ordinance (TMC 18.45). See Geotechnical Report Guidelines and Sensitive Area Special Study Guidelines for additional information. Include the surveyed location and professional evaluation of sensitive areas and their buffers. Provide a list of existing environmental documents that evaluate any aspect of the proposed project.
	13. Luminaire plan including location and type of street and site lighting. Include proposed fixture cut sheets, site light levels (foot-candles), and measures to shield adjacent properties from glare.
	14. All proposed signage with sign designs and locations.
	15. Title Report: Clearly establish status as legal lot(s) of record, ownership, all known easements and encumbrances, must be dated within 45 days of application filing.
	16. Sewer and water availability letters are required from the provider district if additional plumbing fixtures are proposed and the area is not serviced by the City of Tukwila. Forms available in the DCD Office.
SITE PLAN:	
	17. (a) An existing and proposed boundary and topographic survey (2 ft. contours including a minimum 20 ft. beyond the property line) with all structures, easements, encumbrances and right-of-way width. Vertical datum NAVD 1988 and horizontal datum NAD 83/91. Conversion calculations to NGVD 1929, if in a flood zone or flood-prone area.
	(b) Property lines and dimensions, total lot or parcel sizes.
	(c) Dash in required setback distances from all parcel lot lines.
	(d) Location and actual setbacks of all existing and proposed structures with gross floor area.
	(e) Location and design of all garbage, recycling and other service areas with proposed screening and other exterior improvements.
	(f) Fire access lanes and turn-arounds per Fire Department standards.
	(g) Vicinity Map with site location, does not have to be to scale.
SENSITIVE AREA/LANDSCAPE PLAN:	
	18. (a) Landscape planting plan by a Washington State licensed landscape architect. One set of all plans and analyses shall have an original Washington State registered Landscape Architect stamp and signature. Plans must include the type, quantity, spacing and location of all plantings. Maximum sheet size 24” x 36”.
	(b) Show all significant trees (4” or more in diameter measured 4.5 feet above grade), indicating those to be retained and those to be removed and any tree protection measures required (for example fencing at drip line). A tree permit will be required for removal of any significant trees within a sensitive area or its buffer.

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>
	(c) Location of all sensitive areas (e.g. streams, wetlands, slopes over 15%, coal mine areas and important geological and archaeological sites). For stream frontage provide existing and proposed top of stream bank, stream bank toe, stream mean high water mark, and base flood elevation (i.e., 100 yr. flood). Maximum sheet size 24" x 36".
	(d) Location of all required sensitive area buffers, setbacks, tracts and protection measures.
	(e) Show all proposed mitigation measures or sensitive areas enhancement.
CIVIL PLANS:	
	19. (a) One set of all civil plans and analyses shall be stamped, signed and dated by a licensed professional engineer. Include a graphic scale and north arrow. Maximum sheet size 24" x 36".
	(b) Vertical datum NAVD 1988 and horizontal datum NAD 83/91. Conversion calculations to NGVD 1929, if in a flood zone or flood-prone area.
	(c) Existing (dashed) and proposed (solid) topography at 2' intervals.
	(d) Total expected cut and fill.
	(e) Existing and proposed utility easements and improvements, on site and in street (water, sewer, power, natural gas, telephone, cable). Schematic designs to be provided regardless of purveyor (e.g. site line size, location, and size of public main). No capacity calcs, invert depth, valve locations or the like are needed.
	(f) Storm drainage design at least 90% complete, which meets the King County Surface Water Design Manual (KCSWDM). Include a Technical Information Report (TIR) including feasibility analysis if required by the Manual. Call out total existing and proposed impervious surface in square feet. Include all storm drainage conveyance systems, water quality features, detention structures, maintenance access and safety features. For additional guidance contact Public Works or go to PERMIT CENTER .
	(g) Locate the nearest existing hydrant and all proposed hydrants.
	(h) Show the 100 yr. flood plain boundary and elevation as shown on FEMA maps. See PERMIT CENTER for further information
	(i) Plan, profile and cross-section for any right-of-way improvements.
	(j) Show planned access to lots, driveways, fire access lanes and turn-arounds.



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**REASONABLE
 USE EXCEPTION**

APPLICATION

<i>FOR STAFF USE ONLY Permits Plus Type: P-SP</i>	
Planner:	File Number:
Application Complete Date:	Project File Number:
Application Incomplete Date:	Other File Numbers:

NAME OF PROJECT/DEVELOPMENT: _____

BRIEF DESCRIPTION OF PROJECT: _____

*This application requires public notice. Please refer to section 8 of the application checklist.
 This application requires a hearing with the Hearing Examiner. Hearing Examiner fees will be passed along to applicant.*

LOCATION OF PROJECT/DEVELOPMENT: *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

LIST ALL TAX LOT NUMBERS (this information may be found on your tax statement):

PRESENT USE OF PROPERTY:

SENSITIVE AREAS REQUIREMENT FROM WHICH RELIEF IS SOUGHT:

DEVELOPMENT COORDINATOR:

The individual who:

- has decision making authority on behalf of the applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City, to whom all notices and reports will be sent.

Name: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

Signature: _____ Date: _____



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AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

STATE OF WASHINGTON

ss

COUNTY OF KING

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. All statements contained in the applications have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The application is being submitted with my knowledge and consent.
4. Owner grants the City, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at _____ for the purpose of application review, for the limited time necessary to complete that purpose.
5. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring on the private property during the City's entry upon the property, unless the loss or damage is the result of the sole negligence of the City.
6. Non-responsiveness to a City information request for ninety (90) or more days, shall be cause to cancel the application(s) without refund of fees.

EXECUTED at _____ (city), _____ (state), on _____, 20____

(Print Name)

(Address)

(Phone Number)

(Signature)

On this day personally appeared before me _____ to me known to be the individual who executed the foregoing instrument and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes mentioned therein.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the State of Washington
residing at _____

My Commission expires on _____

REVIEW GUIDELINES

On a separate sheet, describe the manner in which you believe that your request for a reasonable use exception will satisfy each of the following criteria as specified in **TMC 18.45.180(B)(4)**.

The Commission, in granting approval of the reasonable use exception, must determine that:

- a. There is no feasible on-site alternative to the proposed activities, including reduction in size or density, modifications of setbacks, buffers or other land use restrictions or requirements, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning that would allow a reasonable economic use with fewer adverse impacts to the sensitive area.
- b. As a result of the proposed development there will be no unreasonable threat to the public health, safety or welfare on or off the development proposal site.
- c. Alterations permitted shall be the minimum necessary to allow for reasonable use of the property.
- d. The proposed development is compatible in design, scale and use with other development with similar site constraints in the immediate vicinity of the subject property if such similar sites exist.
- e. Disturbance of sensitive areas has been minimized by locating any necessary alterations in the buffers to the greatest extent possible.
- f. The inability to derive reasonable use of the property is not the result of:
 - (1) a segregation or division of a larger parcel on which a reasonable use was permissible after the effective date of the sensitive areas ordinance number 1599, June 10, 1991;
 - (2) actions by the owner of the property (or the owner's agents, contractors or others under the owner's control) that occurred after the effective date of the sensitive areas ordinance provisions that prevents or interferes with the reasonable use of the property; or
 - (3) a violation of the sensitive areas ordinance;
- g. The Commission, when approving a reasonable use exception, may impose conditions, including but not limited to a requirement for submission and implementation of an approved mitigation plan designed to assure that the development:
 - (1) complies with the standards and policies of the sensitive areas ordinance to the extent feasible; and
 - (2) does not create a risk of damage to other property or to the public health, safety and welfare.
- h. Approval of a reasonable use exception shall not eliminate the need for any other permit or approval otherwise required for a project, including but not limited to design review.