



CLARK COUNTY  
WASHINGTON

COMMUNITY DEVELOPMENT  
LAND USE REVIEW

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This handout is intended as an informational guide. For more information, refer to Clark County Code.

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# Type I, II, IIA and III Preliminary Plan Review Processes

## Why are there four different types of review?

Proposed developments are classified for different levels of review depending upon their complexity and their potential impacts to the community.

The **Type I** review process involves an application subject to non-discretionary standards or standards that require the exercise of professional judgment about technical issues, and that is exempt from the State Environmental Policy Act review. Examples of Type I reviews include permits for signs, home occupations, family day cares, and variance requests to deviate from minimum standards by 10 percent or less. County staff has the authority to issue Type I review permits.

The **Type II** review process involves an application subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and which there may be a limited public interest. Examples of Type II reviews include residential or commercial site plan, short plats and variance requests of 10-25 percent. County staff has the authority to issue Type II review approvals.

The **Type II-A** review process provides the opportunity for a specific application to be referred to a public hearing, a Type III process, by choice of the applicant, the Planning Director, or a member of the public. The Type II-A process requires the applicant to conduct an informational meeting for the neighborhood prior to submitting the application. Examples of Type II-A reviews include Conditional Use Permits, Planned Unit Developments, and Master Plans.

The **Type III** review process is for site-specific land use applications that may involve a broad public interest, and are subject to standards that require the exercise of substantial discretion. Examples of Type III reviews include subdivisions, zone changes, and appeals. Type III reviews require a public hearing before the hearings examiner with the examiner making the final decision.

## What is a Pre-Application Conference?

For Type II, II-A, and III reviews, the applicant must attend a pre-application conference prior to submitting the development application. The purpose of the pre-application is to acquaint the applicant with the procedures and requirements of the code and other laws that apply to their development. It is also an opportunity for other agencies, such as the Washington Department

of Transportation, to comment on the proposed development. The public may attend the conference, but are not allowed to comment.

### **What is a SEPA determination?**

The State Environmental Policy Act requires a review of potential environmental impacts of the proposed development. Based upon the applicant's responses to the questions on the SEPA checklist, county staff and interested agencies will review the development application to determine its compliance with applicable federal, state, and county codes. Through this process, a determination will be made as to whether the impacts will be considered:

- non-significant (a Determination of Non-Significance)
- mitigated to the level of non-significance (a Mitigated Determination of Non-Significance) when conditions can be required to mitigate anticipated impacts
- significant (a Determination of Significance)

For a DNS or MDNS determination, an analysis will be incorporated within the staff report and final decision. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement prior to the county considering the proposed development.

### **How is the public informed about their opportunity to comment on proposed developments?**

Type I reviews require no public notice and are often issued "over the counter" following a brief review.

Type II, II-A, and III reviews have a public notice requirement that includes specified times within which the public may comment. Public notice for Type II, II-A and III reviews are mailed to all property owners within 300 feet of the proposed development if located in an urban area, 500 feet if located in a rural area, or one-half mile for mining applications in both urban and rural areas. Notice is also published in *The Columbian* newspaper.

For Type III reviews, signs are also posted on the property indicating the type of development proposed, opportunities to comment, and the public hearing date, time and location.

### **When and how do I get to comment?**

Once a Type II, Type II-A, or Type III application is submitted, the public notice specifies a fifteen day comment period in which the public may submit written comments to county staff. Staff will take these comments into consideration as they develop their staff report and make their decision for Type II, or Type II-A applications, or recommendation to the hearings examiner for Type III applications.

For the Type II-A process only, neighbors may comment directly to the project proponents during the neighborhood meeting that is held before the application is submitted to the county. After the application is submitted, the regular comment process still applies.

The Type III application process also provides the opportunity for the public to present testimony and evidence at the required public hearing.

### **What happens at the public hearing?**

After the Hearing Examiner opens the hearing, county staff presents an overview of the proposed project and concludes with a summary of their analysis and findings, and makes a recommendation to approve, approve with conditions, or deny the application.

Next, the applicant may present their testimony and address issues regarding the staff report and recommendations.

Following the applicant's presentation, the hearing will be open to the general public for their testimony.

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

The Hearing Examiner will then close the public hearing, after which no more new comments will be considered.

### **How long do the various processes take?**

Type I review decisions must be issued within 21 days from receipt of a complete application.

For Type II, II-A and III reviews, the process begins with a pre-application conference that is held within 21 days of receiving the pre-app application.

Following the pre-application conference, the applicant submits a full development application for review. Upon submittal, the county conducts a Fully Complete review to determine if the application includes all the required information. The county will send a Fully Complete Determination letter within 21 days that informs the applicant whether or not the application is complete.

For a Type II or II-A review, staff must issue a decision within 78 days of the date that the application was determined to be fully complete.

For Type III reviews, a public hearing must be held within 78 days of the date that the application was determined to be fully complete, and a final decision issued within 92 days.

The review deadlines may be extended when requested by the applicant. These requests are sometimes needed to allow the applicant time to submit additional information in support of the application.

### **Can I appeal a decision made by staff or the examiner?**

Yes. Appeals must be submitted in writing, together with the appeal fee, within 14 calendar days from the date the decision is mailed.

For Type I review decisions, any interested party may appeal the decision. For Type II or II-A review decisions, only the applicant or a party of record, such as someone who submitted written testimony to staff prior to issuance of the decision, may appeal the decision. An appeal of a Type I, II or II-A decision will be heard by the Hearings Examiner at a public hearing.

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.