

Mixed Use Development

What is Mixed Use development?

Mixed use development refers to the development of a community with a mix of mutually-supporting retail, service, office and residential uses. It promotes cohesive site planning and design which integrates and interconnects two or more land uses into a development that are mutually supportive.

How do I know if a site is eligible for Mixed Use development?

There are two criteria that must be met before any development plan can be reviewed under the Mixed Use standards which include:

- Parcels or groups of contiguous parcels designated mixed use on the zoning map.
- If the requirements of the mixed use district conflict with other regulations, the more stringent of the two shall apply as determined by the responsible official.

Is a pre-application conference required?

A pre-application conference is required before submitting 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.

What is the Mixed Use application and review process?

All applications for Mixed Use developments must comply with Site Plan Section 40.520.040 and meet the design standards in Appendix A of CCC Title 40. Applications for Mixed Use developments with a proposed phasing of uses must also comply with the Master Plan Section 40.520.070. A mixed use plan will be processed under the Type III Review process, per Section 40.510.030.

A neighborhood meeting shall be held prior to submission of an application for a mixed use development. The applicant shall hold a public meeting to offer owners of property adjacent to the affected property an opportunity to participate in the development process.

See our *Neighborhood Review Meeting* handout for information and requirements. A pre-application conference is not a substitute for the required neighborhood meeting.

What is a Design Review Team?

Because of the special nature of a Mixed Use development, the expertise of qualified and licensed professionals, working as a team, is required for the planning, development and construction of any project to ensure fulfillment of the purposes and objectives of Chapter 40.230 and the Mixed Use Design Standards.

The design team shall include at least two design professionals including an architect and/or a landscape architect, and/or a civil

Revised 3/15/19



Community Development
1300 Franklin Street, Vancouver, Washington
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

engineer. All of the professionals must be registered to practice in the state. One of the above professionals shall be designated by the applicant to be responsible for submitting materials to and communicating with county staff with respect to the concept and details of the development plan. This designated professional shall act as a liaison between the department, the design team, and the applicant. The selection of this liaison shall not prevent the applicant or any member of the design team from conferring with staff or presenting material to the Hearing Examiner.

For sites that merit special consideration due to particularly unusual or adverse features or conditions, the expertise of additional design professionals may be required.

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 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 listed within the subdivision 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 Mixed Use Plan show Site Design, Vehicular Access and Parking, Pedestrian Environment, Building Design, Landscaping and Screening, 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 days of the fully-complete date, a notice of the application, with the date, time and place for the public hearing will be mailed to:

- Applicant
- Neighborhood Association, if any
- 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 and listed SEPA agencies

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.

Applicant public hearing notice requirements

At least 30 calendar days prior to the public hearing, the **applicant** must post a public notice sign.

Our *Applicant Posting Requirements* handout contains the basic posting requirements plus sign specifications needed by the sign company and a sample *Affidavit of Posting*.

County public hearing notice requirements

At least 15 calendar days prior to the public hearing date, the county will post public notices including the date, time and place of the hearing and describing the proposal as follows:

- Posted at the site
- Published in the newspaper
- 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
- Mailed to the Neighborhood Association
- Mailed to the applicant

The notice will invite interested parties to present testimony at the hearing either orally or in writing.

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 application to determine compliance with applicable federal, state and county code. Through this process the potential impacts of the development will be considered. A determination of d non-significance (DNS), mitigated non-significance (MDNS), or significance (DS) will be made.

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 (EIS) prior to the county considering the proposed subdivision. The SEPA determination is published in *The Columbian* newspaper.

What is a Staff Report?

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 recommendation to approve, approve with conditions or deny the application. This written report will be mailed to the applicant at least 14 calendar days prior to the scheduled public hearing on this matter.

When will the public hearing be held?

Within 78 days of a Fully Complete determination, a public hearing will be held before the county's Hearing Examiner to consider the application.

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

First, the applicant or their representative will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over cable access television. The applicant will next give a detailed description of the project and design considerations, showing the site plan and other drawings by either utilizing the overhead projector or making pre-meeting arrangements to use the Power Point projector.

Once the overview is completed, the applicant may next raise issues regarding the staff report and recommendations. This is also the time for the applicant to address issues that they believe may be brought up during the public testimony portion of the hearing, and/or issues they believe the Hearings Examiner may raise.

Once the applicant has completed their presentation, county staff will present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria.

Following the staff presentation, the hearing will be open to the general public for their testimony.

Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony.

The Hearing Examiner will then close the public hearing.

When will I receive a decision on my application?

Within 14 calendar days after the date the record closes, the Hearing Examiner will issue a written decision regarding the application. Within 7 calendar days of its issuance, the decision will be mailed to the applicant, other parties of record and the neighborhood associations.

Can the decision be appealed?

A decision by the Hearing Examiner 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.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.230.020

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
---------------------------	-------

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

Planning

Site Plan Review fee	\$5,041
Plus 100% Issuance	\$5,041
	\$53

Engineering	\$2,743
Issuance	\$94

SEPA Checklist Review	\$1,222
Issuance	\$53

Fire Marshal Review	\$434
---------------------	-------

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.