

## Binding Site Plan Review, Type II

### What is a binding site plan review?

The purpose of binding site plan approval is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan can only be applied for the purpose of dividing land for the sale or for lease of commercially or industrially zoned property or for the lease of manufactured homes or travel trailers.

### What is the review process for a binding site plan review?

A binding site plan is reviewed through the same Type II process as a standard site plan. In addition to the requirements of a standard site plan as outlined below, a binding site plan shall contain:

- Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land
- Provisions making any development conform to the site plan

An example of a covenant meeting the requirements of item is provided as Exhibit A of this handout.

### What is a Type II Review Process?

Proposed commercial and industrial developments are subject to a Type II review process, which require a ministerial decision by the Responsible Official. In making the decision, the official must determine if the proposed development meets the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal and considering written comments

received from the public. The Responsible Official will approve, approve with conditions, or deny the application. This decision may be appealed to the county Hearing Examiner.

### Is a pre-application conference required?

A pre-application conference is required before submitting a Type II application. The requirement for a conference may be waived if the Planning Director determines that the proposal is relatively simple. A waiver requires the applicant to submit a completed Pre-Application Review Waiver Request Form and fee.

### What is the application process?

The first step is to complete a State Environmental Policy Act environmental checklist, if applicable. The Permit Center staff, located at the Public Service Center, Permit Services Center at 1300 Franklin Street, first floor, Vancouver, Washington, will assist the applicant in determining if a SEPA checklist is required with the application. The SEPA Review Application Form and Environmental Checklist are also available at the Permit Center.

The next step is to submit a completed Type II Site Plan Application Form, fees and a copy of the submittal requirements to the Permit Center.

### What if I didn't submit all of the required information?

The county conducts two application checks to ensure that applications are complete before staff begins their development

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1300 Franklin Street, Vancouver, WA 98660  
Phone: (360) 397-2375 Fax: (360) 397-2011  
[www.clark.wa.gov/community-development](http://www.clark.wa.gov/community-development)



For an alternate format, contact the Clark County ADA Compliance Office.  
Phone: (360) 397-2322  
Relay: 711 or (800) 833-6384  
E-mail: [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)

review process. Prior to accepting your application, the Permit Center staff will conduct a **Counter Complete** review of your submittal package. This initial review ensures that all main items listed within the site plan review submittal requirements have been submitted before accepting your application (see attached submittal list).

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the **Fully Complete** review. This more detailed review ensures that all items under the numbered headings of the attached submittal requirements have been submitted. As an example, does the Proposed Site Plan show topography at two-foot contour intervals, water courses, streams, rivers, etc., center of stream surveyed for all on-site water courses, FEMA designated 100 year floodplain, etc.

If required items are missing from your original submittal, you will receive a letter of **Not Fully Complete** with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a **Fully Complete** determination letter and be vested on the date you submitted the Fully Complete application.

### What is Vesting?

Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at

the time the fully complete application was submitted.

Examples:

1. An application is submitted on June 1 and determined to be Fully Complete on June 25. The application is vested as of June 1.
2. An application is submitted on June 1 and subsequently determined to be **Not Fully Complete** on June 25. In response, the applicant submits additional information on July 8. The revised application is subsequently determined to be Fully Complete on July 18.

**Note:** The completeness decision will be made within 14 calendar days of new submittals. The application is vested as of July 8, the day the fully complete application was submitted.

To be contingently vested on the date a pre-application is filed the following conditions must be met:

1. All the required pre-application conference information was submitted on the pre-application submittal date  
Note: the Pre-Application Conference Report will indicate whether the application is contingently vested.
2. A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the county issued the Pre-Application Conference Report.

### What kind of public notice is provided?

Within 14 calendar days from the Fully Complete date, a notice describing the proposal will be mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site and to the applicant.

The notice will invite written comments to be submitted within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner will

be sent to the applicant. The applicant may submit a written response within 14 days from the date the comments are mailed.

### **What is a SEPA determination?**

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed site plan be conducted. County staff and interested agencies will review the site plan application to determine its compliance with applicable federal, state and county code. Through this process, a determination will be made as to whether the impacts will be considered as Non-significance (DNS), mitigated non-significance (MDNS), or significance (DS).

For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report and Decision referenced below. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement prior to the county considering the proposed site plan. The SEPA determination is then published in *The Columbian* newspaper.

### **What is a staff report and when will the decision be made?**

Staff's role is to prepare a Staff Report that summarizes their review of the proposal against the requirements of the Clark County Code. In this report, staff will make a decision to approve, approve with conditions or deny the application. This written report will be mailed to the applicant within 78 calendar days of the Fully Complete determination.

### **Can the decision be appealed?**

The Responsible Official's decision may be appealed to the county Hearing Examiner by the applicant or any person or group. An appellant must submit an appeal application and fee within 14 calendar days

after the written notice of the decision is mailed.

### **After the preliminary site plan is approved, what is next?**

After receiving approval of the preliminary site plan, the applicant may submit the engineering constructions and building plans for review. A final site plan, which reflects any applicable conditions of approval, must be submitted with the engineering construction plans for approval.

### **How long do I have before I must begin construction of the development?**

A preliminary site plan approval shall be valid for a period of 5 years after approval, during which time an application for a building permit for the subject development must be submitted. This time limit may be extended where there is an approved phased development or separate development agreements have been approved. See CCC Section 40.500.010(B) for more details.

Please see *Engineering Construction Plan Review* handout for further information about the final engineering plan review process.

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**Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.520.040 Site Plan Review.**

**Submittal Requirements**

Refer to the *Type II, II-A and III Submittal Requirements* handout.

**Fee schedule**

The following fees are required to be paid when the application is submitted.

Application submittal fee	\$632
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The following fees are required to be paid when the application has been deemed Fully Complete.

Planning	\$3,379
Issuance	\$94

Fire Marshal Review	\$626
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Planning fee is reduced when combined with a Site Plan Review application and is in addition to Site Plan Review fees:

Planning	\$1,621
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Exhibit A

Serial #: \_\_\_\_\_  
Sec-T-R: Sec \_\_, T\_N, R\_E  
Project: PSR \_\_\_\_\_

**COVENANT RUNNING WITH THE LAND**

A covenant to **Clark County, State of Washington** (hereinafter "County"), from the undersigned, \_\_\_\_\_, owners of certain real property in Clark County, Washington, legally described herein below (hereinafter "Site"), pursuant to RCW 58.17.035 and RCW 58.17.040(4) which, under specific circumstances, grants the County the regulatory authority to exempt the Site from otherwise applicable platting requirements. This Covenant is for the limited purpose of exempting the subdivision of the Site from the plat/short plat requirements of Chapters 58.17 RCW and Title 40.540 of the Clark County Unified Development Code and for the purpose of enforcing the provisions of applicable statutes and codes, but does not create a real property interest in the County.

*RECITALS:*

WHEREAS, \_\_\_\_\_ are the owners of the site, which legal description is set forth in Exhibit A attached hereto; and

WHEREAS, the owner intends to divide the property for sale or lease; and

WHEREAS, the owner has previously obtained approval of a binding site plan for the Site from the County pursuant to Clark County Unified Development Code 40.100.070, being Binding Site Plan Review No. \_\_\_\_\_, which Binding Site Plan is attached hereto as Exhibit B; and

WHEREAS, a record of survey has been recorded in Book \_\_\_\_ at Page \_\_\_\_ of surveys, records of Clark County, State of Washington; now, therefore,

The undersigned, \_\_\_\_\_, understand and agree that this is a covenant running with the land which is binding on them, their heirs, assigns and successors in interest. The covenant remains in effect until the site is merged with the parcel from which it was divided pursuant to the above-mentioned binding site plan approval. The site is legally described in Exhibit A, attached, and the owners do hereby covenant to and agree with the County as follows:

1. That the undersigned covenant that they are the legal owners of the real property/site described in Exhibit A.
2. The Binding Site Plan attached hereto as Exhibit B will be strictly adhered to in the development and use of the site.
3. Any further development or change of use of the Site not set forth in the attached Binding Site Plan will be subject to review and approval through the general site plan review process pursuant to Clark County Code 40.520.040 or binding site plan approval under RCW 58.17.035-040, if applicable.
4. The Site shall not be considered a legal lot for uses other than those uses set forth in the Binding Site Plan.
5. If changes or amendments to the attached Binding Site Plan or the limitations and conditions attached thereto are deemed necessary or desirable, an application for the same shall be submitted and processed in accordance with the provisions of Chapter 40.520.040 of Clark County Unified Development Code or any successor ordinance.
6. A copy of this covenant shall be filed with the Clark County Auditor so as to appear as a covenant running with the land for the period of time that the site is used for the uses set forth in the attached Binding Site Plan.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved as to form:

By \_\_\_\_\_  
Christopher Horne  
Deputy Prosecuting Attorney

By \_\_\_\_\_

By \_\_\_\_\_

