



King County
Department of Permitting
and Environmental Review
35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711
www.kingcounty.gov

April 21, 2017

CMST14-0001 Maple Valley Industries, LLC **Commercial Site Development Permit (CSDP) Conditions**

Commercial Site Development Permit (CSDP) application CMST14-0001 for a phased industrial project is **APPROVED** pursuant to **KCC 21A.41.070** and **KCC 21A.41.100**, subject to the findings and conditions contained in this Decision.

Project Description, Applicable Codes, Regulations, and Procedures:

1. The King County Code (KCC or Code) does not require that the Department of Permitting and Environmental Review (DPER) issue a detailed report for a CSDP. However, given the high volume of public interest, comment, and concern associated with this CSDP proposal, DPER has modified the decision format to better explain the decision. This Decision is not intended to be inclusive of all review parameters, nor responsive to all comments.
2. The subject site, parcel number 2022069011, is 6.44 acres and was zoned Industrial (I) at the time the CSDP application was submitted. The site is located along State Highway 18 and is surrounded predominantly by RA-5 zoned properties, many of which are currently characterized by residential uses. Access to the site is from SE 248th Street via 200th Avenue SE, connecting to SE 240th Street to the north. Land further south of the site and Highway 18 is within the incorporated area of the City of Covington. Prior to the applicant's purchase, the site was owned and used by the Washington state Department of Transportation.
3. Application CMST14-0001 was submitted on June 17, 2014 and DPER deemed it complete on June 25, 2014. Under the Code, the application is vested to regulations in effect at the time it was deemed complete (exceptions being the building and fire codes); conversely it is not subject to zoning and/or code regulations adopted after June 25, 2014. (**KCC 20.20.070**; **KCC 21A.41.070**).
4. The subject site is zoned I. The I zone permits a wide range of manufacturing land uses (**KCC 21A.08.080A**), including recreational Marijuana Producer and Marijuana Processor I and II (as defined in **KCC 21A.06.7344**). The subject site is located in the rural area. As such, it is subject to a specific set of rural industry development standards (**KCC 21A.14.280**). The purpose of the rural industries section is to establish standards for industrial development in rural areas. Site and building

designs, buffering, compatible commercial and industrial uses are required to maintain rural character.

5. The project has been reviewed for compliance with the County's development regulations and site requirements in effect on June 25, 2014, the date CMST14-0001 was deemed complete. These regulations include zoning, drainage, environmental, and site development standards.
6. The purpose of the optional KCC 21A.41 CSDP review process is to allow comprehensive site review for proposed commercial development, resulting in a permit which can combine any or all of the following elements:
 - a. Site development requirements specified prior to building and/or grading permit applications.
 - b. Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.
 - c. Site development coordination and project phasing occurring over a period of years.
7. The Code classifies a CSDP as a type 1 land use decision. Type 1 decisions are not administratively appealable. **KCC 20.20.20 A.1.** A CSDP decision is based on several factors, including conformity with adopted county and state rules and regulations in effect on the date the complete application was filed, including but not limited to those listed in section **KCC 21A.41.060 described in paragraph 8, below** as well as consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction. **KCC 21A.41.070.**
8. CSDP applications are to be reviewed pursuant to chapter 43.21C RCW, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management; K.C.C. 14.42, Road Standards; K.C.C. 16.82, Grading; K.C.C. Title 17, Fire Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title 21A, Zoning; K.C.C. Title 25, Shoreline Management; administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of health rules and regulations; county approved utility comprehensive plans; conformity with applicable P-suffix conditions.

Lot-based standards, such as internal circulation, landscaping signage and setback requirements, are typically applied to each individual lot within the site. However, the director may approve an application for commercial site development where such standards have been applied to the site as if it consisted of one parcel. Lot-based regulations shall not be waived altogether.

The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the county, provided the site is being reviewed concurrently with a binding site plan application. **KCC 21A.41.060.**

9. Phase 1 of the CSDP proposal includes all necessary site and access improvements and an undeveloped building pad area to support the placement of building B. Phase 2 includes the remainder of the site work, internal access, and interior landscaping improvements to support the placement of building A. The applicant's phasing plan calls for final building permit submittal for Building A by the end of December 2023, approximately 5 years after CSDP issuance.
10. The site phasing plan will first develop the east side of the site for building B, followed by completion of the west side for future building A. The proposed buildings are concrete tilt up, each approximately 20,000 square feet and on average about 24 feet in height above finished grade. The applicant's general purpose is to establish land uses permitted in the I zone to include a range of light manufacturing uses. The applicant has identified an intent to use one or both buildings for the production of marijuana. The I zone regulations in effect at the time the Application CMST14-0001 was deemed complete allows outright up to a maximum of 30,000 square feet of marijuana canopy area and a maximum 33,000 square feet of total floor area used for all marijuana related activity.
11. The site phasing plan is shown on revised civil plan sheet C1.3 and revised architectural plan sheets A0.1 and A0.2. The overall CSDP site has been reviewed for consistency with applicable codes and each phase will be constructed in compliance with those codes. As stated in paragraph 10, phase 1 includes improvement of the eastern portion of the site to support building B. Building B is being reviewed under pending commercial permit application COMM15-0012, under concurrent review with CMST14-0001. COMM15-0012 cannot be issued until review of CMST14-0001 is complete and a CSDP decision is issued. Phase 2 includes improvement of the western portion of the site to support building A, and is proposed to be constructed by the end of December 2023.
12. The scope of work proposed by the CSDP is subject to SEPA and public notice was required. A combined Notice of Application and SEPA Notice (Optional DNS/MDSN Process) was mailed August 8, 2014. A 21-day public comment period notice was posted on the subject property, advertised in the Seattle Times, the Covington-Maple Valley Reporter, and the King County web site. The comment period ended on September 8, 2014. A copy of this Decision will also be mailed to the applicant and any other person who has presented written comments to the department (**KCC 21A.41.070.D**).
13. In response to public notice, written comments were received from the Covington Water District, Puget Sound Clean Air Agency (PSCAA), and Tahoma School District No. 409 School Board. A large number of residents in the surrounding neighborhood and community objected to the proposal and submitted petitions, letters, and emails against the proposal. The neighborhood held a meeting at a nearby property to discuss their concerns with the proposal, and invited DPER to attend. Several concerned neighborhood members representing those in opposition contacted the King County Council objecting to the application.

14. The scope of a CSDP is limited to site preparation of a property for the sole purpose of future placement of building(s) within defined building envelope(s) as shown on an approved CSDP site and phasing plan and does NOT permit the building construction. A CSDP allows an applicant to clear and grade a site in phases and install the necessary infrastructure for the future building(s), lighting, drainage & utilities; on-site parking lot and drive aisles; internal walkways; building pads; landscaping; and off site drainage and roadway improvements.
15. The CSDP project scope triggered environmental review pursuant to the County Environmental Procedures (**KCC 21A.44**) and the State Environmental Policy Act (SEPA). The responsible official has a reasonable basis for expecting to issue a SEPA Determination of Non-Significance (DNS) on this project so the optional DNS/MDNS notice process was used pursuant to **WAC 197-11-355**. In this scenario, DPER issues an Environmental Threshold Determination pursuant to SEPA in combination with the CSDP Notice of Decision at permit issuance. Under this process, the Department has determined that existing State of Washington and King County regulations and codes, with mitigation, are sufficient to address impacts associated with this development. Therefore, an Environmental Impact Statement (EIS) is not required. Due to traffic and commercial vehicle impacts explained further herein, DPER will issue a SEPA Mitigated Determination of Non-Significance (MDNS) limiting commercial vehicle size and type.
16. On November 3, 2015, the King County Council adopted Ordinance 18147 reclassifying zoning of the applicants parcel from Industrial to Rural Area with 5 acre minimum.
17. Application CMST14-0001 is vested to the codes in effect at the time it was deemed complete. As a result of the reclassification of the subject property, uses associated with application CMST14-0001 become legal non-conforming uses regulated under **KCC 21A.32.010 through .075**. This code establishes the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated. Vesting allows the applicant to occupy the approved buildings with a range of permitted uses in the Industrial zone at the time it was deemed complete and vested.

Application Review Findings and Conclusions:

1. As part of the public notice and SEPA environmental process, DPER received a significant amount of correspondence from the surrounding neighborhood and community opposed to the applicant's proposal to establish a marijuana production land use. Objections were in the form of written letters, emails, petitions, public disclosure requests, phone calls, neighborhood meetings, meetings with DPER, and community meetings with the King County officials. Those opposed to the CSDP have asked DPER to deny the CSDP based on incompatibility and adverse impacts to the neighborhood. The primary objection raised is the perceived conflict

the introduction of a marijuana production business would create in a predominately rural residential area, and how this perceived incompatibility could pose potential risks to the health, safety and welfare of the surrounding neighborhood and community. The comments included concerns the proposed use would increase traffic congestion that would threaten the safety of vehicles and pedestrians; increase vehicular accidents; road deterioration; and decreased pedestrian safety. Other comments expressed concerns about increased crime; reduced home values; increased intersection accidents; and odor and noise nuisance.

2. As part of the public notice and SEPA environmental process, three public agency comments were received:
 - a. The applicant's environmental checklist was reviewed by Steve Van Slyke, PE, Manager of the Compliance unit, Puget Sound Clean Air Agency (PSCAA). He advised DPER in an email dated August 27, 2014 that marijuana production/processing operation is a stationary source that requires a PSCAA permit (specifically, a Notice of Construction application {NOC} and order of approval). Furthermore, PSCAA noted that the control of odors from these proposed production activities is one of the key issues that will be included in PSCAA permit review. The NOC review may lead to an approval with specific conditions to address air quality issues. If emission controls are needed to prevent nuisance odors, they may be a requirement in the approval conditions.
 - b. Mary Jane Glaser, President, Tahoma School Board of Directors School for District No. 409, commented in a letter dated August 26, 2014, that the Board determined in part that the proposal is incompatible with student safety and should not be allowed. Additionally, they stated the Board believes marijuana production of intoxicants runs counter to the School Districts' drug awareness curriculum and policies.
 - c. Covington Water District (CWD) has required development conditions as specified in a letter dated August 15, 2014, that in order for the site to receive water service:
 - i. Per the Water Availability Letter dated May 12, 2014, enter into a System Extension Agreement with CWD to extend the water system 1,300 feet in SE 248th Street, from SE 200th Avenue to the west limit of the property, in order to receive service;
 - ii. Annex to the District corporate boundary as a condition for water service;
 - iii. CAW may require additional offsite improvements in order to develop greater fire flow capability.
3. A DPER staff Ecologist who reviewed the project and performed a site visit stated that Jenkins creek is located over 250 feet away from the SW corner of the

property. The creek has a 165 foot wide buffer and does not encroach on the subject site.

4. A DPER staff Site Engineer reviewed the project per the 2009 King County Surface Water Design Manual (KCSWDM) and the 2007 King County Road Design and Construction Standards (KCRDCS). The final approved version of the Technical Information Report, received March 16, 2017, meets the requirements of the 2009 KCSWDM. The associated roadway improvements along 200th Avenue SE/SE 248th Street required a roadway variance in order to meet the 2007 KCRDCS standards. The roadway will be widened to the Rural Minor Access standards. A road design variance was required for a retaining wall within the clear zone limits (VARR16-0024) which was approved January 18, 2017.
5. A DPER staff Geologist reviewed the project, performed a site visit, and reviewed multiple Geotechnical reports and addendums all prepared by Earth Solutions NW. Comments are summarized below:
 - a. As part of this geotechnical review, the applicant was required to perform seasonal high groundwater measurement calculations. The applicant installed piezometers and monitored them to identify seasonal high groundwater. As a consequence of this monitoring, the pond elevation design was adjusted with respect to groundwater. These readings have been subsequently provided to DPER staff and satisfactorily incorporated into the final CSDP analysis and design, adequately addressing geotechnical issues.
 - b. As a condition of the CSDP, it is required to flag the location of the cut at the base of the slope and survey the location. The flagging should follow the top of the exposed "driveway" cut.
 - c. As a condition of the CSDP, it is required to provide supplemental evaluation by the geotechnical engineer to address the proposed irrigation of native plants proposed on the slope.
 - d. As a condition of the CSDP, it is required to provide a hazard tree assessment by an arborist or landscape architect for any trees proposed for removal on the slope. The preference is to retain native vegetation and only replace where it is necessary to prevent future property damage or risk of injury to people.
6. A DPER staff Site Development Specialist reviewed the project and performed a site visit and indicated that minimal slope disturbance should occur when inter-planting the proposed new trees and irrigation amongst existing vegetation along the north slopes adjacent to SE 248th Street; irrigation proposed in this area to be limited to irrigation lines placed on the ground surface not underground. Manual tree planting, rather than mechanical, to be used where possible in this area to minimize slope disturbance.
7. A DPER staff Planner reviewed the project and performed a site visit to determine compliance with the zoning code (KCC 21A.) in the context of the CSDP. The

project plans and documents as revised, comply with the site development standards for a CSDP such as parking, landscaping, setbacks, site accessibility, and Rural Industry Development Standards. Building code compliance for buildings A and B will occur after CSDP issuance under separate construction building permits which must comply with the CSDP layout and conditions.

8. The applicants conceptual CSDP site plan complies with the Rural Industrial Standards as set forth in **KCC 21A.14.280** with respect to screening, setbacks, floor to lot ratio, impervious lot coverage, landscaping, outdoor lighting, refuse collection/recycling, outdoor lighting, parking, signage, building height, and general building design that uses accent materials (e.g. wood and brick), nonreflective glass, and muted colors to be compatible with rural character.
9. King County Department of Transportation (KCDOT), King County Road Services Division, Road and Traffic Engineering Section, has reviewed the project. Based on 2013 traffic counts, the crash rate for this intersection is 0.46 acc/mev (accidents per million entering vehicles). This is well below the typical crash rate at which the potential need for safety treatments becomes necessary. Compared to other intersections in the county with two-way stop control, this intersection is listed with other intersections that have the lowest crash rates overall.
10. King County Department of Transportation (KCDOT), Road Services Division, Road and Traffic Engineering Section, has reviewed the project, including the revised engineering plans submitted for the CSDP; revised SEPA checklist; July 15, 2014 Level 1 Traffic Impact Analysis (TIA); addendum traffic analysis received April 17, 2015; and additional information submitted and have the following comments:
 - a. Sight distance is adequate for the proposed project driveway to SE 248th Street. The applicant's traffic consultant has verified that stopping sight distance (SSD) is adequate for the proposed development's driveway. Entering sight distance (ESD) is not a consideration for a driveway intersection with a subcollector roadway classification or below.
 - b. Due to the right-of-way constraints and low traffic volumes, a rural minor access roadway, per the 2007 King Country Road Design and Construction Standards (KCRDCS), is the appropriate standard to dictate the roadway improvements for 200th Avenue SE.
 - c. It is recommended the 200th Avenue SE roadway be widened approximately 100 feet north of SE 245th Street and proceed south to where the 20-foot wide paved travelled way condition currently exists.
 - d. From a traffic impact standpoint, KCDOT Road and Traffic Engineering staff concurs with the projected traffic trip generation presented in the July 15, 2014 Traffic Impact Analysis (TIA) report. KCDOT Road and Traffic Engineering staff looks at build-out for the total project and the highest possible land use code per the ITE Trip Generation Manual since there is no guarantee that the proposed development will always be a marijuana processing facility.

- e. KCDOT Traffic Engineering concurs with the July 15, 2014 TIA that no King County intersections meet the K.C.C. 14.80, "Intersection Standards" thresholds of 30-peak hour and 20% of the peak hour trips and operating at a level of service worse than "E". Therefore, the project will not result in any significant adverse traffic impacts and there will be no off-site SEPA mitigation required for this project.
11. Due to right-of-way constraints it is not technically possible to require improvements to SE 248th Street and 200th Avenue SE to full rural subaccess street standards. The applicant cannot be required to correct existing deficiencies, and mitigation must have a nexus and be proportionate to the impact.
12. The existing roadways currently provide vehicular access for residential and associated recreational vehicles and for commercial vehicular traffic associated with home businesses that include construction companies, school buses, garbage trucks and delivery vehicles. To address neighborhood expressed concern with public safety due to likely increased commercial traffic, in addition to requiring proportionate roadway improvements, it would be reasonable to limit commercial vehicle size to smaller types commercial vehicles, vans, and Trucks or Straight Trucks as defined by the Department of Transportation Federal Highway Administration, Office of Freight Management and Operations. Trucks or straight trucks are non-articulated self-propelled cargo-carrying Commercial Motor Vehicles. The applicant has noted in an email dated November 4, 2015: "... our delivery van(s) will be normal sized, single axle vans (i.e. Dodge Sprinter, Ford Transit, etc.). We will likely have only one or two such vans. Typical inbound deliveries would be your standard neighborhood UPS/FEDEX delivery vehicles." This minimizes maneuvering conflicts among larger vehicles on the relatively narrower roadway.
13. The applicant must provide evidence of a license application with the Washington State Liquor and Cannabis Board (WSLCB) to propose occupancy of any portions of the buildings for production of marijuana for building permit review. Marijuana production cannot commence until the final licensing approval by the WSLCB Board is granted, which requires a final site inspection by the WSLCB. The WSLCB has full regulatory control regarding marijuana licensing, production and operations. The applicant will also require approval and a permit from the Puget Sound Clean Air Agency.
14. The Department has determined there are largely existing adequate State of Washington and King County regulations and codes in effect to address project impacts associated with this development. However, noting concerns about commercial use of the roadway in a mostly residential area and potential conflicts with vehicle maneuvering and pedestrian use, DPER finds that additional project mitigation under SEPA is justified to limit vehicle type and size, until such roadways and ROW are fully widened and brought up to standards to fully accommodate the

potential uses of this site. Permit conditions and an MDNS will accordingly be issued concurrent with this decision.

15. The Mitigated Determination of Non-significance (MDNS) for the CSDP is issued under the optional DNS/MDNS process of Washington Administrative Code (WAC) 197-11-355. This Department has determined that existing State of Washington and King County regulations and codes together with the additional project mitigation under the SEPA are sufficient to address impacts associated with this development. Therefore, An Environmental Impact Statement (EIS) is not required. There is no additional comment period for this proposal. The issuance of the MDNS does NOT constitute approval of any subject building or development permit.
16. As noted with this Decision, the version of the zoning code in effect at the time this CSDP was deemed complete and vested, allows outright, up to 30,000 square feet of indoor marijuana production (KCC 21A.08.090.A, footnote P20, Ordinance 17725). The current zoning code version in effect at this time only allows outright up to 2,000 square feet of indoor marijuana production, and a Conditional Use Permit is required for indoor marijuana production up to 30,000 square feet (Ordinance 17841).

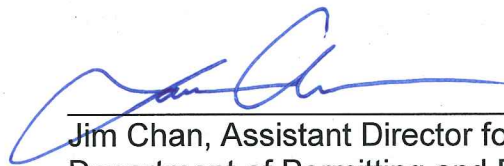
Conditions:

1. Site development shall be in accordance with approved Commercial Site Development Permit (CSDP) CMST14-0001 General Plan sheets CS, T1.1, and T1.2 received April 17, 2015; Civil plan sheets C1.0 through C2.10 received March 16, 2017; Landscape sheets L1 through L6 received April 17, 2015; Fire Flow approval plan sheet A0.1 received June 25, 2014; Conceptual Color Scheme approval plan sheet A3.1 received June 25, 2014; Architectural Plan sheets A0.1, A0.2, A0.3 and A3.1 received April 17, 2015; and any attached specific site conditions. The approved building envelopes are shown on plan sheet A0.1 of the approved CSDP site plans.
2. Prior to permit issuance, the applicant shall submit required Performance/financial guarantees established for the CSDP (**KCC 21A.41.080**).
3. Before any construction or development activity, the applicant shall contact DPER to schedule a Pre-Construction Meeting.
4. The applicant's proposed CSDP phasing plan as shown on plan sheets C1.3, A0.1 and A0.2, is approved. Building permit application for phase 2 shall be submitted and deemed complete no later than December 31, 2023.
5. The CSDP is subject to the applicable SEPA MDNS, related checklist, environmental documents and mitigation stated therein.

6. The CSDP is a type 1 land use permit application with no administrative appeal of the MDNS (**KCC 20.44.120**). Appeal of this project shall be submitted to Superior Court. The issuance of a MDNS does NOT constitute approval of any future Building Permit.
7. The proposed exterior color design plan depicted on Conceptual Color Scheme plan sheet A3.1 received June 25, 2014 is acceptable; however, additional wood and texture shall be incorporated into the exterior design to increase the buildings residential character. This design change shall be incorporated and addressed in the pending building permit COMM15-0012 and apply to pad A future building permit
8. Site signage shall require a separate building permit or may be included within pending application COMM15-0012. The design shall comply with the Rural Industry Development Standards for signs (**KCC 21A.14.280.B (5)**).
9. The compost and recyclable/trash enclosure shall be redesigned to exclude chain link fencing and slates and use exterior building materials and colors similar to the proposed warehouses (**KCC 21A.14.210**). The intent is to achieve a design more rural in character. The access gate may remain chain link with slats. This design change shall be incorporated and addressed in the pending building permit COMM15-0012 and apply to pad A future building permit
10. Outdoor lighting shall be focused downward and configured to minimize intrusion of light into surrounding rural residential areas (**KCC 21A.14.280.B.6**). To demonstrate compliance with this condition, the applicant shall submit a site photometric lighting plan that demonstrates light levels will not exceed 1 foot candle at any property line. This plan shall be incorporated and addressed in the pending building permit COMM15-0012 and apply to pad A future building permit, as well.
11. Minimal slope disturbance shall occur when inter-planting the proposed new trees and irrigation amongst existing vegetation along the north slopes adjacent to SE 248th Street. The irrigation proposed in this area shall be limited to irrigation lines placed on the ground surface not underground. Manual tree planting, rather than mechanical, shall be used where possible in this area to minimize slope disturbance.
12. At or prior to the site Pre-Construction meeting, provide a hazard tree assessment by an arborist or landscape architect for any trees proposed for removal on the slope. The preference is to retain native vegetation and only replace where it is necessary to prevent future property damage or risk of injury to people.
13. Prior to the Pre-Construction meeting, flag the location of the cut at the base of the slope and survey the location. The flagging should follow the top of the exposed "driveway" cut.

14. At or prior to the site Pre-Construction meeting, supplemental evaluation by the geotechnical engineer is required to address the proposed irrigation of native plants proposed on the slope.
15. Until such time as SE 248th Street and 200th Ave. SE roadways are brought into full compliance with King County Road Design and Construction Standards, the size of commercial vehicles serving the uses of the site, shall be limited to small commercial vans, and Trucks or Straight Trucks as defined by the Department of Transportation Federal Highway Administration, Office of Freight Management and Operations,. Trucks or straight trucks are non-articulated self-propelled cargo-carrying Commercial Motor Vehicles.
16. The SE 248th Street roadway section from STA 11+51.84 to STA 13+40.00 is required to have a full width overlay per the 2007 King County Road Design and Construction Standards (KCRDCS).
17. Prior to CSDP Final Construction Approval, the applicant shall comply with the Covington Water District (CWD) project development conditions as follows, in order for the site to receive water service (August 15, 2014 letter, CWD):
 - a. Enter into a System Extension Agreement with CWD to extend the water system 1,300 feet in SE 248th Street, from SE 200th Avenue to the west limit of the property, in order to receive service;
 - b. Annex to the District corporate boundary as a condition for water service;
18. Prior to issuance of building permits for pad A and B that include marijuana production/ processing land uses, the applicant shall provide to DPER a copy of the required Puget Sound Clean Air Agency (PSCAA) permit or application filing (August 27, 2014 Comment, PSCAA- Steve Van Slyke) as follows:
 - a. The Puget Sound Clean Air Agency (PSCAA) requires an air permit approval (i.e., a Notice of Construction application and Order of Approval), for stationary source marijuana production/processing operations;
 - b. The PSCAA notes that control of odors from marijuana production activities is one of the key issues included in the air permit application review. The PSCAA may require the applicant to include specific conditions to address air quality issues and prevent nuisance odors.
19. Prior to Final Occupancy Approval of building permits for a marijuana production/processing land use, the applicant shall secure and provide to DPER a copy of the final WSLCB license approval.
20. Other than rough site grading and erosion control seed applications performed under this CSDP permit, all building construction work within the designated building envelope shall be subject to a separate building permit.

21. Approval of the proposed commercial site development shall not provide the applicant with a vested right to build without regard to subsequent changes in the building and fire codes listed in K.C.C. 16.04 and 17.04 regulating construction.
22. Future building permits within the approved building envelopes are vested for all site issues and non-building and fire codes at the time the CSDP application was deemed complete. This includes permitted land uses in KCC 21A in effect at the time the CSDP was deemed complete.
23. The CSDP permit is valid for the duration of the phasing plan. All subsequent building permit applications must be received by DPER and deemed complete within the timeframe of the phasing plan, which ends December 31, 2023. The CSDP shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan (**KCC 21A.41.100**).
24. Subsequent building permit applications may contain minor site modifications to the approved CSDP (within specified building envelopes, **KCC 21A.41.110**). Exceeding revision limits within a specified CSDP building envelope or conditions of approval will require a new CSDP for the entire site.
25. Subsequent permits for the subject site shall be issued only in compliance with the approved commercial site development plan. Additional site development conditions and site review will not be required for subsequent permits provided the approved plan is not altered (**KCC 21A.41.070**).
26. Modifications that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application (**KCC 21A.41.110**).



Jim Chan, Assistant Director for Permitting
Department of Permitting and Environmental Review

April 21, 2017
Date