

Land Use Process & Public Comment for Neighborhood Associations


Clark County
Marilee McCall, Neighborhood Program Coordinator
August 2023



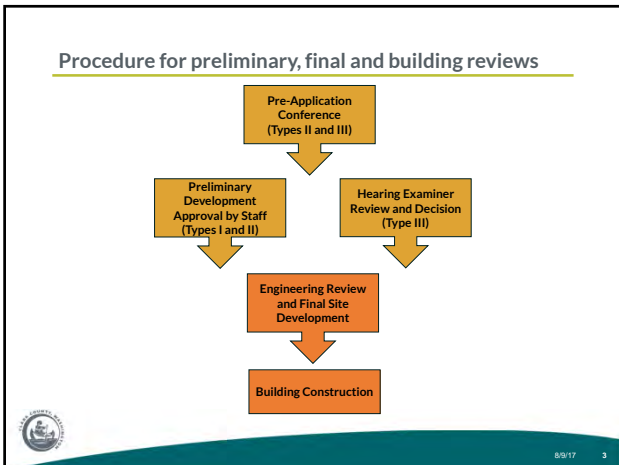
1

Presentation Agenda

- Community Development review process
- Difference between Type I, II, II-A, III, and IV reviews
- Steps of the process from application to construction
- Differences in Pre-Application, SEPA and Hearing notices
- Opportunities in the process to provide public comment
- Where to find more information on a project



2



3

Weekly Neighborhood Project Report

Land use projects in Clark County weekly report - 8/7/2023

Hi everyone,

The report of development projects in Clark County for the week ending Sunday, August 6, 2023, is attached.

This report is sorted by neighborhood association, making it easier to find the cases in your area.

If you have any questions on a specific application, please contact the planner listed for that case.


In addition to the usual PDF, we have included an excel document with the same projects listed.

This was a request by some neighborhood associations, to simplify analyzing the data.

This document will continue to be included in the weekly email.

Thank you!


[Project Report listing in Excel format](#)
[Project Report listing in PDF format](#)



8/9/17 10


10

Step 1: Pre-application Conference



Developer presents their idea for the project to county staff to review for code compliance. The developer pays for this review to determine if the proposal is allowed within the assigned zoning and if the overall concept aligns with county code.

Residents can submit public comments prior to this meeting and they will be considered by the planner during final review. They can also attend, but there is no public comment at these conferences, so make sure your comments are mailed or emailed to the planner prior to the conference.




8/9/17 11

11

Tips for Submitting Comments for Pre-App

- Things to include:
 - **CASE NUMBER and name of project** at top of letter or in subject line of your email.
 - **Traffic concerns such as:**
 - Road entry point
 - Sight distance issues
 - Questions on traffic control: i.e. right- or left-hand turn lane, stop signs, traffic lights, roundabouts, etc.
 - School bus stop locations
 - Reference specific intersections and roads. Submit map if possible.
 - **Environmental impact concerns**
 - Air quality, watershed and habitat protections
 - **Items that have county code references**
- Things NOT to include:
 - "I don't like the looks of this."
 - "Too many new houses being built here."
 - "Realtor told me that was going to be a park (or that it was always going to be undeveloped)."
 - "It's going to block my view."
 - General comments like: "this is going to create too much traffic" are not helpful because they are not specific enough to work towards any type of mitigation.



8/9/17 12

12

Step 3: Land Use Hearing

NOTICE OF APPLICATION AND HEARING DATE

- Notice is sent out within 14 days of the application being fully complete, and at least 15 calendar days prior to the hearing date.
 - Mailed to households within 300' of project in urban/500' in rural
 - Mailed to the recognized Neighborhood Association contact
 - The applicant is responsible for posting a signboard on the property at the project location within 30 days of the hearing. If the signboard is not up 30 days before the hearing, the hearing is rescheduled.
- Staff will issue a report and recommendation to the Hearing Examiner at least 15 calendar days prior to the hearing.
- A copy of the site plan or land division plan with a description of the proposal and the staff report can be viewed at: <https://clark.wa.gov/community-development/proposed-developments>



16

Hearing Notice

You'll receive a mailed notice if you're within the radius of notice for the project.

If you receive an email notice as a neighborhood leader or party of record, the subject line will be **Land Use Hearing Agenda for (date)**. The Hearing Agenda will be an attachment on the email.



When Not Observed in our Hearing Rooms for August 16, 2023.



17

Land Use Public Hearing Agenda

Date: Thursday, August 16, 2023 Time: 6:00pm

Location: Clark County will host the hearing in either of the following locations. Participants do not need to arrive in person and can watch the hearing on YouTube for additional information.

Case Number: PLD-2022-00091

Staff Contact: Michael Plummer, Planning & Development Services

Land Use Hearing Process

The Hearing Examiner reviews the proposed development.

The examiner makes the decision of approval or denial based upon the following evidence.

- State and county codes and/or any relevant legal precedence.
- The proposed plan and evidence submitted by the applicant.
- Staff analysis and recommendations presented in the staff report, which is based on state and county code.
- Written testimony submitted to the county prior to the hearing.
- Verbal testimony by applicant, public and staff.



18

Land Use Hearings – Submitting Written Testimony

- Submit your written testimony at least one week prior to the hearing. Some things to reference:
 - Include the CASE NUMBER and the name of the project at the top of your letter and include the hearing date.
 - If submitting via email, include this information in the SUBJECT LINE of your email and include the hearing date.
 - Code sections that are applicable. Type them out in your written testimony, so the hearing examiner doesn't have to go through the code to find them.
 - Include photos and maps if applicable, and clearly define roads and landmarks.
- Petitions demonstrate the number of concerned residents but remember that land use decisions are determined by code and law, not by popular vote.



19

Land Use Hearings – Tips for Testifying in Person

- Keep verbal testimony to the point; remember you only have three minutes. Make sure your verbal testimony meets the three minutes by practicing ahead of time.
- Bring at least two copies of the written testimony to submit to the record (one for the Hearing Examiner, one for the Clerk), especially if it includes photos or maps.
- During verbal testimony, reference the code section number(s), but don't use your time reading all of the code language.
- Be polite and thank the Hearing Examiner for the opportunity to comment.
- You may request the Hearing Examiner leave the record open if a substantial amount of new information was submitted after the staff report was issued.



20

Land Use Hearing Process

What are the possible outcomes/decisions?

1. **APPROVE** the development if the proposal *meets the code requirements*.
2. **APPROVE** the development **SUBJECT TO "CONDITIONS OF APPROVAL"** if the proposal *does NOT meet the code requirements but can meet it if conditions are required*.
3. **DENY** the application if the proposed development *does NOT meet the code requirements or the applicant failed to submit sufficient or credible evidence into the record to demonstrate that the proposal can meet code requirements, even if conditions of approval are required*.

The applicant has the burden of proof as to whether the proposed development meets or exceeds the code requirements.



21

Step 4: Development Engineering Review/Inspection



In this phase of review, county engineers review the infrastructure criteria of the approved site plan to ensure the plan meets code.
*Stormwater and drainage plans
*Sight distance & traffic safety
*Flood plain review and grading plans (if needed)

The dirt does not start moving on the site until after the plan has been approved by county engineers.

The county's development inspectors physically visit and inspect the site during the site construction of roads, sidewalks, utilities, and stormwater facilities.



25

Step 5: Construction of buildings



County plans examiners review the structure plans for code compliance.

As the structure(s) are built the developer will need to apply for and get approval for various permits including plumbing, electrical, and mechanical. Each of these need to be scheduled and signed off by county building inspectors for each phase of construction on the building.

When structure(s) are complete, the county performs a last occupancy inspection process prior to final sign off.



26

Appeals and Motions for Reconsideration

A final decision regarding an application may be appealed to different levels depending on the type of review.

- Type I or Type II decisions made by staff review may be appealed to the hearing examiner **within 14 calendar days from the mailing of the decision.**
- Type III decisions made by the hearing examiner review may be appealed to Superior Court, or a motion of reconsideration may be filed on Type III decisions made by hearing examiner review **within 21 calendar days after written notice of the decision is mailed.**
- Visit <https://clark.wa.gov/media/document/131361> for more information.

Who can appeal a decision?

- Type I – any interested party may appeal.
- Type II – only those who have submitted written comments to the Responsible Official within the comment period and provided accurate mailing address, also known as Parties of Record, may appeal the decision.
- Type III – only applicant and Parties of Record.



27

Motions for Reconsideration

Who can file a Motion of Reconsideration?

Any party of record to the proceeding may file a motion for reconsideration of an examiner's decision **within 14 calendar days of written notice of decision.**

The motion must identify the specific authority within the code or other applicable laws, and/or specific evidence in support of reconsideration.

A motion may be granted for any of the following causes that materially affects the right of the moving party:

- Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged.
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiner.
- The decision is not supported by substantial evidence in the record.
- The decision is contrary to law.



28

References and Links to more information

- Clark County's Property Information Center:
<https://gis.clark.wa.gov/gishome/property/>
- Community Development Proposed Developments page, with links to the upcoming Pre-Application conferences:
<https://clark.wa.gov/community-development/proposed-developments>
- Residential Zoning code:
<https://www.codepublishing.com/WA/ClarkCounty/?clarkco40/clarkco40220/clarkco40220010.html>
- Can't find information on a proposal online? Call or email the assigned planner directly. Information will be on the notice. You can also call Community Development at 564.397.2375.



29

Thank you!

Comments and questions

Clark County Public Service Center
 1300 Franklin Street • PO Box 5000 • Vancouver, WA 98666-5000
 Neighborhood Outreach office: 564-397-2316
 Community Development: 564-397-2375



30
