

Planned Unit Development, Type III Review

What is the purpose of a Planned Unit Development process?

The purpose of the Planned Unit Development (PUD) is to allow flexibility in design and creative site planning to produce a development that would be as good or better than the traditional lot by lot design. The PUD process may also allow flexibility in density and provide for mixed uses.

What is a Type III Review Process?

Proposed Planned Unit Developments are subject to a Type III review process, which requires a public hearing before the county Hearing Examiner. In making the decision, the Hearing Examiner must determine if the proposed plan meets the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal, and after considering staff's recommendation and testimony from the public. The Hearing Examiner will approve, approve with conditions, or deny the application. This decision may be appealed to the Board of County Councilors.

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 application process?

The first step is to complete a State Environmental Policy Act (SEPA) environmental checklist, if applicable. The Permit Center staff located at the Public Service Center, 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 available at the Permit Center.

The next step is to submit a completed Type III Planned Unit Development 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 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 Submittal Requirements have been submitted. As an

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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

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 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 subdivision be conducted. County staff and interested agencies will review the subdivision 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 (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 CVTV 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.

After the Planned Unit Development is approved, what is next?

After receiving approval of the preliminary Planned Unit Development, the applicant shall 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.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.520.080.

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	\$3,142
Issuance	\$53
Hearing requested	\$1,490
Fifty percent reduction of planning fee when PUD application is submitted concurrently with Site Plan Review or Subdivision application.	

Engineering Review for Stand Alone Master Plans

Deposit	\$200
Issuance	\$53
Engineering will bill at an hourly rate which must be fully paid before application is approved or finalized.	

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

Fire Marshal	\$434
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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.