



City of Newcastle
13020 Newcastle Way
Newcastle, WA 98059
425-649-4444

www.ci.newcastle.wa.us

CONDITIONAL USE PERMIT (CUP) APPLICATION

CONDITIONAL USE PERMIT

The information required in this application is necessary to evaluate your proposed conditional use permit (CUP) and to assess its environmental impact. The environmental checklist will be the basis for determining if an environmental threshold determination will be required prior to any approval of this request. Your application will be evaluated based on: the information you provide, the Newcastle Comprehensive Plan, pertinent provisions of the Newcastle Municipal Code, site inspection, testimony and evidence presented at the public hearing, and comments submitted by interested public agencies.

Copies of the Newcastle Comprehensive Plan and Newcastle Municipal Code are available for inspection at the public counter at City Hall, at Newport Way public library and in the Governmental Research Library, 307 Municipal Building, Seattle, Washington. The Newcastle Municipal Code is also available on the Municipal Research & Service Center website at www.mrsc.org.

FILING OF APPLICATION

A preapplication conference must be scheduled with the Community Development staff prior to filing your application. (Please contact staff to receive a copy of the preapplication conference packet.) An application fee is required at the time of filing and is based on the latest adopted fee schedule. If payment is by check, the check shall be made payable to the City of Newcastle. In addition, a cash development deposit will be required before the application can be determined complete.

You must submit all of the application documents listed on the following pages to complete your application. You will be formally notified once the City has determined your application to be complete.

PROJECT BILLING & DEVELOPMENT DEPOSIT

The Applicant will be billed on a monthly basis for all review costs incurred by the project. A developer deposit is a required element of a Conditional Use Permit application. The amount placed on deposit will be held on reserve, and the Applicant will be billed monthly for all review costs incurred. In addition a deposit must be placed with the Coal Creek Utility District for preliminary review of sewer and water plans.

60-DAY RESPONSE REQUIRED

Throughout review of the conditional use permit, the City of Newcastle will require submittal of requested materials or fees within 60 days of the date of request. A 30-day extension may be granted upon written request if the applicant demonstrates that the inability to submit requested materials is beyond the applicant's control. If the additional information is not submitted within that time, the City shall consider the application withdrawn.

CONCURRENT REVIEW WITH SUBDIVISION OR SITE PLAN APPLICATION

A conditional use permit may be required as a stand-alone application for a development proposal or may be required concurrently with a subdivision (or short plat) or site plan application. Where required in conjunction with another application, the conditional use permit application shall be considered as subordinate to the primary subdivision or site plan application. Some of the required CUP application materials may be duplicates of the requirements of the subdivision or site plan application, in which case the applicant may omit the duplicated documents. At a minimum, the applicant shall submit the completed Conditional Use Permit Application Form (pages 4 through 7 of this packet).

DECISION AND HEARING

A conditional use permit is reviewed as a Type III project application (NMC 19.07, Types of Project Permit Applications). Following review of the application, staff will prepare a recommendation to the Hearing Examiner who will hold an open record public hearing. Within fourteen days of the hearing, the Hearing Examiner will render a final decision on the conditional use permit application.

APPEAL

The final decision on a conditional use permit is appealable to the Newcastle City Council per the standards of NMC 19.15, Appeal Procedures.



CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

APPLICATION DOCUMENTS:

The following is required information to be submitted at the time of application:

1. Application (attached): Submit **five** copies.
2. Application fee and deposit: Submit the application fee at the time of submittal. Deposit must be submitted before the City can determine the application complete. Contact a staff member for a determination of the deposit amount.
3. Agreement to Billing Procedures (2) (attached): Submit **one** original and **two** duplicate copies of each.
4. Mailing Labels: Submit **one** set of recent (within 90 days) mailing labels for all property owners within 500 feet of any boundary of the subject property. Date and source of labels must be included.
5. Assessor's Maps: Submit **two** sets of the most current Assessor's maps of the property, clearly indicating all properties within 500 feet of the subject property.
6. Legal Description: Submit **two** copies. The legal description of your property may be obtained from the office of the King County Assessor.
7. Proof of "Legal" Lot Status: Submit **two** copies. Documentation of the date and method of segregation of the subject property.
8. Current Title Report or Plat Certificate: Submit **two** copies. Include copies of any existing easements, deed restrictions or other encumbrances restricting the use of the subject property and a chain of title.
9. Preliminary Site Plan: Submit **eight full-size** copies and **one 11" x 17"** copy. (Omit if conditional use permit application accompanies a subdivision application or site plan review.) The following must be shown on the site plan:
 - Name of application (may be applicant's name).
 - Name, address, and phone number of applicant.
 - Name, address, and phone number of property owner, if different than applicant.
 - North arrow and scale.
 - Section, Township and Range of site.
 - Legal description.
 - Boundaries of the subject property.
 - All streets, appropriately labeled
 - Acreage of site.
 - Number of proposed units and density.
 - Proposed conditional use.
 - Existing zone classification.
 - Adjacent existing zoning.
 - Existing easements on the subject property.
 - Significant trees (as defined by NMC 18.06.598) including their size.
 - Source of water and sewer service.
 - Existing sewers, water mains, culverts, or other underground facilities within tract, indicating pipe sizes, and grades as obtained by public records
 - Power source.
 - Locations of poles and towers, if electrical transmission lines cross the subject property.
 - All existing structures in their appropriate locations both within the proposed project and within 200 feet of the project boundaries.
 - Sensitive areas and hydrologic features on site and within 500 feet of the site. Provide names of all water features and all drainage basins served by or containing these features.
 - Vicinity map. Include sufficient area and detail to clearly identify the site.

9. Building Elevations and Floor Plans, if applicable. Submit **eight** copies. Drawings should be to scale, and all dimensions should be clearly labeled.
10. Applicant's Environmental Checklist: Submit **eight** copies. (Omit if conditional use permit application accompanies a subdivision or site plan application.) All items on the environmental checklist should be answered as concisely and candidly as possible. If information requested does not apply to the proposed project, enter "N/A" (not applicable). Additional sheets may be used if necessary. The applicant will be contacted by the Department of Community Development if additional information is required. Failure to respond may cause postponement of consideration of your request.
11. Water Availability: Submit **two** copies. The attached Water Availability Certificate must be given to the Coal Creek Utility District to complete and then returned with this application.
12. Sewer Availability: Submit **two** copies. The attached Sewer Availability Certificate must be given to the Coal Creek Utility District to complete and then returned with this application.
13. Permits: Submit **five** copies of other required or issued permits (HPA, NPDES, Forest Practices, etc.) associated with the project.
14. Additional Information: Provide **five** copies of any additional information (sketches, engineering reports, petitions, photographs, etc.) that you believe will justify, clarify, or explain your request or will assist in assessing the potential impact of granting your request. The City of Newcastle may at any time request additional information or studies for these purposes.



CONDITIONAL USE PERMIT APPLICATION

NAME OF ASSOCIATED SUBDIVISION APPLICATION OR SITE PLAN REVIEW, IF APPLICABLE _____

APPLICANT/CONTACT PERSON _____ NAME & TELEPHONE NUMBER _____

STREET ADDRESS, CITY, STATE, ZIP CODE _____

PARTY RESPONSIBLE FOR PAYMENT OF FEES _____ NAME & TELEPHONE NUMBER _____

STREET ADDRESS, CITY, STATE, ZIP CODE _____

PROPERTY OWNER/S (ATTACH ADDITIONAL SHEETS IF NECESSARY) _____ NAME & TELEPHONE NUMBER _____

STREET ADDRESS, CITY, STATE, ZIP CODE _____

ACREAGE: _____ PROPOSED NO. OF LOTS, IF APPLICABLE: _____

BRIEF DESCRIPTION OF PROPOSED CONDITIONAL USE PERMIT: _____

PROPERTY OWNER'S AUTHORIZATION:

I HEREBY AUTHORIZE THE SUBMITTAL OF A USE PERMIT REQUEST AS INDICATED BY THE ATTACHED REQUEST, AND NAME _____ AS THE RESPONSIBLE PERSON FOR ALL DECISIONS AND FOR THE RECEIPT OF ALL UNEXPENDED FEES PERTAINING TO THE REVIEW AND APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT.

SIGNED: _____
FEE/CONTRACT OWNER

DATE: _____

SIGNED: _____
NOTARY

DATE: _____

NOTARY
STAMP



CONDITIONAL USE PERMIT APPLICATION

APPROVAL CRITERIA

Approval of a conditional use permit cannot be granted until the applicant demonstrates that the six criteria set forth in NMC 18.44.050 have been met. Demonstration of compliance with these criteria may include written text, scale drawings, or photographs. Please respond in full to the six questions below. Attach additional sheets if necessary.

1. Describe how the proposed conditional use will be designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property:
2. Describe how the location, size and height of 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.
3. Demonstrate that the conditional use is designed in a manner that is compatible with the physical characteristics of the subject property.
4. Describe how the requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.
5. Demonstrate that 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.
6. Describe how 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.



**CONDITIONAL USE PERMIT
AGREEMENT TO BILLING PROCEDURES**

AGREEMENT TO BILLING PROCEDURES

1. The Applicant has filed with the City an application for _____ under City File No. _____. The City requires that all applicants pay for all costs incurred by the City for third party consultants and City staff throughout the review of the application, and that all applicants maintain a trust account with the City of funds equal to not less than fifty percent of the anticipated costs. In accordance with this requirement, for the _____ application, the Applicant shall maintain a trust account with the City the sum of \$ _____ until the time that the application is approved, construction is completed, and the reviewing departments have given their final sign-off. The trust account shall be held in a non-interest bearing account.

2. The City shall invoice the Applicant on a monthly basis for all costs incurred by the City for third party consultants and City staff, at the address listed below for the Applicant. The Applicant shall pay all invoices upon receipt.

3. If the Applicant fails to pay an invoice by the due date, the City shall have the right to withdraw the amount due from the funds that the Applicant has deposited with the City, without any further notice to the Applicant. The City shall have the right to suspend and/or terminate the City’s processing of the application until the Applicant places sufficient funds in a trust account with the City to comply with Paragraph 1 above. In addition, any applicant who has a delinquent account with the City shall be prohibited from applying for any new applications until such time that all accounts are brought current.

By signing below, the Applicant represents that the Applicant has read the Billing Procedures set forth above, and agrees to the Procedures.

APPLICANT

By _____

Printed name _____

Its _____

Address:

Telephone number:



**CONDITIONAL USE PERMIT
AGREEMENT TO CCUD BILLING PROCEDURES**

AGREEMENT TO CCUD BILLING PROCEDURE

1. The Coal Creek Utility District (“District”) provides municipal water and sewer service to a geographic area in King County including the City of Newcastle (“City”).
2. The undersigned Applicant has filed an application with the City (“Application”) for a Conditional Use Permit under file No. _____ (“the Project”). The Project will require water and /or sewer service from the District and may require the extension of the District’s water and/or sewer systems to make utility service available to the Project. In that event, the Applicant may be required to enter into a developer extension agreement with the District providing for the design and installation of utility extension improvements (“Utility Extensions”) for the Project.
3. As a condition of the Application, the City requires the Applicant to have the District undertake a preliminary review of the Project’s development application to determine the feasibility and the availability of District utility service to the project including the identification of possible impacts on the environment, conflicts with existing utilities and easements required for the Utility Extensions related to the Project.
4. District hereby agrees to undertake such preliminary review of the Project’s development application on the condition that Applicant agrees to pay for all costs incurred by the District for third party consultants and District staff for such review and that the Applicant maintain on deposit with the District funds in the amount of \$_____ for the anticipated costs of such review.
5. Applicant agrees to maintain on deposit with the District the deposit until the preliminary review of the Project’s development application is completed by the District.
6. The District shall invoice the Applicant on a monthly basis for all costs incurred by the District for third party consultants and District staff for all time and materials incurred relating to the preliminary review at the address listed below for the Applicant. The District shall have the right to withdraw the amount due from the deposit without any further notice to the Applicant. In the event the District’s cost for third party consultants and City staff exceed the amount of the deposit, the Applicant shall be required to reimburse the District for all such costs within thirty (30) days of the date of an invoice from the District to the Applicant for that amount. In the event the Applicant fails to pay the invoiced amount owing within thirty (30) days of the date of such invoice, the unpaid balance of such invoice will bear interest at the rate of one percent (1%) per month until the amount of such unpaid balance, plus interest thereon shall be paid in full. In addition, the District shall be entitled to stop work on the preliminary review until such time as all pending invoices are paid in full by the Applicant.
7. In the event that either the District or the Applicant commences litigation relating to the performance, enforcement or breach of this agreement, the prevailing party in such action shall be entitled to all costs, including attorneys fees and costs and any such fees or costs incurred on appeal.
8. This agreement shall be governed by and construed in accordance with the laws of the State of Washington. Any suit to enforce or relating to this agreement shall be brought in King County District Court, Renton Division.
9. This agreement shall be effective upon the date that the agreement has been signed by authorized representatives of both parties hereto.

COAL CREEK UTILITY DISTRICT (“DISTRICT”)

By: _____

Its: _____

Dated: _____

APPLICANT:

By: _____

Name: _____

Its: _____

Address: _____

Phone No.: _____

Dated: _____



CONDITIONAL USE PERMIT WATER AVAILABILITY CERTIFICATE

This certificate provides the Department of Community Development with information necessary to evaluate development proposals.

Do not write in this box

Number

Name

- Building Permit
- Preliminary Plat or PUD
- Short Subdivision
- Rezone or other _____

APPLICANT'S NAME: _____

PROPOSED USE: _____

LOCATION: _____

(Attach map & legal description if necessary)

WATER PURVEYOR INFORMATION:

1. a. Water service will be provided by service connection only to an existing _____ size water main _____ feet from the site.

OR

- b. Water service will require an improvement to the water system of
 - (1) _____ feet of water main to reach the water system of:
 - (2) the construction of a distribution system on the site; and/or
 - (3) other—see attached description.

2. a. The water system improvement is in conformance with a District approved water comprehensive plan.

OR

- b. The water system improvement will require a water comprehensive plan amendment.

3. a. The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city.

OR

- b. Annexation or BRB approval will be necessary to provide service.

4. a. Water is/or will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant _____ feet from the building/property (or as marked on the attached map):

Rate of Flow

- less than 500 gpm (approx. _____ gpm)
- 500 to 999 gpm
- 1,000 gpm or more
- flow test of _____ gpm
- a. calculation of _____ gpm
(Commercial Building Permits require flow test or calculation)

OR

- b. Water system is not capable of providing fire flow.

Duration

- less than 1 hour
- 1 hour to 2 hours
- 2 hours or more
- other _____

COMMENTS/CONDITIONS _____

I hereby certify that the above water agency information is true. This certification shall be valid for one year from date of signature.

Agency Name _____

Signatory Name (Print) _____

Title _____

Signature _____ Date _____

Please return to: Department of Community Development, 13020 SE 72nd Place, Newcastle, WA 98059-3030



CONDITIONAL USE PERMIT SEWER AVAILABILITY CERTIFICATE

This certificate provides the Department of Community Development with information necessary to evaluate development proposals

Do not write in this box

Number

Name

- Building Permit
- Short Subdivision
- Preliminary Plat or PUD
- Rezone or other _____

APPLICANT'S NAME: _____
 PROPOSED USE: _____
 LOCATION: _____

(Attach map & legal description if necessary)

SEWER AGENCY INFORMATION:

1. a. Sewer service will be provided by side sewer connection only to an existing _____ size sewer _____ feet from the site and the sewer system has the capacity to serve the proposed use.

OR

- b. Sewer service will require an improvement to the sewer system of:
 (1) _____ feet of sewer trunk or lateral to reach the site;
 and/or
 (2) the construction of a collection system on the site;
 and/or
 (3) other (describe) _____

2. a. The sewer system improvement is in conformance with a District approved sewer comprehensive plan.

OR

- b. The sewer system improvement will require a sewer comprehensive plan amendment.

3. a. The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city.

OR

- b. Annexation or BRB approval will be necessary to provide service.

4. Service is subject to the following:

- a. Connection charge: _____
 b. Easement (s): _____
 c. Other: _____

I hereby certify that the above sewer agency information is true. This certification shall be valid for one year from date of signature.

Agency Name

Signatory Name (Print)

Title

Signature

Date

Please return to: Department of Community Development, 13020 SE 72nd Place, Newcastle, WA 98059-3030