

Rebecca Messinger

From: Kathleen Otto
Sent: Tuesday, August 30, 2022 3:55 PM
To: Rebecca Messinger; Tina Redline
Subject: FW: Suspension of the Annual Site Specific Comprehensive Plan Review and Amendment



Kathleen Otto
County Manager

564.397.2458



From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Tuesday, August 30, 2022 3:48 PM
To: Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Richard Rylander <Richard.Rylander@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Suspension of the Annual Site Specific Comprehensive Plan Review and Amendment

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

August 30, 2022

Re: Suspension of the Annual Site Specific Comprehensive Plan Review and Amendment

FOR THE PUBLIC RECORD

Dear Councilors,

Clark County Citizens United, Inc., a non-profit organization representing thousands of Clark County citizens and landowners, is opposed to suspending the Annual Review process for the three year time span from October 1, 2022 to September 30, 2025. Such action would mean a person with a counter complete application filed in 2021, would not be able to realize their request until 2025 at the earliest. It would seem that vesting rights would override such an action.

This type of action proposed by Clark County staff has been commonly done at each Comprehensive Plan update, leaving applicants in limbo for three or more years. Even though there is much confusing conversation and story telling over RCWs, etc., staff has not adequately explained what the actual problem would be and the damage the county would incur, if the applications processed in the usual way, independent of a Plan update. The only possibility is applications that should vest, would possibly be altered, removed or thrown out altogether because staff determined they didn't want the change that was being proposed by the applicant, even though it complied with applicable laws.

Those folks who filed a complete application, on any given year, should have an expectation of final review and completion, according to Clark County Code and RCWs, in a timely fashion. A suspension is not mentioned in the county codes or RCWs and should not be allowed. If the county regularly allows for an annual review process and has particular code to allow that action, it should not be annulled by a simple request from staff. It would seem the proposed actions would require a code change, which staff is not asking for, in this request. Such an action would have to go through a much greater public process. Resolutions do not have the power of law, whereby codes and RCWs do.

If the annual review comprehensive plan amendment applications were allowed to go through the usual process, CCCU sees nothing that would stop the county from also going through the required Comprehensive Plan update. The county would simply need to take into account these pending review applications and incorporate them into the proposed changes to the Plan. What CCCU sees is a staff proposal with no real merit, other than to control the legal actions and property rights of the applicant, at great expense. Therefore, Clark County Citizens United, Inc. asks the Council to reject the staff proposal to delay the annual review comprehensive plan amendment public process from October 1, 2022 to September 30, 2025.

Sincerely,

Carol Levanen, Exec, Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

Staff Notice: Council will conduct a public hearing on **Tuesday, September 6 at 10 a.m.** to consider a resolution relating to the suspension of the annual site specific comprehensive plan review and amendment cycle from October 1, 2022 through September 30, 2025. For more information visit <https://clark.wa.gov/community-planning/overview-annual-reviews-and-dockets-plan-amendments>

<p>40.560.040 Annual Review Process</p> <p>A. Annual Review Timeline and Submittal Requirements.</p> <p>1. Site-specific plan map amendments (annual reviews) requested by property owners pursuant to RCW 36.70A.130(2) are legislative actions, subject to Type IV process (Section 40.510.040).</p>

a. Between October 1st and November 30th, a preapplication form containing all of the following information: **(CCCU notes: This application will not process until the next year)**

- (1) The preapplication fee pursuant to Section 6.110A.015;
- (2) Application form signed by the owner(s) of record;
- (3) Description of request;
- (4) GIS packet;
- (5) Related or previous permit applications and approvals; and
- (6) A statement on how the plan/zone change request is consistent with all of the applicable policies and criteria in the comprehensive plan and this chapter.

b. Between October 15th and December 31st, county staff and the applicant shall complete preapplication meetings.

c. Between January 1st and January 31st, the applicant shall submit an application form containing all of the following, including the information required by Section 40.560.040(D):

- (1) The applicable comprehensive plan and rezone application fees;
- (2) SEPA checklist and applicable fee;
- (3) Copy of deed, real estate contract or earnest money agreement;
- (4) A full analysis of how the plan/zone change request is consistent with the applicable policies and criteria in the comprehensive plan and this chapter;
- (5) A market analysis is required for amendments to add or remove land with a commercial designation;
- (6) A Transportation Analysis. A transportation analysis may be waived by the Public Works Director as provided by Section 40.350.020(D)(8); and
- (7) Any additional information the applicant believes is necessary to justify the amendment.

d. The responsible official shall determine if the application is fully complete as required by Section 40.560.040(D). Once the application has been determined to be fully complete, the responsible official shall complete the actions in Section 40.560.040(E).

e. The above process and timeline is intended as a guideline. Actual processing time may depend upon the number of applications and activity level at the time of formal applications.

f. If the applicant has not supplied the required information by March 15th, the responsible official shall inform the property owner and their representative in writing that no further consideration will be given to the request for this **annual review cycle**.

g. The responsible official shall schedule a public hearing before the Planning Commission subsequent to a fully complete determination.

h. The responsible official shall schedule a public hearing before Council and forward to Council the Planning Commission recommendation.

i. At the conclusion of Council hearings on the annual review cycle, Council will adopt a single ordinance disposing of all annual reviews.

3. Burden of Proof. The proponent bears the burden of proving compliance with the criteria for plan amendments.

4. The county may not accept annual review applications for properties within an urban growth boundary which are in the process of being annexed.

B. Preapplication Review.

1. The purposes of preapplication review are:

a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;

b. To acquaint the applicant with the applicable requirements of this code and other law. However, the preapplication conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The preapplication review does not prevent the county from applying all relevant laws to the application; and

c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public may attend a preapplication conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.

2. Preapplication review is required for all applications for annual review.

3. To initiate preapplication review, an applicant shall submit a completed development application form provided by the responsible official for that purpose, the required fee, and all information required by the relevant section(s) of this code. The applicant must provide the required number of copies of all information as determined by the responsible official.

4. Information not provided on the development application form must be provided on attachments to the form. The responsible official may modify requirements for preapplication materials and may conduct a preapplication review with less than all of the required information. However, the applicant's failure to provide all of the required information may prevent the responsible official from identifying all concerns and issues or providing the most effective preapplication review. Review for completeness will not be conducted by staff at the time of submittal; completeness is the responsibility of the applicant.

5. Within fifteen (15) calendar days after receipt of an application for preapplication review, the responsible official shall provide written notice to the applicant, the applicant's representative, and to other interested agencies and parties, including the school district and neighborhood association in whose area the property in question is situated. The responsible official shall post notice of the preapplication conference to the Clark County Planning Department web pages. The notice shall state the date, time and location of the preapplication conference, the purposes of preapplication review, and the nature of the conference.

6. The responsible official shall coordinate the involvement of agency staff responsible for planning, roads, drainage, parks, schools, and other subjects, as appropriate, in the preapplication review process. Relevant staff shall attend the preapplication conference or shall take other steps to fulfill the purposes of preapplication review.

7. The responsible official shall schedule a preapplication conference at least five (5) calendar days after the notice is sent out but not more than twenty-eight (28) calendar days after the responsible official accepts the application for preapplication review. The responsible official shall reschedule the conference and give new notice if the applicant or applicant's representative cannot attend the conference when scheduled.

8. Within seven (7) calendar days after the date of the preapplication conference, the responsible official shall provide a written summary of the preapplication review to the applicant, and other parties who sign a register provided for such purpose at the preapplication conference or who otherwise request it in writing. The summary will be emailed to the applicant and other parties, unless they request that it be mailed. The written summary must do the following to the extent possible given the information provided by the applicant:

- a. Summarize the proposed application(s);
- b. Identify the relevant approval criteria and development standards in this code or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;
- c. Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
- d. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
- e. Identify information relevant to the application that may be in the possession of the county or other agencies of which the county is aware, such as:
 - (1) Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
 - (2) Physical development limitations, such as steep or unstable slopes, wetlands, wellhead protection areas, water bodies, or special flood hazard areas, that exist on and in the vicinity of the property subject to the application;
 - (3) Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.

C. Review for Counter Complete Status.

1. Before accepting an application for review for fully complete status, and unless otherwise expressly provided by this code, the responsible official shall determine the application is counter complete.
2. The responsible official shall decide whether an application is counter complete when the application is accepted, typically "over the counter."
3. An application is counter complete if the responsible official finds that the application purports and appears to include the information required by Section 40.560.040(D)(1). Staff shall make no effort to evaluate the substantive adequacy of the information in the application in the counter complete review process. The responsible official may waive a requirement to provide certain information upon determining that the information is not necessary.
4. If the responsible official decides the application is counter complete, then the application is accepted for review for fully complete status.

5. If the responsible official decides the application is not counter complete, then the responsible official shall immediately reject and return the application and identify what is needed to make the application counter complete.

D. **Review** for Fully Complete Status.

1. An application is fully complete if it includes all the required materials specified in the submittal requirements and in the preapplication conference report. In addition to the submittal requirements in the applicable code sections, to be considered fully complete, the application must also include the following:

a. If the property owner is not filing the application, the property owner shall sign a statement authorizing the applicant to file the application on their behalf;

b. A signed statement from the applicant certifying that the application has been made with the consent of the lawful property owner(s) and that all information submitted with the application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. Submittal of the application gives consent to the county to enter the property(ies) subject to the application;

c. The signature of the property owner or the property owner's authorized representative;

d. A written narrative that addresses the following:

(1) How the application meets or exceeds each of the applicable approval criteria and standards; and

(2) How the issues identified in the preapplication conference have been addressed, and, generally, how services will be provided to the site;

e. A copy of the developer's GIS packet obtained for the preapplication submittal;

f. A legal description supplied by the Clark County Survey Records Division, a title company, surveyor licensed in the state of Washington, or other party approved by the responsible official, and a current County Assessor map(s) showing the property(ies) subject to the application;

g. A copy of the preapplication conference summary, and information required by the preapplication conference summary;

h. The applicable fee(s) adopted by the County Council for the application(s) in question;

i. An applicable SEPA document, typewritten or in ink and signed.

2. An application must include all of the information listed as application requirements in the relevant sections of this code. The responsible official shall determine the fully complete status of an application, including any required engineering, traffic or other studies, based on the criteria for completeness and methodology set forth in this code. Staff shall evaluate the substantive adequacy of the information in the application.

3. If the responsible official decides an application is fully complete, then the responsible official shall, within fourteen (14) calendar days of making this determination:

a. Send to the applicant a written notice of receipt of a complete application which acknowledges acceptance, lists the name and telephone number of a contact person on county staff, and describes the expected **review** schedule; and

b. Forward the application to the relevant staff for processing.

4. A fully complete determination does not preclude the county from requesting additional information, studies or changes to submitted information or plans.

5. If the responsible official decides an application is not fully complete, then the responsible official shall, within fourteen (14) calendars days of making this determination:

a. Send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete. The statement must specify that the required missing information must be provided within fourteen (14) calendar days of the date of the letter.

b. If the applicant resubmits the application for a **second review** for fully complete status, the responsible official shall notify the applicant within seven (7) calendar days from the date it was resubmitted, whether it is deemed fully complete or whether it is incomplete. If complete, the responsible official shall forward the application to the relevant staff for processing.

c. If the responsible official decides the application is still incomplete, the responsible official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete. The required missing information must be provided within seven (7) calendar days of that written statement.

d. If the applicant resubmits the application for a **third review** for fully complete status, the responsible official will notify the applicant within seven (7) calendar days from the date it was resubmitted, whether it is deemed fully complete or whether it is incomplete.

e. If the responsible official decides the application is fully complete, the responsible official shall forward the application to the relevant staff for processing. If the responsible official decides the application is not fully complete, the responsible official shall reject and return the application and submitted fees.

E. Once an application has been determined to be fully complete, staff shall include the following in its **review**:

1. Completion of county SEPA official determination;

2. Circulation and publication of SEPA determinations to the applicant, affected jurisdiction(s), neighborhood associations, and agencies;

3. Preparation of a single staff report and recommendation based on an assessment of impacts of plan change requests, and any other plan changes initiated by the county; and

4. Schedule a public hearing before the Planning Commission.

F. After the Planning Commission hearing, the responsible official shall schedule a public hearing before Council and forward to Council the Planning Commission recommendation.

G. After the public hearing by Council, Council shall adopt a single ordinance disposing of all **annual** reviews and dockets.

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail ccuinc@yahoo.com