

Wireless Communication Facilities – Conditional Use

What is the purpose of a conditional use permit?

Conditional uses are those that have unique characteristics or different impacts than those uses commonly allowed outright within a particular zone, or uses that would be located in neighborhoods with special characteristics. As an example, schools have traditionally been located in residential zones, yet because of their traffic demands, noise and other unique impacts, the school's location and design require special review. The conditional use permit (CUP) process has been established to provide this type of special review.

What is the conditional use review process?

Proposed conditional uses are subject to a Type III review process, which requires the applicant to hold a neighborhood meeting prior to submitting the CUP application. The Type III process requires a public hearing before the county Hearing Examiner.

In making the decision, the Hearing Examiner must determine whether the conditional use proposal meets the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal and considering testimony from the public. The Hearing Examiner will approve, approve with conditions, or deny the application.

The Hearing Examiner will issue the decision in a written Final Order after considering staff's 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 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 may be submitted?

Yes, the applicant must hold a neighborhood meeting no more than 90 days prior to the submittal of a Type III CUP application for a new support tower. See our *Neighborhood Review Meeting* handout for meeting requirements.

The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting must be held at a location within a reasonable distance of 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.

Revised 1/7/15



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
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

What is required for the neighborhood meeting?

The applicant must send a notice of the meeting at least 15 days prior to the scheduled meeting.

The meeting must follow all requirements as listed in our *Neighborhood Review Meeting* handout.

A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting must be submitted with the application.

What is the application process?

The first step is to complete a State Environmental Policy Act (SEPA) environmental checklist. The SEPA checklist is available on our website at www.clark.wa.gov/development or from Permit Center staff, located at the Permit Center on the first floor at 1300 Franklin Street, Vancouver, Washington.

The next step is to submit a completed application form and the required fees, together with one copy of the required submittal items to the Permit Service 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 attached Submittal Requirements have been submitted. As an 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 660' radius (if within an urban growth boundary), and a 1,320' 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.

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 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 and make a recommendation to the Hearing Examiner 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, staff will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over cable access television. Staff's presentation will include site photos and conclude with a summary of the staff report and recommendation.

Once the staff presentation is completed, the applicant may provide testimony in support of the application and may raise issues regarding the staff report and recommendation. 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, 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, notice of the decision will be mailed to the applicant, other parties of record, and the neighborhood association.

Can the decision be appealed?

A Type III 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.

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 five years after approval, 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 separate development agreements have been approved. See Clark County Code, Section 40.500.010(B) for more details.

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 and 40.260.250 Wireless Communication Facilities.

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.

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.

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
- A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, and anticipated coverage of the facility and the ability to accommodate future co-location opportunities
- If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility
- An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location, how and why such efforts were unsuccessful, and how and why the proposed site is essential to meet service demands for the geographic service area
- An analysis of existing WCFs within the intended service area, describing the status of collocation opportunities at these sites
- The proposed frequency of trips the proposal could be expected to generate

7. __ Authorization to use site and support structure

Documentation that establishes the applicant's right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement, license agreement or letter of authorization to use the facility from the owner of the support structure.

8. __ Legal lot determination information

If the lot is part of a plat, binding site plan, or subdivision, no lot information is required beyond that supplied in the GIS packet. If the application is not part of a plat, binding site plan, or subdivision, the applicant is required to either:

- Complete a legal lot determination
- Submit a 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

9. __ 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.

10. ___ Proposed site 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".

The following information shall be clearly depicted on the proposed site 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 oriented to the top, left or right of page, scale, and date
- Proposed name of project
- 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 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
- 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
- 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

Conditional use requirements

- Layout of proposed structures including square feet
- Architectural drawings and sketches of buildings indicating floor plan, elevations, types of materials and colors, and type of construction per the International Building Code
- Elevation plans showing the proposed tower and antennae, and the height of each as well as any lightning rods, as applicable
- Location, dimensions and number of off-street parking and loading areas
- Distance between existing and proposed structures and associated facilities, and nearest residence on adjacent properties

Landscaping

- Landscape and screening plans for new support towers and structures and urban area arterial and collector roadways must be submitted, to include:
 - o Location, number, species, size at planting, and spacing of proposed plant material

- Location, number, species and size of existing landscape material to be removed and/or retained
- Location, type (such as sod, groundcover or shrub mass) and area (in terms of square feet and percentage of site) of all soft landscaped areas and buffers
- Location, height and materials of fences, buffers, berms, walls and other methods of screening
- Landscaping and screening Installation procedures and maintenance plans

11. ___ Aerial photograph

An aerial photograph, which clearly indicates the location of the proposed facility in relation to:

- Significant features within 1320 feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments, adjacent land uses, and properties used for public purposes
- Governmental jurisdictional boundaries within 500 feet of the proposal boundaries
- Cliffs, snags, talus, Oregon white oak woodlands, urban natural open space, waterfowl habitat and bald eagle foraging areas within a 1000 feet as defined by the Department of Fish and Wildlife as Priority Habitats and Species areas subject to CCC 40.440

12. ___ Photographic analysis

A photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers must be submitted.

13. ___ Soil analysis report, if applicable**14. ___ Preliminary stormwater design report, if applicable****15. ___ Proposed stormwater plan, if applicable****16. ___ 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.

17. ___ 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.

18. ___ Proof of submitting an archaeological pre-determination to the state, 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.

19. __ 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 there are wells or septic systems on the site. This evaluation is conducted to identify any on-site water wells or septic system and if the project will impact them.

20. __ Covenants or restrictions

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

21. __ 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.

22. __ Engineering report

For new support towers, a report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:

- The facility complies with all requirements of the International Building Code
- The structural capability of the facility will support co-located antennas, if applicable
- The facility complies with all applicable standards of the FAA and FCC, including RF energy standards
- The basis for the calculation of capacities

23. __ FAA Compliance

For new towers, evidence of compliance with Federal Aviation Association (FAA) requirements must be submitted with the application.

24. __ 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.

25. 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: FullyComplete@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:

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.

Site Plan Review

Unoccupied utility structure

Planning	\$2,429
Issuance	\$94
Engineering	\$601
Issuance	\$94

Conditional Use Permit

Planning*	\$5,678
Issuance	\$53
Engineering	\$1,800
Issuance	\$94

*If submitted concurrently with a Site Plan Review application, the planning fee is \$2,839 plus the issuance fee

SEPA review	\$1,528
Issuance	\$53

Fire Marshal Review, if applicable \$434

Public hearing \$1,490

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.

Development Application

Project name:		
Type(s) of application (see reverse side):		
Description of proposal:		
Applicant name:		Address:
E-mail address:	Phone and fax:	
Property owner name (list multiple owners on a separate sheet):		Address:
E-mail address:	Phone and fax:	
Contact person name (list if not same as applicant):		Address:
E-mail address:	Phone and fax:	
Project site information:		Comp plan designation:
Site address:		
Cross street:	Zoning:	Parcel numbers:
Overlay zones:	Legal:	Acreage of original parcels:
Township:	Range:	¼ of section:

Authorization

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the county to enter the properties listed above.

Applicant's signature

Date

Property owner or authorized
representative's signature

Date

For staff use only

Case number: _____

Work order number: _____

Revised 6/14/12



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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

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