

From: [Jeffrey Delapena](#)
To: [Heidi Pozzo](#)
Cc: [Oliver Oriako](#); [Jose Alvarez](#)
Subject: RE: Please slow the interim concurrency ordinance (June 10 work session, June 16 vote)
Date: Monday, June 8, 2026 8:10:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, Heidi,

Thank you for your comments related to the June 10th Council Work Session on the Transportation Concurrency Code.

These comments will be added to the Comprehensive Plan Index of Record.

Best,



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From: Heidi Pozzo <hcpheidi@yahoo.com>
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Subject: Please slow the interim concurrency ordinance (June 10 work session, June 16 vote)

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Dear Clark County Council,

I'm writing about the interim concurrency ordinance the Council is considering, and about how it is being handled. There was no advance notice that an interim ordinance was being considered — it was added to the agenda during the June 3 meeting. The work session agenda for June 10 was published today, and it does not say what the ordinance would actually do. A vote is set for June 16, about a week and a half away, yet the public has not been given notice of what is being considered. The consequences are high and effectively permanent: a development approved while the ordinance is in effect, and built, cannot be undone, even if the ordinance later lapses. A change of this consequence should not be voted on before the public is shown what it is. I'd ask the Council to slow this down and address three problems.

First, what is being codified has not been made clear, and the lack of transparency runs end to end. The practice at issue is setting aside the 0.90 corridor standard when a development would otherwise fail it, and there appear to be two different versions of it in play, neither of which is in the code. The first — the practice staff say they have used for years — treats a road segment that exceeds the 0.90 limit as compliant if the intersections along it operate acceptably. The second is new, surfacing only a few weeks ago: it substitutes a higher "real-world" road capacity than the code assigns, so the ratio comes out under the limit. We do not know whether the ordinance would codify one, the other, or both.

However the override is framed, the methodology behind it has not been produced. I have not seen it, and it has not been produced through the hearing process. A standard that decides whether homes can be built should be rigorous, consistent, and repeatable: two engineers applying it should reach the same result, and a resident should be able to see how that result was reached. That cannot be checked here, because the concurrency reports that approve these developments state a conclusion without describing the method behind it — what is evaluated, and the point at which performance is treated as "good enough" to accept a corridor over 0.90. The reports themselves are not published on the County website; they go to a distribution list of certain groups, and a resident who wants one has to know to ask — requesting a link to the development's land use file while the application is in process, or asking for the report directly.

I've attached the County's two concurrency reports for the 174th Street Subdivision so the Council can see how the justification changed (the corridor finding is on page 4 of each report, not counting the cover page). The April report recommended denial; the reissued May report approved the development. The reissued report also, for the first

time, built out a rationale for treating the failing corridors as acceptable — invoking (F)(9), attributing the reasoning to the Public Works Director's "acknowledgment," and adding capacity factors and Highway Capacity Manual language that were not in the April report. Its corridor finding acknowledges the corridors will exceed 0.90 in the buildout year, then sets that aside because the bounding intersections operate acceptably — without applying the capacity factors it cites or stating any threshold for when intersection performance is enough, and a page later it says the failing v/c "should be subjected to a more detailed operational analysis" before concluding none is required. I provide these only as an example of how these reports read; I am not asking the Council to take any action on that application, which is before the Hearing Examiner. The same opacity now extends to the ordinance itself.

Second, the Director's authority to issue a concurrency approval comes from subsection (E)(3): the Director "shall issue a concurrency approval where" a development's impacts do not cause operating levels to fall below the standards adopted in Section (G). That authority is conditional — approval is allowed only when the (G) standards are met. It contains no override; there is no power to approve a development that fails (G) because the intersections look acceptable or because a higher capacity is substituted. When a corridor exceeds the 0.90 limit, the (G) standard is not met, and (E)(3) does not authorize approval.

The provision staff rely on instead, (F)(9), sits in Section F — the part of the code for determining the volume of traffic on a road, the "V" in the volume-to-capacity ratio. Section G is the other side: it sets the capacity values to use and the 0.90 threshold. (F)(9) is one factor in determining volume; it is not an approval provision, and it cannot move the threshold, which lives in Section G. Nothing else in Section G lets the Director override that threshold either — the only authority G contains beyond the standards themselves is (G)(4), the Council's power to enact moratoria or interim controls. The 0.90 limit was adopted by the Council through a public, legislative process; nothing in the code gives an appointed director the power to approve around it. And while the reissued report attributes the rationale to the Public Works Director — it says the Director "acknowledges" the factors it relies on — the Director has put nothing in the record; the report is signed by the traffic-engineering staff who prepared it, not by the Director, and that attribution appears only in the reissued version.

Third, using an interim ordinance to lower the concurrency standard so that more development can be approved runs against the purpose of the code and the Comprehensive Plan. The concurrency code exists to keep development from outpacing the roads; for a corridor that fails the standard, the code's specified consequence is to deny or delay the development until the road is improved or the impact mitigated. The Council's interim-control authority under the code is for exactly that — controls on development affecting failing corridors — not for relaxing the standard so more development can proceed on roads that currently fail it. Using it the second way turns the purpose around. It also raises a consistency problem: the County's transportation level-of-service standards and concurrency policy sit in the Comprehensive Plan, the development code must be consistent with the plan, and

lowering the operative standard by emergency ordinance — separate from and ahead of the Comprehensive Plan update now underway — does not fit the plan the code is meant to implement.

Given that the consequences are high and effectively permanent, I'd ask the Council to slow this process down so there can be genuine public notice and comment. Specifically: that the proposed ordinance text be published with adequate notice before any vote, rather than moving to a vote on June 16; that staff produce and publish the methodology — what is evaluated, what the threshold for acceptable mobility is, and how it is applied consistently from one project to the next; and that the Council recognize the code does not give an appointed director authority to approve around a limit the Council set, and that lowering that limit by ordinance to allow more development does not square with the purpose of the code or the Comprehensive Plan. The community cannot meaningfully comment on a practice — or an ordinance — it has not been allowed to see.

Thank you for your consideration.

Heidi