

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Planning

**DATE:** April 16, 2019

**REQUESTED ACTION:**

Community Planning is requesting Clark County Council approval of ordinance adopting CPZ 2019-00026 University District

  X   Consent        Hearing        County Manager

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**BACKGROUND**

Community Planning is requesting Council approval of an ordinance amending CCC40.230.050 University District.

**COUNCIL POLICY IMPLICATIONS**

The adopting ordinance will amend CCC40.230.050 to allow dormitories as an outright permitted use in the University District.

**ADMINISTRATIVE POLICY IMPLICATIONS**

N/A

**COMMUNITY OUTREACH**

In 2018, staff from Washington State University-Vancouver (WSU-V) held three open houses regarding the update to its master plan. Those open houses were held in February, March, and April of 2018. Including dormitories on the campus was one of the proposed changes to the WSU-V campus presented at the open houses.

Council held two work sessions on the proposed changes to the Clark County Code on January 31, 2019 and March 6, 2019.

Planning Commission (PC) held a work session on the proposed development code amendments on February 7, 2019. The Department of Commerce received a copy of the proposed Clark County Code changes on December 18, 2018 and had no comment. A SEPA was published on January 2, 2019 and no comments were received. Planning Commission held a duly noticed hearing on February 21, 2019 and recommended by a vote of 3-1 that the Council approve staff's recommended amendments. Council held two work sessions on the proposed amendments on January 30, 2019 and March 6, 2019. Council approved the Planning Commission's recommended amendments at a duly noticed hearing on April 16, 2019.

**BUDGET IMPLICATIONS**

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be

		referred to the county council with a recommendation from the county manager.
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## BUDGET DETAILS

Local Fund Dollar Amount	Not applicable
Grant Fund Dollar Amount	Not applicable
Account	General fund
Company Name	

## DISTRIBUTION:


Council staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

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Colete Anderson  
Program Manager, Community Planning

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Oliver Orjiako  
Director, Community Planning

Primary Staff Contact Name and Phone Number: Colete Anderson (564) 397-4516

APPROVED:   
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: 4/16/19

SR#       

APPROVED: \_\_\_\_\_  
Shawn Hennessee, County Manager

DATE: \_\_\_\_\_



## BUDGET IMPACT ATTACHMENT

### Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

**It is a change to the Clark County Code and therefore it has no budget implications so this section is not applicable.**

### Part II: Estimated Revenues

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
<b>Total</b>						

II. A – Describe the type of revenue (grant, fees, etc.)

### Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
		GF	Total	GF	Total	GF	Total
<b>Total</b>							

III. B – Expenditure by object category

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
<b>Total</b>						

ORDINANCE NO. 2019-04-01

**An ordinance relating to land use; adopting amendments to the Clark County Code to amend section 40.230.050 University District.**

WHEREAS, the County Council included the update to the University District code in the 2019 Dockets;

WHEREAS, the Clark County Council (Council) held two duly noticed, public work sessions on January 30, 2019 and March 6, 2019 to discuss the update to the University District to include dormitories in the use table; and

WHEREAS, the Council directed staff to draft code amendments to address the needs raised in the work sessions outlined above; and

WHEREAS, the required sixty day notifications of intent to adopt this set of amendments were received by the State Department of Commerce on December 12, 2018; and

WHEREAS, SEPA determinations of non-significance were published on January 2, 2019 and no comments were received; and

WHEREAS, the Clark County Planning Commission held a duly noticed work session on February 6, 2019 to review the staff recommendation on the proposed code amendments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 21, 2019 at which it considered and deliberated on the staff proposals for these code amendments, and adopted a recommendation to the Council regarding the proposed amendments; and

WHEREAS, the Council held a duly noticed work session on January 30, 2019 and March 6, 2019 to review the Planning Commission recommendation on the proposed code amendments; and

WHEREAS, the Council at its duly noticed public hearing on April 16, 2019, took public testimony and considered all comments presented to the Council and the recommendations of the Planning Commission and staff; and

WHEREAS, the Council finds that adoption of these code amendments will further the public health, safety and welfare; now, therefore,

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY COUNCIL, CLARK COUNTY, STATE OF WASHINGTON, as follows:

**Section 1. Findings.** The recitals above are incorporated into this ordinance as findings.

**Section 2. Amendatory.** Sec. 26 (Attachment K) of Ord. 1994-12-53 and codified as CCC 40.230.050, and most recently amended by Sec. 3.14 (Exhibit 17) of Ord. 2016-06-12, are each hereby amended as follows:

**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. <sup>2</sup>	P	
b. Teaching facilities, including but not limited to classrooms, lecture halls, seminar rooms, teaching laboratories, and related support facilities. <sup>2</sup>	P	
c. Offices for administration, faculty, staff, graduate students, student government, and clerical purposes with related support facilities. <sup>2</sup>	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. <sup>2</sup>	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 veterinary science facilities. <sup>2</sup>	P	
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	P	

Table 40.230.050-1. Uses		
	U	Special Standards
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. <sup>2</sup>		
<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. <sup>2</sup>	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. <sup>2</sup>	P	
<u>ij.</u> Physical plant facilities for the operations and maintenance of the university. <sup>2</sup>	P	
<u>jk.</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 <sup>1</sup>	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
i. Agricultural market	P	40.260.025
j. Medical marijuana collective gardens	X	
k. Marijuana-related facilities	X	

<sup>1</sup> See Table 40.260.250-1.

<sup>2</sup> 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 <sup>1</sup>	10, 20 <sup>1</sup>	50%	72 <sup>2</sup>

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

<sup>2</sup> 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.

### **Section 3. Effective Date.**

This ordinance shall go into effect on April 26, 2019, ten (10) days after its adoption.

### **Section 4. Instructions to Clerk.**

The Clerk to the Council shall:


1. Transmit a copy of this ordinance to the Washington State Department of Commerce within ten (10) days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the County Code.
3. Transmit a copy of the adopted ordinance to the Community Development Department Director.
4. Record a copy of this ordinance with the Clark County Auditor.
5. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290, and Clark County Code 1.02.140, and transmit a copy to Community Planning.
6. Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.

1 **Section 5. Roll Call Vote.** The following persons voted in favor of the above ordinance [amendments]:

2 Temple Lentz, Julie Olson, John Blom,  
3 Gary Medvigg, & Eileen Quiring.  
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5  
6

7 ADOPTED this 16<sup>th</sup> day of April 2019.  
8  
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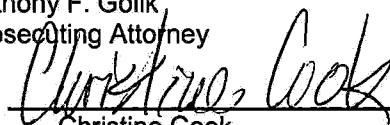
10 Attest:

11   
12  
13  
14 Clerk to the Council  
15

16 Approved as to Form Only:

17 Anthony F. Golik  
18 Prosecuting Attorney

19 By:

20   
21 Christine Cook  
22 Sr. Deputy Prosecuting Attorney  
23  
24  
25  
26  
27

CLARK COUNTY COUNCIL  
FOR CLARK COUNTY, WASHINGTON

By:

  
Eileen Quiring, Chair

By:

Temple Lentz, Councilor

By:

Julie Olson, Councilor

By:

John Blom, Councilor

By:

Gary Medvigg, Councilor

