



MEMORANDUM

DATE: August 30, 2024

TO: Chair Adigweme and Planning Commissioners

CC: Rebecca Kennedy, Deputy Director, Community Development Department

FROM: Bryan Snodgrass, Principal Planner, Community Development Department

RE: **September 10 Planning Commission Workshop discussion of three 2024 Comprehensive Plan and zoning code text clean-up amendments – Updated development project timelines and notification provisions, and addition of new project to Capital Facilities Plan**

Minor Comprehensive Plan or zoning code text changes identified by City staff are typically brought forward for Planning Commission and City Council workshop and public hearing review every fall. This year's changes are limited to two areas of the zoning code updated timelines for processing development applications and new notification requirements- and an unrelated change to the Comprehensive Plan text with the addition of a new project to the Capital Facilities Plan. These will be considered by the Planning Commission at the September 10 workshop and an October 22 public hearing. City Council dates have not yet been scheduled.

City Development Review as well as Long Range staff will attend the workshop to answer Commission questions.

1. Updated development project review timelines in zoning code

Recent GMA changes include 2023 amendments through HB [5290](#), well summarized in [this article](#), which amend local government timelines and other requirements for processing development permits. Most of the new mandates do not require changes to Vancouver code, but in some cases new maximum timelines for issuing final decisions will be required, as indicated in the table:

Permit Review	New GMA requirement	Current City Code	New City Code Envisioned
Type I (Ministerial)	Final decision no later than 65 calendar days	28 days	No change
Type II (Site Plans and other Administrative Reviews)	No later than 100 days	120 days	100 days
Type III (Subdivisions, Conditional Use Permits and other Public Hearing Review)	No later than 170 days	120 days	170 days. City will continue to use current 120-day timeline as a target.

See Attachment A herein for specific code amendment language envisioned.

2. New notification requirements in zoning code

For Type II administrative and Type III public hearing development applications, City Code currently requires a notice of application to be sent by mail to property owners and residents within 500 feet of the site no later than 14 days after the proposed project is determined to be fully complete. The current process involves the applicant submitting the mailing labels to city staff, which then generates the public notice, makes the necessary number of copies, places the labels on the envelopes, inserts the notices into the envelopes and places them in the outgoing mail.

In recognition of generally increasing development activity, shortened review timelines, increasing numbers of nearby properties requiring notification, and budget constraints, City staff is proposing to shift some of the notification burden to development applicants, while retaining core determinations for City staff. Proposed changes would have the applicant obtain the necessary addresses, label the envelopes, and put the postage on the envelopes, and then provide them to the City along with the development application. Once the application is deemed fully complete, the City would prepare the notice, make the copies, place them in the preaddressed and stamped envelopes and mail the notice of application to those property owners and occupants addressed on the envelopes.

Unlike timelines which Vancouver Code addresses once for all permits of a given numerical (I, II, etc.) type, notification requirements are listed repeatedly with each individual permit (Site Plan, Subdivision, etc.). Below is the language change staff envisions proposing in the various permit sections regarding the new notification information for applications to include:

Certified mailing list. Current Clark County assessor map(s) showing the property(ies) within a 500-foot radius of the site, per the requirements in VMC [20.210.050](#) and [20.210.060](#), decision-making procedures, and one set of stamped and addressed envelopes and ~~two sets~~ one set of mailing labels with the names and addresses of owners of all properties within the 500-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to “occupant” as can be determined from available county assessor records ~~(two copies)~~.

3. New project added to Capital Facilities Plan in Comprehensive Plan

The main Comprehensive Plan document contains summaries of total long term Capital Facilities costs and major facilities at the time of adoption. These summaries were informed by separate listings of individual projects. Periodically, to demonstrate for grant or other purposes that a new individual project is fully consistent with the Comprehensive plan, the new project is added to project list through formal adoption into the Comprehensive Plan.

One such project to add in 2024 is the 18th Street Corridor Power Line Trail, which consists of a 14-foot wide hard surfaced pathway between the east leg of Burnt Bridge Creek Trail near 92nd Avenue to 192nd Avenue, with pedestrian scale lighting and a vegetative buffer between the trail and the 18th Street corridor, including additional amenities like park benches and wayfinding. The trail will interface with many existing facilities along the corridor including the Burnt Bridge Creek greenway, Cascade Middle School, Evergreen High School, Mackenzie Stadium, First Place Park, Pacific Community Park, Section 30, and the Harmony Sports Complex. The trail will also eventually connect to the LaCamas Heritage Trail network located east of the 192nd Avenue corridor. Completion of the Powerline Trail network achieves a long-standing City objective to link Vancouver Lake and LaCamas Lake with a multi-use pathway.

ATTACHMENT A - UPDATED DEVELOPMENT PROJECT REVIEW TIMELINES

20.210.050 Type II Applications.

A. *Pre-application conference.* A pre-application conference is required for all Type II applications, unless waived under Section [20.210.080\(B\)](#) VMC before a Type II application is submitted. Pre-application conference requirements and procedures are set forth in Section [20.210.080](#) VMC.

B. *Application requirements.*

1. *Application forms.* Type II applications shall be made on forms provided by the planning official.
2. *Submittal information.* Type II applications shall:
 - a. Include the information set forth in the chapter of this title governing the permit requested;
 - b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and
 - c. Be accompanied by the required fees.

C. *Counter-complete determination.* At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section [20.210.090](#) VMC.

D. *Fully-complete determination.* No later than 28 calendar days after receipt of a counter-complete Type II application, the planning official shall notify the applicant as to the completeness of the application. Determination of fully-complete status shall be pursuant to Section [20.210.100](#) VMC. An application shall not be deemed fully complete until all information listed in the code applicable to the action requested and/or in the pre-application conference summary is submitted.

E. *Notice of Application.* Within 14 calendar days after the date a Type II application is determined fully complete, the planning official shall issue a Notice of Application which shall include all of the following:

1. The case file number(s), the date of application, and the date a fully complete application was filed;
2. A description of the proposed project, and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;
3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter [20.790](#) VMC, if applicable, or other matters covered by SEPA;

4. The identification of any existing environmental documents that may be used to evaluate the proposed project;
5. A statement of the public comment period, a statement that the public has the right to comment on the application, receive notice of the decision, request a copy of the decision once made, and a notice of any appeal rights;
6. An indication that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;
7. An indication that all evidence relied upon by the planning official to make the decision shall be contained within the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the planning official;
8. The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant, if any;
9. A description of the site, including current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
12. An indication that after the comment period closes, the planning official shall issue a Type II Notice of Decision; and
13. Any additional information determined appropriate by the planning official.

F. *Distribution of Notice of Application.* The Notice of Application shall be published in a newspaper of local circulation and sent to the following persons by regular mail:

1. The applicant and all owners of the site which is the subject of the application;
2. All owners and residents of record of property as shown on the most recent property tax assessment roll, located within 500 feet of the site;
3. Any city recognized neighborhood association whose boundaries include the site;
4. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;

5. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or which is otherwise entitled to such notice;
6. Any person who requested, in writing, to receive a copy of the Notice of Application.

G. *Comment period.* The planning official shall allow 14 calendar days after the date of Notice of Application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the Planning official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to the comments of the planning official within 14 calendar days from the date the comments are mailed. The planning official in making his decision shall consider written comments timely received in response to the Notice of Application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

H. *Timeline to make Final Decision.* The Final Decision on a Type II application shall be made and mailed pursuant to Section [20.210.050\(D\)](#) VMC not more than **100 120 calendar days** (90 days for short subdivisions) after the date a fully complete determination is made. This period shall not include:

1. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.
2. Time spent preparing an environmental impact statement.
3. Time between submittal and resolution of an appeal.
4. Any extension of time mutually agreed upon by the applicant and the city in writing.

I. *Final Decision.* The Final Decision on a Type II application shall contain the following information:

1. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
2. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;
3. The date the planning official's decision shall become final, unless appealed;
4. A statement that all persons entitled to notice or who have standing under Section [20.210.130\(B\)\(2\)](#) VMC may appeal the decision;
5. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;

6. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;
7. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;
8. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;
9. The reasons for a conclusion to approve, approve with conditions or deny the application;
10. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law;
11. The date the Final Decision is mailed; and
12. A copy of the mailing labels showing (1) the persons who were mailed the Final Decision, and (2) the persons who were mailed the Notice of Decision.

J. *Distribution of the Final Decision.* The planning official shall provide an affidavit of mailing of the Final Decision as part of the file. The Final Decision shall indicate the date the Final Decision was mailed and demonstrate that the required Final Decision was mailed to the necessary parties in a timely manner. A Final Decision shall be sent by regular mail to:

1. The applicant and all owners of the site which is the subject of the application;
2. Any city recognized neighborhood association whose boundaries include the boundaries of the project site;
3. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;
4. Any person who requested, in writing, to receive a copy of the Final Decision of the planning official; and

K. *Notice of Decision.* A Notice of Decision shall include the information contained in Sections [20.210.050](#)(I)(1)-(6), (10) and (11) VMC above.

L. *Distribution of Notice of Decision.* The planning official shall provide an affidavit of mailing of the Notice of Decision as part of the file. The Notice of Decision shall indicate the date the notice was mailed and demonstrate that the required notice was mailed to the necessary parties in a timely manner. A Notice of Decision shall be sent on the same day as the Final Decision by regular mail to:

1. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or who is otherwise entitled to such notice;

2. Any person who provided written comments on the application during the public comment period and provided a mailing address.

M. *Final Decision and effective date.* A Type II decision is subject to the required appeal period when the Final Decision and the Notice of Decision are mailed. A Type II decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section [20.210.130](#) VMC shall apply. (Ord. M-3643, 01/26/2004)

20.210.060 Type III Applications.

A. *Pre-application conference.* A pre-application conference is required for all Type III applications, unless waived under Section [20.210.080\(B\)](#) VMC before a Type III application is submitted. Pre-application conference requirements and procedures are set forth in Section [20.210.080](#) VMC.

B. *Application requirements.*

1. *Application forms.* Type III applications shall be made on forms provided by the planning official.
2. *Required submittals.* Type III applications shall:
 - a. Include the information set forth in the chapter of this title governing the action requested;
 - b. Address the relevant criteria applicable to the action requested in sufficient detail for review and action; and
 - c. Be accompanied by the required fees.

C. *Counter-complete determination.* Section [20.210.050\(C\)](#) VMC shall apply to Type III applications.

D. *Fully-complete determination.* Section [20.210.050\(D\)](#) VMC shall apply to Type III applications.

E. *Notice of Application/Hearing.* Within 14 calendar days after the date a Type III application is determined fully complete, the planning official shall issue a Notice of Application to a newspaper of local circulation and to the parties listed in Section [20.210.050\(F\)](#) VMC which shall include:

1. The case file number(s), the date of application, and the date a fully complete application was filed;
2. A description of the proposed project and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;
3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter [20.790](#) VMC, if applicable, or other matters covered by SEPA;

4. The identification of any existing environmental documents that may be used to evaluate the proposed project;
5. A statement of the public comment period; a statement that the public has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made; and a notice of any appeal rights;
6. The date, time, place, and type of hearing, if established at the time of the Notice of Application. If the hearing date has not been established at the time of issuance of the Notice of Application, the notice of hearing procedures of [20.210.120\(B\)\(1\)](#) and (2) shall apply;
7. A statement that a consolidated staff report and SEPA review will be available for inspection at no cost at least 10 calendar days before the public hearing and the deadline for submitting written comments;
8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
12. The designation of the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority;
13. Any additional information determined appropriate by the planning official.

F. *Comment period.* The planning official shall allow 30 calendar days after the date of Notice of Application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the planning official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to the comments of the planning official within 14 calendar days from the date the comments are mailed. The planning official in making his decision shall consider written comments timely received in response to the Notice of Application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

G. *Timeline to Make Final Decision.* The Final Decision on a Type III application shall be made and mailed pursuant to Section [20.210.050\(H\)\(1\)](#) VMC not more than [170.420-calendar days](#) (90 days for subdivisions) after the date a fully-complete determination is made. This period shall not include:

1. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.

2. Time spent preparing an environmental impact statement.
3. Time between submittal and resolution of an appeal.
4. Any extension of time mutually agreed upon by the applicant and the city in writing.

H. *Hearing Procedures and Final Decision.* Section [20.210.120](#)(B)(1)(b)-(d) and (B)(3)-(14) VMC shall govern the hearing procedures and Final Decision for a Type III application.

I. *Distribution of Final Decision.* Section [20.210.120\(B\)\(11\)](#) VMC shall govern distribution of a Final Decision on a Type III application.

J. *Distribution of Notice of Decision.* Section [20.210.120\(B\)\(13\)](#) VMC shall govern distribution of Notice of Decision on a Type III application.

K. *Appeal.* [20.210.130](#) VMC shall govern an appeal of a Final Decision on a Type III application. (Ord. M-3643, 01/26/2004)