Conditional Use Permit

What is the purpose of a conditional use permit?

Conditional uses are those that have unique characteristics or different impacts than those uses permitted outright within a zoning district, or uses with special characteristics that would be located in a residential neighborhood. For example, schools have traditionally been located in residential neighborhoods or zones. However, potential adverse noise, and other impacts from the school onto the neighborhood require special review of the school's location and design. The conditional use permit (CUP) process provides the special review.

What is the conditional use review process?

Proposed conditional uses are subject to a Type II-A process, which is an administrative review with public notice; and, requires the applicant to hold a neighborhood meeting prior to submitting the CUP application. A Type III process, which requires a public hearing may be required, if a public hearing requested by any party during the 21-day public comment period, or as may be determined by the Community Development Director. The applicant may choose to apply directly for a Type III CUP review and avoid the neighborhood meeting. The Type III process requires a public hearing before the county's Land Use Hearing Examiner.

In the Type II-A process, a Staff Report is issued, which contains findings of fact and conditions of approval. This decision may be appealed to the Hearing Examiner by the applicant or any party of record. The Hearing Examiner hears an appeal at a public hearing.

In the Type III process, the Hearing Examiner issues the decision as a Final Order after considering the Staff Report and Recommendation, the applicant's testimony, and testimony from the public. The Hearing Examiner's decision may be appealed to Superior Court of Clark County.

Is a pre-application conference required?

A pre-application conference is required before submitting a Type II-A or a Type III 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.

Is a meeting with the neighborhood required before an application is submitted?

Yes, the applicant must hold a neighborhood meeting no more than 90 days prior to the submittal of a Type II-A CUP application. See our *Neighborhood Review Meeting* handout for meeting requirements.

A neighborhood meeting is not required if submitting a Type III CUP.

The purpose of the neighborhood meeting is for the applicant to discuss the scope of the development with the neighbors. The

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Phone: (360) 397-2375 Fax: (360) 397-2011
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

applicant may discuss the primary and alternatives project designs, issues and mitigation for potential impacts with the neighbors prior to the application. The meeting must be held at a location within a reasonable distance from the proposed development site on a weekday evening at a reasonable time. A pre-application conference is not a substitute for the required neighborhood meeting.

What is required for the neighborhood meeting?

The applicant must send a notice of the meeting to the neighbors at least 15 days prior to the date of the meeting.

The meeting must follow all requirements as listed in the *Neighborhood Review Meeting* handout.

A copy of the notice, mailing list and the proposed development plan as presented at the meeting, the minutes and the sign-in sheet from the meeting must be submitted with the application.

What is the application process?

The application is a two-step process as follows:
1. Complete a State Environmental Policy Act (SEPA) environmental checklist. The SEPA checklist is available at on our website at www.clark.wa.gov/development 0r from the Permit Center located on the first floor at 1300 Franklin Street, Vancouver, Washington.

2. Submit a completed Type II-A Conditional Use Permit application form and the required fees, together with one copy of the required submittal items to the Permit Service Center.

What if I do not submit all of the required information?

The county conducts two checks to ensure that applications are complete before staff begins the review process.

1. The Permit Center staff conducts a **Counter Complete** review of the submittal package to ensure that all the items listed in the CUP submittal requirements have been submitted before accepting your application. See submittal requirements listed below.

2. Upon acceptance of the submittal package, it is routed to the review staff, who the **Fully Complete** review. This detailed review ensures that all items under the numbered headings of the attached Submittal Requirements have been submitted. For example, does the proposed 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 any of the required items is missing from your submittal package, you will receive a **Not Fully Complete** letter from the county listing of the missing items. If you do not submit the missing item(s) within 30 days, staff will return your application and refund the application fee, minus the processing costs incurred.

When **all** of the submittal requirements are submitted, the applicant is asked to provide five (5) additional copies of the submittal package with the revised plans and/or the additional information provided for Fully Complete determination. When the additional copies are received the county issues a **Fully Complete** determination letter to the applicant indicating the vesting date of the Fully Complete application.

What is vesting?

When an application is determined to be Fully Complete, it is vested and will be reviewed for compliance with the development regulations in effect when 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 on 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. The application is vested on July 8, the date the fully complete application was submitted.

Contingent vesting

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 must be submitted on the application date.

2. A fully complete application for substantially the same proposal must be 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 days of the fully-complete determination, date, the county mails out a public notice to:

- The Applicant
- The Neighborhood Association, if any
- The 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
- SEPA notice to newspaper
- Listed SEPA agencies

The notice indicates the date, time and place of the public hearing and invites interested parties to provide written comments within 14 calendar days of the date of the notice.

At the end of the comment period, copies of any written comments received by the county are sent to the applicant for response.

If the application is referred to a public hearing additional notification requirements and fees shall apply.

At least 30 calendar days prior to the public hearing, the **applicant** must post a public notice sign at the development site. The basic posting requirements, sign specifications need by the sign company and a sample *Affidavit of Posting* are contained in the *Applicant's Requirements Handout*.

County public hearing notice requirements

Fifteen (15) calendar days to the date of the public hearing, the county will:

- Post a public notice on the project site and two (2) additional locations in the area indicating the date, time and place of the hearing. The notice also provides a plan and a brief description of the proposed development.
- Have the notice published in *The Columbian* newspaper.

What is a SEPA determination?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed development be conducted. County staff and interested agencies will review the development 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 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 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 subdivision. The SEPA determination is published in *The Columbian* newspaper.

What is a Staff Report?

A Staff Report documents the findings of facts relating to a development proposal when reviewed against the applicable approval standards and requirements in Clark County's Unified Development Code.

For a Type II-A process, the Staff Report is the administrative decision of the Community Development Director or the responsible official on the application.

For a Type III process, the Staff Report is a recommendation to the Hearing Examiner, issued at least fifteen (15) days to the public hearing, to approve, approve with conditions, or deny the application.

What happens at the public hearing and when do I get to speak?

The hearing examiner announces the order of business at the public hearing. The county provides a handout that summarizes the proceedings at the public hearing to attendees.

When will I receive a decision on my application?

1. The Type II-A Staff Report and Decision is issued within 78 calendar days from the Fully Complete determination date.

2. The Type III Final Order by the Hearing Examiner is issued within 92 days of the Fully Complete determination. The Staff Report and Recommendation to the examiner is issued within 15 calendar days to the hearing date and mailed to the applicant, parties of record and the neighborhood association.

Can the decision be appealed?

A Type II-A decision may be appealed to the Hearing Examiner within 14 days from the date the decision is issued.

A Type III decision is final unless a motion is filed for reconsideration or an appeal is filed with Superior Court.

See our *Appeals* handout for more information and fees.

When can I reapply if my application is denied?

If the conditional use permit application is denied, reapplication cannot be accepted until one year after the date of denial.

How long do I have before I must complete the project?

Preliminary conditional uses shall be valid for a period of seven years after approval, or approved extension by the BOCC, during which time a fully complete application for a building permit must be submitted. This time limit may be extended where there is an approved phased development or a separate development agreement has been approved. See Clark County Code, Section 40.500.010(B) for more details.

See *Final Engineering Plan Review* handout for further information about the final engineering plan review process. It is available at www.clark.wa.gov/publicworks.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.520.030 Conditional Use Permits.

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.

Planning	$5,678
Issuance	$53
Hearing requested	$1,490

Planning fee reduced by 50 percent when submitted concurrently with Site Plan Review application.

Engineering	$1,800
Issuance	$53

Fire Marshal Review	$434

Fire Marshal Review fee is not required if already paid with associated Site Plan Review or Land Division Review.

SEPA Checklist Review	$1,222
Issuance	$53

SEPA Checklist Review fee is not required if already paid with associated Site Plan Review or Land Division Review.

A Legal Lot Determination may be required if a previous legal review has not been completed. Please see our *Legal Lot Determination* handout for more information and fees.