

## 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

Revised 4/30/12



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

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](http://www.clark.wa.gov/development) Or 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/engineering/index.html](http://www.clark.wa.gov/publicworks/engineering/index.html).

**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

The following checklist identifies information to be included with the application.

All items with an underlined space (i.e.,     ) must be submitted before the application will be considered **Counter Complete**.

All items with a check box must be submitted before the application will be determined **Fully Complete**. All bulleted items must be submitted, as applicable, but are not a Fully Complete requirement. The Pre-Application Conference Report will indicate any additional/exempted submittal requirements.

At the time of application, only one copy of the main submittal with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any special studies, such as wetland, floodplain, etc., shall also be submitted but bound separately.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

### 1.      **Cover sheet and table of contents**

Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, email address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.

### 2.      **Application form**

The application form shall be completed and original signed in ink by the applicant.

### 3.      **Application fee**

The required fee shall accompany the application. The check is to be made payable to Clark County Community Development. We also accept credit cards and electronic checks.

### 4.      **Pre-Application Conference Report**

A copy of the Pre-Application Conference Report must be submitted.

### 5.      **Developer's GIS packet**

A copy of the Developer's GIS Packet shall be submitted with the application. Applicants have the option of requesting their GIS Developer's Packet in PDF format on a CD or posted to one of our FTP sites. To order Developer's Packets, please contact GIS at (360) 397-2391 ext. 4082 or [themapstore@clark.wa.gov](mailto:themapstore@clark.wa.gov).

The packet includes the following:

- General Location Map
- Property Information Fact Sheet
- Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
- Elevation Contours Map
- Photography Map
- Photography Map with Contours
- Zoning Map

- Comprehensive Plan Map
- Water, Sewer and Storm Systems Map
- Soil Type Map
- Environmental Constraints Map
- Quarter Section Map

## 6. \_\_\_ Narrative

A written narrative shall be submitted that addresses the following:

- How the application meets or exceeds each of the applicable approval criteria and standards
- How the proposed plan meets the minimum area and dimensions of the base zone
- How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site
- The proposed hours of operation, frequency of truck deliveries and construction schedule

## 7. \_\_\_ Legal Lot Determination Information

The preliminary plat shall encompass the entire area of the legal lot(s) involved in the plat and designate the proposed use, such as lots, tracts, easements, dedications, for all land contained within the plat and any boundary line adjustments to be completed prior to final plat. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted:

- Current owner's deed if a lot determination is not required, as specified in the Pre-Application Conference Report. Otherwise one of the following is required:
  - Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot.
  - Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the Assessor's lot number.

## 8. \_\_\_ Approved preliminary plats abutting the site

A map shall be submitted that shows all approved preliminary land divisions that are yet to be recorded as listed within the pre-application conference summary, that abut the site including across public and private streets from the site. Also include preliminary approved and unrecorded divisions that are between the site and nearest public or private streets providing vehicular access to the site.

## 9. \_\_\_ Proposed development plan

- The proposed plan shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24 x 36 inches.

The following information shall be clearly depicted on the proposed development plan:

### General information

- Applicant's name, mailing address and phone number
- Owner's name and mailing address
- Contact person's name, mailing address, and phone number
- North arrow orientated to the top, left or right of page, scale and date
- Proposed name of project, such as subdivision or business
- Vicinity map covering ¼ mile radius from the development site (not required for rural area plans)
- Area of the site in acres or square feet

**Existing conditions**

Environmental conditions on and within one hundred (100) feet of the site must be shown.

For purposes of being determined fully complete, only those existing conditions that are shown on the GIS map, known by the applicant or are discussed in the pre-application summary must be included on the proposed plan.

- Topography at 2 foot contour intervals, or other intervals if not available from a public source, see GIS Packet
- Watercourses, streams, rivers, etc., see GIS Packet
  - Center of stream surveyed for all on-site water- courses with Professional Land Surveyor Stamp and signature
  - Areas prone to flooding
- FEMA designated floodplains, flood fringe, or floodway, see GIS Packet
- Designated shoreline areas, see GIS Packet
- Water bodies and known wetlands, see GIS Packet
- Wetland delineation, see Pre-application Report
- Unstable slopes and landslide hazard areas, see GIS Packet
- Significant wildlife habitat or vegetation, see GIS Packet
- Significant historic sites, see GIS Packet and Pre-Application Report

**Land use and transportation**

- Layout, square footage and dimensions of all parcels
- Location(s) of any existing building(s) on the site and use
- Location and width of existing easements for access, drainage, utilities, etc.
- Name, location and width of existing rights-of-way
- Centerline and right-of-way radius of existing roadways that abut the site
- Name, location, width and surfacing materials, such as gravel, asphalt or concrete, of roadways and easements, private and public
- Location of existing driveways and those driveway across the street to include distance between driveways and roadways edge to edge
- Location and width of existing pedestrian and bicycle facilities on and within 100 feet of the site
- Transit routes and stops within 600 feet of the development site, see GIS Packet

**Water and Sewer**

- Location and direction to nearest fire hydrant, see GIS Packet
- Location of existing sewage disposal systems and wells on the site
- Location of existing sewage disposal systems and wells within 100 feet of the site as available from Public Health

**Proposed improvements****Environmental**

- Wetland, stream, steep bank buffer areas/protected areas
- Planned enhancement areas

**Land use and transportation**

- The configuration and dimensions of the project boundaries, proposed lots and tracts, including proposed park, open space, and or drainage tracts or easements

- Dimensions of all proposed easements
- Location of any existing buildings to remain on the site to include approximate square footage and dimensions from property lines. For all structures include the number of stories, construction type, such as metal, wood, concrete block, etc., and proposed uses
- Location and width of all road rights-of-way
- Pedestrian and transit facilities
- Location and width of proposed pedestrian and bicycle improvements other than those in standard locations within road rights-of-way
- Location, width from curb to curb and surface material of all proposed roadways, private and public, provided by drawing or note and typical cross-section from county road standards
- Location of all road segments in excess of 15 percent grade that are either on the site or within 500 feet of the site which are being proposed for site access
- Location, width and surface material of off-site roads which will provide access to the site within 500 feet of the site
- Location and width of proposed driveways for corner lots and driveways where site distance standards cannot be met
- Site distance triangles where site distance standards can not be met
- Location and width of proposed easements for access, drainage, utilities, etc. provided by drawing or note
- Off-street parking and loading areas

#### Landscape plan

- Location of landscaped areas showing the variety and size of plant material and method of maintenance
- Location and design of architectural features, such as screening, fencing and walls
- Surface water treatments integrated with the landscaping plan

#### Sign Plan

- A sign plan shall be submitted that includes size, height, and location of all proposed signs.

#### Outdoor Lighting Plan

- An outdoor lighting plan shall be submitted that shows the areas of illumination for each outdoor light.

### **10. \_\_\_ Soil analysis report**

### **11. \_\_\_ Preliminary stormwater design report**

### **12. \_\_\_ Proposed stormwater plan**

### **13. \_\_\_ Project engineer statement of completeness and feasibility**

The project engineer shall include a statement that all information required by CCC 40.385 Stormwater and Erosion Control Ordinance is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible.

### **14. \_\_\_ Proposed phasing plan**

A phasing plan shall be submitted (if applicable), to include transportation and water quality improvements.

**15. \_\_\_ Traffic study**

Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the State of Washington, with special training and experience in traffic engineering. If a traffic study is required, the county will provide a scope of the study at the pre-application conference.

- Traffic study must be stamped, signed, and dated by a Professional Civil Engineer registered in the State of Washington
- Road Modification, if applicable

**16. \_\_\_ State environmental review**

A State Environmental Policy Act Environmental Checklist must be completed, original signed in ink, and submitted. Handout is available at the Permit Center.

**17. \_\_\_ Proof of submitting an archaeological pre-determination to the state (DAHP), if applicable**

Predetermination reports and archaeology surveys, if required, must be reviewed by the Washington State Department of Archaeology and Historic Preservation (DAHP). Proof must be provided indicating the predetermination and/or survey have been submitted to DAHP for review. Proof can be via an email confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.

**18. \_\_\_ Sewer district utility review letter**

A utility review letter must be submitted from the public sewer district, or one copy of a preliminary soil suitability analysis, or equivalent, for on site systems from the Clark County Public Health. For existing septic systems, provide a copy of the original approval.

**19. \_\_\_ Water utility review letter**

A utility review letter must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal as specified within the Pre-Application Conference Summary Report. Or provide current evidence of the availability of suitable ground water where the water purveyor has determined public water or community water systems cannot be provided. Contact the Clark County Public Health.

**20. \_\_\_ Public Health project review evaluation letter, if use of wells or septic systems is proposed**

A Clark County Public Health Project Review Evaluation Letter must be submitted if the proposed development is planning to use wells and/or septic systems. This evaluation is conducted to identify any on-site water wells or septic systems, and confirm that the use of wells and/or septic systems is feasible.

**21. \_\_\_ Neighborhood meeting documentation**

A copy of the notice, mailing list, proposed development plan, as presented at the meeting, minutes and the sign-in sheet from the meeting must be submitted. See our *Neighborhood Review Meeting* handout for more information.

**21. \_\_\_ Covenants or restrictions**

All existing covenants or restrictions and/or easements that apply to the property must be submitted, available from a title company.

**22. Associated applications**

Applications associated with the preliminary plat, such as archaeological, critical aquifer recharge areas (CARA), floodplain, forestry, geo-hazard, habitat, shoreline, wetland, road modification, variances, etc., must be submitted with this application. See Pre-Application Conference Report.

**23. Submittal copies**

\_\_\_\_ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures

\_\_\_\_ One copy of any special studies (wetland, floodplain, etc.) bound separately

After the application is fully complete, the new copies must contain revisions and any additional information required in the fully complete review. The copies must be bound using jumbo clips, stapled or spiral bound. The applicant must select Option A or B below and proceed as follows:

**Option A**

Submit a CD in PDF format, with a copy of the fully complete application. Any special studies shall also be included on the CD. The CD application shall be organized as follows:

- The application submittal shall be organized in the same order as the fully complete application table of contents, with a separate PDF document for each separate item.
- The PDF document must be organized into separate files. Each PDF file must be labeled with a number followed by a name (example):
  1. Cover Sheet and Table of Contents
  2. Application Fee
  3. Pre-Application Conference report
  4. etc.

If submitting by CD, you will also need to include three full-size sets of paper plans.

**Option B**

Submit five additional individually bound paper copies of the fully complete application, except any special studies as identified within the Pre-Application Conference Report.

We are also requesting that an electronic copy of the land division/site plan be submitted by email to [angie.merrill@clark.wa.gov](mailto:angie.merrill@clark.wa.gov).

The applicant will also be required to submit additional individually bound copies of any special studies as identified below.

Copies of any special studies as identified within the Pre-Application Report as following:

- One original and three copies - Traffic Study and Road Modification requests
- One original and two copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland.
- Two reduced copies on 11" x 17" for all sheets larger than 11" x 17."

**Staff Notes**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

This application was determined to be Counter Complete on: \_\_\_\_/\_\_\_\_/\_\_\_\_

Permit Technician: \_\_\_\_\_

**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	\$1,528
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.



**Application types**

If you have any questions regarding the type of application being requested, our Permit Technicians will be happy to assist you.

- Annual Review
- Appeal
- Boundary Line Adjustment and Lot Reconfiguration
- Conditional Use

**Environmental/Critical Areas**

- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- Floodplain
- Geological
- Habitat
- Habitat Monitoring
- Historic
- SEPA
- Shoreline
- Wetland
- Wetland Monitoring

**Land Division**

- Binding Site Plan
- Final Plat
- Plat Alteration
- Short Plat (\_\_\_ Infill)
- Subdivision (\_\_\_ Infill)

**Miscellaneous**

- Addressing
- Accessory Dwelling
- Covenant Release
- Home Business
- Legal Lot Determination and Innocent Purchasers Determination
- Non-Conforming Use Determination
- Sewer Waiver
- Shooting Range
- Sign

**Planning Director Review**

- Post Decision
- Pre-Application Conference
- Pre-Application Waiver
- Public Interest Exception
- Similar Use
- Temporary Use
- Planned Unit Develop/Master Plan
- Road Modification
- Site Plan
- Variance
- Zone Change