



STAFF REPORT

TO: Planning Commission
FROM: Oliver Orjiako, Director
PREPARED BY: Laurie Lebowsky, Planner III

DATE: February 21, 2019
SUBJECT: CPZ2019-00026 CLARK COUNTY UNIFIED DEVELOPMENT CODE
(TITLE 40.230.050) AMENDMENTS – UNIVERSITY DISTRICT

PROPOSED ACTION

Amendment to the Clark County Unified Development Code, Title 40 (CCC) 40.230.050 – University District (Table 40.230.050-1.Uses) to add dormitories as a permitted use. (Exhibit 1)

BACKGROUND

The University District in the Title 40 is intended to provide long-term opportunities for educational and related uses within the community. The University District zone applies primarily to the Washington State University-Vancouver (WSU-V) campus and this code section currently does not allow dormitories as a permitted use.

WSU-V initiated a revision to its master plan last year, which is a document that guides long-term development for the campus and serves as the foundational document for its conditional use permit. The master plan was last updated in 2007 and changes such as the addition of the ITech Preparatory school necessitated the need for the university to review its long-term plan and conduct a public review process. One need that was identified included adding undergraduate dormitories to address the needs of its undergraduate students. WSU-V held three public open houses in 2018 to discuss proposed changes to its master plan including the addition of dormitories. Those open houses were held on the following dates: February 5, 2018, March 27, 2018, and April 2, 2018. The concerns expressed at those open houses were primarily that the dormitories should be located away from the adjacent neighborhood and that the campus should always be a commuter school. WSU-V cannot update its master plan until the University District code is first amended to allow dormitories as a permitted use. Currently, the only place the University District applies in the County is the WSU-V campus. After the text amendment is processed, the University can then formally apply for the Type III County Land Use approval to update its master plan.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

Representatives from WSU-V held three open houses in 2018 to solicit public input regarding the proposed update to the WSU-V master plan, and the addition of dormitories was discussed at these open houses. The open house information is included in the binder. A Notice of Determination of Non-Significance and SEPA Environmental Checklist were published in the Columbian newspaper on January 2, 2019. A legal notice was published for the Planning Commission hearing on January 2, 2019. The proposed changes to CCC 40.230.050 were sent to the Department of Commerce on

December 12, 2018 under RCW 36.70A.106(3)(b), requesting an expedited review. Commerce sent a letter of Acknowledgement also on December 12, 2018 indicating they will undertake an expedited review. The Development Engineering Advisory Board will review the proposed changes on January 3, 2019.

RATIONALE AND ANALYSIS

The Clark County Unified Development Code, Title 40 (CCC), consolidates all development-related regulations, land use zoning, critical areas and environmental protection.

CCC is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implements applicable comprehensive plan policies, or reflect changes in federal/state law.

Growth Management Act (GMA)

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 4.

Goal 4 Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock". [RCW 36.70A.020(4)].

WAC 365-196-410 Housing Element section provides recommendations for meeting the element requirements. Under WAC 365-196-410(2)(a)(iii)(B), "The housing element shows how a county or city will accommodate anticipated growth, provide a variety of housing types at a variety of densities, provide opportunities for affordable housing for all economic segments of the community, and ensure the vitality of established residential neighborhoods...

- (iii) Housing goals and policies should address at least the following:
- (A) Affordable housing;
 - (B) Preservation of neighborhood character; and
 - (C) Provision of a variety of housing types along with a variety of densities."
- [WAC 365-196-410(2)(a)(iii)(B) and (C)].

Finding: The proposed text amendment to the Title 40 development code to allow dormitories in the University District is consistent with the type and intensity of uses expected in the Urban Growth Area. The proposed amendment is consistent with the applicable GMA Goal 4 and WAC 365-196-410.

NEXT STEPS

The County Council will hold a Work Session on January 30, 2019 and a public hearing on February 12, 2019 to discuss these proposed changes to CCC 40.230.050.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors.

Exhibit 1 – Title 40 Amendments
40.230.050 University District

40.230.050 University District (U)

A. Purpose.

The University (U) district is intended to provide long-term opportunities for educational and related uses within the community. Such educational facilities enhance the identity and image of the community as a desirable place for human growth and development and provide opportunities and facilities for various activities and needs of a diverse and dynamic population. The purpose of this section is to allow such development to occur in a manner that does not adversely impact the community and provides and protects the natural and physical assets of the community. In addition, the purpose is to provide a timely but adequate review of such development and to create predictability for institutions of higher education in the planning process.

B. Uses.

The uses set out in Table 40.230.050-1 are examples of uses allowable in this zone district. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
- “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

Table 40.230.050-1. Uses		
	U	Special Standards
1. Services – Educational.		
a. Universities and colleges, including public, parochial and private. ²	P	
b. Teaching facilities, including but not limited to classrooms, lecture halls, seminar rooms, teaching laboratories, and related support facilities. ²	P	
c. Offices for administration, faculty, staff, graduate students, student government, and clerical purposes with related support facilities. ²	P	
d. University information services, including but not limited to libraries, instructional media production, news and information centers, radio and television broadcasting facilities, bookstores, publication and printing services, and related information services. ²	P	
e. Research facilities, including but not limited to agricultural experiment stations, scientific research laboratories, joint public-private research facilities, medical research institutes, and related research activities. Research facilities may also include agricultural uses, normally associated with land grant universities, such as crop research plots, hay and pasture land, facilities for the care of wildlife and/or domestic livestock, and	P	

Table 40.230.050-1. Uses		
	U	Special Standards
veterinary science facilities. ²		
f. Services for the campus population including but not limited to medical clinics, child care centers, student union buildings, bookstores, counseling services, copy centers, career planning and placement centers, and related services. These services may include, but are not limited to services for the convenience of the campus population such as postal services, barber and beauty shops, food service, banking facilities, travel agencies, and similar establishments normally associated with a campus community. ²	P	
<u>g. Dormitories.</u>	<u>P</u>	
<u>gh.</u> Facilities for spectator, cultural and sporting events including but not limited to performing arts centers, museums and outdoor amphitheaters. ²	P	
<u>hi.</u> Recreational facilities for the campus population including but not limited to tennis courts, softball fields, athletic playfields, swimming pools and other indoor and outdoor sports facilities. ²	P	
<u>ij.</u> Physical plant facilities for the operations and maintenance of the university. ²	P	
<u>ik.</u> Other supportive nonresidential uses which are determined by the responsible official to be customarily associated with, and appropriate, and incidental to the principal permitted uses and which are consistent with the mission of the institution.	P	
2. Other.		
a. Any other uses included in an approved MDP.	P	
b. Buildings that exceed the height regulations in Table 40.230.050-3	C	
c. Utilities, other than wireless communications facilities	P	40.260.240
d. Wireless communications facilities	P/C ¹	40.260.250
e. Solid waste handling and disposal sites	C	40.260.200
f. Temporary uses	P	40.260.220
g. Electric vehicle infrastructure	P	40.260.075
h. Roadside farm stand	P	40.260.025

Table 40.230.050-1. Uses		
	U	Special Standards
i. Agricultural market	P	40.260.025
j. Medical marijuana collective gardens	X	
k. Marijuana-related facilities	X	

¹ See Table 40.260.250-1.

² Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2011-06-14; Ord. 2012-06-02; Ord. 2013-07-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-06-12)

C. Development Standards.

1. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for lots, building height, setbacks and building separation in Tables 40.230.050-2 and 40.230.050-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040)

Table 40.230.050-2. Lot Requirements			
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
University	None	None	None

Table 40.230.050-3. Setbacks, Lot Coverage and Building Height					
Zoning District	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side (feet)	Rear (feet)		
University	20	10, 20 ¹	10, 20 ¹	50%	72 ²

¹ Setback shall be ten (10) feet unless the site adjoins a residential district in which case the minimum setback shall be twenty (20) feet.

² No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed seventy-two (72) feet in height unless a conditional use permit is granted. Uninhabitable portions of a building, such as a spire, dome, lantern, clock tower, shall be allowed to exceed the height limit as provided for in Section 40.200.060.

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

3. Off-Street Parking and Loading.

a. Off-street parking shall be provided as required in Chapter 40.340. No off-street parking or loading area shall be allowed within twenty-five (25) feet of a property line, unless the responsible official finds that a buffer will exist that effectively screens the parking from an adjoining residential zone, in which case no off-street parking or loading area shall be allowed within ten (10) feet of an adjoining residential zone or public right-of-way or access easement.

b. All motor vehicle parking, maneuvering, and loading areas shall be paved. Other surfaces may be used for fire lanes as approved by the fire marshal and responsible official; provided, the alternative surface will accommodate emergency vehicle loads.

c. Bicycle and pedestrian paths shall be provided in accordance with the approved master plan. Such paths are allowed within the required setback areas.

4. Site Plan Approval. New development shall be subject to Section 40.520.040, Site Plan Approval, prior to issuance of a building permit. In addition to the requirements of Section 40.520.040, the following requirements shall apply to properties located within the U district:

a. Buildings and structures shall be sited to minimize to the extent possible the interruption of views from adjacent residential areas to any identified significant geographic feature, such as the Cascade Range.

b. Landscaping shall be provided that, at maturity, will adequately screen parking lots and vehicle loading and maneuvering areas from surrounding residences while not significantly obscuring views of identified significant geographic features, such as the Cascade Range.

- c. Landscaping shall be of a type that has growth characteristics given conditions on the site to be effective at screening from the intended view shed within two (2) years of planting, although complete effectiveness may not occur for additional years. Minimum size for shrubs shall be six (6) feet within two (2) years of installation; minimum size for trees shall be twelve (12) feet within two (2) years of installation.
 - d. All required landscaping shall be installed prior to issuance of a certificate of occupancy, unless otherwise approved by the responsible official pursuant to Section 40.320.010(G). Landscaping shall be designated in phases in a reasonable manner to coincide with the phasing of the overall construction which may occur.
 - e. Areas which are to be preserved and maintained in their natural setting shall be so designated on a landscape plan, and subject to the review and approval of the responsible official. Preserving native vegetation can be used to meet stormwater requirements as designated in Chapter 40.386.
 - f. Any mature trees which are lost as a result of new building construction shall be replaced with new plantings of equivalent long-term quality and value based on the International Society of Arboriculture guidelines.
 - g. All mechanical heating and ventilating equipment shall be visually screened as required in Section 40.320.010(D)(2), as approved in the site plan review process.
 - h. Exterior lighting shall be installed to avoid disruption to abutting properties and to avoid traffic safety hazards as required in Section 40.570.080(C)(3)(i), as approved in the site plan review process.
5. Performance Standards. No land or structure shall be used or occupied within the U district unless there is compliance with the following minimum performance standards:
- a. Noise. The maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended.
 - b. Vibration. Vibration which is discernible without instruments at the property line of the use concerned is prohibited.
 - c. Smoke and Particulate Matter. Air emissions must be approved by the Southwest Clean Air Agency.
 - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
 - e. Lighting. Exterior lighting shall be directed so as to not shine onto or significantly interfere with uses of abutting properties and to avoid traffic safety hazards.
 - f. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
 - g. Storage, Handling, and Use of Hazardous Materials. The storage, handling and use of hazardous materials shall be in compliance with all applicable local, state and federal regulations. Changes in the use of hazardous materials shall be reported to the county fire marshal for review and approval.
 - h. Rooftop and Ground-Level Exterior Equipment. The provisions of Section 40.320.010 shall apply. The screening shall be incorporated into the design of the building.
 - i. Solid Waste. All uses within the U district shall establish and implement a recycling program to reduce the amount of material disposed of at landfills.

(Amended: Ord. 2006-09-13; Ord. 2015-11-24)

D. Special Requirements.

- 1. Development on properties of five (5) acres or more within the U district shall not be undertaken without first obtaining approval of a Master Development Plan (MDP). The hearing examiner shall consider the MDP at a public hearing conducted pursuant to Section 40.510.030. The application will be reviewed as a Type III process.
- 2. In the case of a property that is less than five (5) acres or in the case of a reuse of an existing building, no MDP shall be required.
- 3. The MDP application shall include the following:
 - a. Vicinity map;
 - b. Site analysis including key natural features;
 - c. Site plan showing the proposed locations of buildings and related facilities;
 - d. General layout of streets, utilities, and drainage management measures;
 - e. Maps and/or narrative showing off-site improvements, if any, necessary to serve the proposed development;
 - f. Proposed phasing of development and the overall schedule of phasing;
 - g. Other information as determined by the responsible official.
- 4. The hearing examiner shall approve the proposed MDP or approve with conditions only if it is found that the plan and schedule satisfy the following:
 - a. Provide an overall general plan which is properly related to and preserves the natural features and resources on the site and vicinity;
 - b. Provide for land uses and intensities that are consistent with the comprehensive plan, this chapter, and with the planned capacity of public facilities;
 - c. Assure that the proposed development is considered as a whole and will conform to the comprehensive plan, the zoning standards, and all applicable county plans;
 - d. Assure that phased development is properly coordinated;

e. Do not significantly adversely impact the surrounding properties and uses.

Projects for which an MDP or the equivalent have been reviewed as part of any other regulatory process for which a public hearing was required prior to January 1, 1995, shall be exempted from this requirement.

5. The responsible official shall have the authority to review and approve minor modifications to a previously reviewed MDP as a Type II process; provided, that the requirements of this section are satisfied. A minor change is one which does not change the overall land use concept and the project as a whole, does not substantially increase intensity of development, or does not materially affect the relationship of the development to adjacent land uses. Any other changes must be processed as a new application.

