

From: [Jeffrey Delapena](#)
To: "Heidi Pozzo"
Cc: [Oliver Orjiako](#); [Jose Alvarez](#)
Subject: FW: Concurrency Code Change Questions
Date: Tuesday, June 9, 2026 8:03:00 AM
Attachments: [Concurrency Questions for Council.pdf](#)
[Two Corridors Concurrency Visual.pdf](#)
[Concurrency Legal Framework Reference.pdf](#)
[179 Gridlock Highlighted.pdf](#)
[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,



Jeff Delapena
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From: Heidi Pozzo <hcpheidi@yahoo.com>
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Subject: Concurrency Code Change Questions

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Dear Clark County Council,

In advance of the Council time session on a potential interim concurrency code change on Wednesday, I'm attaching several documents for your consideration to aid in the discussion:

- Questions to ask of staff aimed at understanding the code and scope of changes
- Diagrams of the failures or road segments and intersections at issue in the two land use hearings
- A walk through of the code from the RCW/WAC through the Comp Plan to the County Code, with relevant provisions highlighted (its two pages, so not that scary)
- A highlighted pdf of the 179gridlock website, including timeline and explainers

I welcome the opportunity to discuss this important issue with you.

Best,

Heidi

NE 179TH STREET CORRIDOR · CLARK COUNTY, WA

179 Gridlock

Clark County's Broken Infrastructure Promise

A compiled, highlighted reference drawn from 179gridlock.com.
Highlights mark the key passages. Use the contents below or the
bookmarks panel to jump between sections.

-
- 1 Homepage
 - 2 Understanding the Numbers
 - 3 Timeline
 - 4 Land Use Hearings
-

Source: 179gridlock.com · Compiled June 8, 2026

HOMEPAGE

UNDERSTANDING THE NUMBERS

TIMELINE

LAND USE HEARINGS

NE 179TH STREET CORRIDOR · CLARK COUNTY, WA

They promised roads. They approved houses. The roads still aren't built.

In 2019, Clark County lifted development restrictions on 2,200 acres along NE 179th Street, promising infrastructure would follow within six years. That deadline passed in November 2025. The roads are years behind schedule, tens of millions over original estimates, and development keeps getting approved.

FIGURE	MEANING
6+	Years past the infrastructure deadline
2,200	Acres opened for development in 2019
\$227M+	In planned road projects, most years behind schedule
2,900+	Housing units approved since urban holding was lifted
33,000+	Daily vehicle trips from approved developments alone
LOS F	Failing grade at key intersections today and through 2028—even after planned road improvements

THE PROBLEM

A concurrency system designed to never say no

Washington's Growth Management Act requires a simple deal: if you approve new development, the roads to serve it must be funded and in place within six years. That's the law. It's called "concurrency."

Clark County has a concurrency system. On paper, it checks whether roads can handle new development before that development is approved. In practice, the system has structural features that make it nearly impossible for any project to fail—even when the roads are clearly inadequate.

Here are the four mechanisms that make it work.

Mechanism 1 — Ghost Capacity

Traffic studies measure congestion against the road *as it's planned to exist someday*—not as it exists today. NE 179th Street is physically a two-lane rural road with a capacity around 600 vehicles per hour. But the Arterial Atlas designates it as a future multi-lane arterial with a

capacity of 1,800. Using the bigger number as the denominator makes a failing road look like it has plenty of room.

Mechanism 2 — Limited Study Area

A small subdivision only has to analyze roads within one mile. The I-5 interchange—the corridor's biggest bottleneck—may fall outside that radius entirely. The state's Growth Management Act contains no geographic limitation on concurrency. The distance caps are a County creation that systematically excludes the most constrained points.

Mechanism 3 — Credit for Unbuilt Roads

Developments get credit for road improvements listed in the six-year plan—even if those improvements haven't been built, funded, or designed. The same unbuilt projects cited to lift urban holding in 2019 are still being used to justify approvals in 2026. The NE 29th to NE 50th segment isn't even on the "Reasonably Funded" list. Worse, the I-5/179th interchange is a WSDOT project the County has no authority to build or guarantee—yet the County takes credit for it to approve local development.

Mechanism 4 — No Cumulative Review

Each development is evaluated individually. Five traffic studies were prepared for corridor projects during the same time period—and none of them count the traffic from the other four. Hundreds of trips loading the same roads simply don't appear in each other's analysis. The same engineer prepared multiple studies using the same horizon year, and none included the others as "in-process" developments. This isn't a one-time oversight; it's how the system is structured.

"Based on the information contained in the Clark County Staff Report and timing of WSDOT funding for the interchange, WSDOT supports the staff report recommendation of denial for this proposal."

— WSDOT letter to Community Planning Director Oliver Orjiako, November 7, 2018 — regarding the first urban holding lift application. WSDOT stated the interchange would not be operationally functional until 2028 and that it lacked capacity for additional development. This recommendation was never disclosed to the Planning Commission or County Council at any of the three 2019 hearings where urban holding was lifted.

"When I first saw these corridor projects back when it was talked about as a package and my predecessors were discussing completing these in six years, I don't know of anyone who had done projects like these that thought that was possible."

— Ken Lader, Clark County Public Works Director, July 12, 2023 Council meeting

How the legal standard was softened

The GMA requires that transportation improvements be "in place at the time of development" or that a financial commitment be in place to complete them within six years. That means from day one, the financing must be reasonably committed—not that the County has six years to figure

out how to pay for it. Across three proceedings in 2019, this standard was progressively weakened:

February 2019 (Planning Commission): The applicant's representative reframed the standard as whether "there will be funding in place"—not improvements, just funding.

October 2019 (Planning Commission): Staff stated that "State law allows development to happen when transportation improvements are reasonably funded in that six years." When asked if developments could be finished before infrastructure is in place, staff responded: "Correct."

Neither the Community Planning Director nor the Senior Deputy Prosecuting Attorney—both present at all three hearings—corrected these characterizations.

Randy Printz, the developers' representative who had been meeting with County staff, WSDOT, and at least two County Councilors on a monthly basis since 2016, then confirmed: "I just wanted to make sure that we weren't misleading you, that there isn't a true construction management plan sitting there that says, okay, we're going to start grading on this date and all those sorts of things." This was at the Planning Commission hearing, February 21, 2019. No construction plan existed. Urban holding was lifted that night on a 4-0 vote.

How fragile the numbers are

At the I-5 NB Ramps roundabout on 179th Street, the Towhee Creek study found V/C 0.822 and LOS A (passing). The NE 174th Street study—prepared by the same consulting firm, using the same horizon year—found V/C 1.138 and LOS F (failing) at the same intersection. The difference: roughly 87 vehicles per hour in background traffic assumptions. That's the margin between "approved" and "denied." And remember: five studies were prepared during the same time period without counting each other's traffic. The missing cumulative trips far exceed 87 vehicles. The system has no mechanism to reconcile these contradictory results.

THE EVIDENCE

What 24 traffic studies show — going back to 2018

Twenty-four developer-commissioned traffic studies have been prepared for projects in and around the 179th corridor since 2018. The pattern is consistent and worsening: the same road segments fail in study after study, and the failures get worse each year as more developments are added to the background.

NE 179th Street eastbound between I-5 and NE 15th Avenue fails in every single study that analyzes it — ten studies spanning five years, from V/C 1.01 in 2020 to V/C 1.17 in 2025. Every study uses the inflated Arterial Atlas capacity of 1,800 vehicles per hour for what is physically a two-lane road. Every study credits unbuilt road improvements. And it still fails.

FACILITY	METRIC	CONDITION	STATUS
NE 179th St EB (I-5 to 15th Ave)	V/C 1.01 → 1.17	Background, 2020-2025	FAILS IN ALL 10 STUDIES

FACILITY	METRIC	CONDITION	STATUS
NE 10th Ave (189th–179th)	V/C 1.33	2028 Background	FAIL
NE 179th St EB (Delfel–I-5)	V/C 1.04–1.06	2028 Background	FAIL
NE 50th Ave (179th–174th)	V/C 1.13	2028 Background	FAIL
NE 15th Ave (179th–174th)	V/C 0.98–0.99	2028 Background	AT LIMIT
NE 15th Ave (199th–179th)	V/C 0.91–1.10	2025–2029 Background	FAIL
NE 179th / NE 50th Ave	LOS F / V/C >1.00	2028 Background PM	FAIL
NE 179th / Delfel Rd	LOS F	Existing (2025) PM	FAIL
NE 179th / NE 15th Ave (roundabout)	V/C >1.00	2028 Background PM	FAIL
NE 159th / NE 72nd Ave	LOS F (existing)	Existing & all future	FAIL
NE 184th / NE 29th Ave	LOS F	2029 Total AM	FAIL
NE 72nd Ave (179th–159th–139th)	V/C 0.94–1.23	Existing through 2025 Bkgd	FAIL
NE Salmon Creek Ave EB (134th–50th)	V/C 1.08	2020 Pre-Development AM	FAIL
NE 139th St WB (I-205–20th Ave)	V/C 0.91–0.94	2020–2028 Background PM	FAIL
NE 139th St WB (20th–23rd Ave)	V/C 1.04–1.05	2023 Background PM	FAIL
NE 10th Ave (149th–139th)	V/C 1.08	2028 Background	FAIL

V/C = volume-to-capacity ratio. The County's concurrency threshold is 0.90. Anything above 0.90 is failing. LOS F = Level of Service F, the worst grade. Sources: 24 developer-commissioned traffic impact studies spanning 2018–2025, prepared by Kittelson & Associates, Lancaster Mobley, Mackenzie, TENW, Charbonneau Engineering, and H. Lee & Associates.

The failures don't stay on 179th. The NE 134th–139th Street corridor between NE 10th and NE 29th Avenues is where corridor residents go for groceries, gas, pharmacies, medical appointments, dentists, and fast food. The roads and intersections serving this commercial district are already failing or at the threshold—and no traffic study for a 179th corridor development is required to analyze or mitigate impacts to these daily destinations.

A note on jurisdiction: The segment of NE 179th Street from approximately NE Delfel Road to NE 15th Avenue—including the I-5 interchange—is state-owned (WSDOT). The County applies its own concurrency standards to this segment in traffic studies, but then disclaims the failing results as outside County jurisdiction. The County cannot have it both ways: either the interchange is within its concurrency system or it isn't.

PROMISES VS. REALITY

Where the infrastructure stands today

When urban holding was lifted in 2019, the County presented a project timeline of 2021–2027 for major corridor improvements. The current reality:

PROJECT	CURRENT SCHEDULE	BUDGET	YEARS PAST DEADLINE
NE 179th at NE 29th Ave Roundabout	2025–2027	\$27.6M	2 years
NE 179th (NE 15th–NE 26th Ave)	2028–2030	\$24.3M	3–5 years
NE 15th Ave (179th–10th Ave)	2028–2030	\$20M	3–5 years
NE Delfel Rd (179th–184th)	2029–2031	\$21.3M	4–6 years
I-5/179th Interchange (WSDOT)	2029–2031	\$86M	4–6 years
NE 179th (NE 29th–NE 50th Ave)	2031–2033	\$23.9M	6–8 years · NOT FUNDED
NE 50th Ave Roundabout	2035+	~\$24M (est.)	10+ years · NOT FUNDED
TOTAL		~\$227M+	2–10+ years late

The NE 179th (NE 29th–NE 50th Ave) segment is the improvement most frequently cited to justify development approvals at the corridor's eastern end. It is not on the County's own "Reasonably Funded Project List."

WHY IT DOESN'T LOOK THAT BAD YET

Your eyes aren't deceiving you

If you drive down 179th Street during the evening commute, you already know it's getting worse. But you might wonder: if the numbers are this bad, why isn't it *worse*? There's a reason—and it's actually the heart of the problem.

When the County approves a development, it **reserves the trips** that development will generate. Those trips are accounted for in the concurrency system as committed—but they're not on the road yet. The houses haven't been built. The families haven't moved in. The cars aren't making their evening commute home.

Over 2,900 housing units have been approved in this corridor since 2018, generating over 25,000 daily vehicle trips. Another 725 units are in the pre-application pipeline. Commercial and industrial developments add another 8,600+ daily trips. WSU Vancouver and other institutions hold reserved trips based on their submitted plans. Combined, approved developments alone account for over 33,000 daily trips on roads that were already at or near capacity.

When those developments build out, the traffic will arrive on roads that still won't be finished. From the first development approvals in 2018 to when the NE 50th/179th roundabout is projected to be complete is **nearly 20 years for 2.5 miles of road**—and that doesn't even include the west side projects.

That's the whole reason concurrency exists—to make sure more development isn't approved than the roads can handle. The system is supposed to prevent the problem *before* it becomes visible, not after. By the time you can see the gridlock from your car window, it's too late. The approvals have been granted. The trips are committed. And the roads to serve them are still years away.

WHAT'S HAPPENING NOW

The Council chose more density. The concurrency code remains broken.

On **April 27, 2026**, the Clark County Council selected Preferred Alternative 2 for the 2025 Comprehensive Plan update—increasing allowable density in the corridor, though less than originally proposed. The County's own travel demand model shows the corridor failing under both alternatives studied. Adoption is targeted for October 2026.

The concurrency code—CCC 40.350.020—was designed to keep development and infrastructure in balance. When a road's volume-to-capacity ratio exceeds 0.90, the code says development should be delayed until the condition is improved or mitigated. That is the standard the County adopted. It is the law.

The County is not following it. Instead of building roads or denying developments that exceed the standard, the County is trying to work around the code—dismissing documented failures using practices that have no basis in the code text, and exploring methodology changes that would make the failures disappear on paper.

On the record — The developer's attorney agrees the practice isn't in the code

At the April 23, 2026 hearing on the 174th Street Subdivision, the developer's attorney conceded that the County's practice of overriding corridor V/C failures with intersection performance is not literally in the code. The Hearing Examiner independently identified the same problem.

22 corridors failing — The developer's own engineer confirms the problem is countywide

The developer's traffic engineer submitted a memorandum identifying 22 corridor segments exceeding the V/C 0.90 standard—all but one concentrated in just two high-growth areas: Salmon Creek/Fairgrounds and SR-503/Brush Prairie. The concurrency system is catching exactly what it was designed to catch.

The response — Now they want to change the code

Rather than invest in infrastructure or apply the concurrency standard as written, the County is moving to change the rules. On June 3, Councilor Glen Yung added an interim concurrency ordinance to the Council agenda — presentation June 10, vote expected June 16. No proposal has been released. Changing the code does not add a single lane or build a single road. It only changes whether the roads pass on paper.

WHAT WE WANT

This isn't anti-growth. It's pro-accountability.

We're asking Clark County to do what it promised and what the law requires:

1. **Build the roads first.** Infrastructure should be built before—or at least alongside—the houses. Not a decade later.
2. **Fix the concurrency system.** Measure real road capacity, not theoretical future capacity for roads that don't exist yet. Use the actual road cross-section, not the Arterial Atlas buildout designation.
3. **Pause approvals until promises are met.** No new development approvals in the corridor until the infrastructure commitments made in 2019 are substantially complete.
4. **Require corridor-wide traffic analysis.** Traffic studies should evaluate the whole corridor—not just the half-mile around each project. Cumulative impacts are the entire point of concurrency.

ABOUT THIS SITE

Who we are

179Gridlock.com is maintained by residents of the NE 179th Street corridor in unincorporated Clark County, Washington. We live here. We drive these roads every day. And we've spent the last several years reading the traffic studies, attending the hearings, and analyzing the County's concurrency system.

This site exists because the public record tells a story that isn't being told anywhere else: Clark County's system for ensuring roads keep pace with development is structurally designed to approve every application, regardless of actual road conditions.

We are not anti-development. We are pro-infrastructure. Build the roads, then build the houses.

Understanding the Numbers

The traffic studies for the 179th corridor are hundreds of pages of technical analysis. This page explains what the key numbers mean, why some of them are misleading, and what the full data actually shows. Everything here is sourced from the eight developer-commissioned traffic studies and Clark County's own concurrency code.

THE BASICS

Two numbers that determine whether development gets approved

Volume-to-Capacity Ratio (V/C)

V/C is the simplest concept in traffic engineering: how much traffic is on the road compared to how much it can handle. A V/C of 0.50 means the road is half full. A V/C of 1.00 means it's at capacity. Anything over 1.00 means more vehicles are trying to use it than it can physically process.

Clark County's threshold is V/C = 0.90. Anything above that is considered failing. That 10% buffer exists because traffic isn't perfectly smooth—small disruptions cascade quickly once a road is near capacity.

The V/C ratio is what the County uses to evaluate road *segments*—stretches of road between intersections. When a traffic study says a segment is "failing," it means the V/C exceeds 0.90.

Level of Service (LOS)

LOS is a letter grade from A to F that measures how long you wait at an intersection. It's based on seconds of delay per vehicle. Think of it like a report card for your commute:

GRADE	WHAT IT MEANS	DELAY (SIGNALIZED)
A	Free flow. Minimal waiting.	≤ 10 seconds
B	Slight delays. Still comfortable.	10–20 seconds
C	Moderate delays. Noticeable congestion.	20–35 seconds
D	Significant delays. Approaching instability.	35–55 seconds
E	At or near capacity. Long waits. The County's minimum standard for unsignalized intersections.	55–80 seconds
F	Gridlock. Demand exceeds capacity. Multiple signal cycles to clear.	> 80 seconds

How V/C and LOS relate—and where they diverge

V/C measures how **full** the road is. LOS measures how **long you wait**. They usually track together—a full road means long waits. But at roundabouts, they can tell completely different stories. That's where the County's system breaks down.

THE ROUNDABOUT PROBLEM

Why an intersection graded "A" can actually be failing

Roundabouts are designed for high throughput with low delay. Traffic flows continuously instead of stopping at a red light. That means even a very busy roundabout can report low average delay—and therefore a good LOS letter grade—while individual approaches are completely overwhelmed.

The reason is simple: **roundabout LOS is a volume-weighted average** across all approaches. If 1,700 vehicles on NE 179th sail through at LOS A, and 700 vehicles trying to enter from the I-5 ramp are stuck at LOS F with 88-second delays, the average comes out to LOS C. The report says "LOS C" and staff use that to conclude the intersection is operating acceptably.

Here's what that actually looks like, using real data from the Three Creeks East traffic study at NE 179th Street and the I-5 NB Ramps, 2028 PM peak hour:

APPROACH	V/C / LOS	DETAIL
I-5 NB Ramps (South)	V/C 1.168 · LOS F	88-second delay · 1,871 ft queue · 2,018 vehicles
NE 179th Street (East)	V/C 0.565 · LOS A	6-second delay · 1,707 vehicles
NE 179th Street (West)	V/C 0.285 · LOS A	4-second delay · 743 vehicles
Overall Intersection	V/C 1.168 · LOS C	30-second average delay · 4,468 total vehicles

What staff report: LOS C — Acceptable, while 2,018 vehicles on the I-5 approach face LOS F with queues backing up a third of a mile.

The 85% design threshold

Engineering practice holds that roundabouts should be designed to operate at or below **85% of their theoretical capacity (V/C 0.85)**. Above that, performance degrades rapidly—small increases in volume produce disproportionate increases in delay, and the roundabout becomes **unreliable**. Several approaches in the corridor studies are already well above this threshold.

Why this matters for concurrency: Clark County staff use intersection-level LOS grades to override failing corridor V/C ratios. This practice has no basis in the County's concurrency code—it is an administrative practice that staff have applied for years without code authorization. When a road segment shows V/C above 0.90, staff check the bounding intersection. If the intersection reports an acceptable LOS letter grade, the segment failure is dismissed. At roundabout intersections, the overall LOS will almost always look acceptable—because the averaging math

guarantees it. The result is that a roundabout designed for a road that doesn't exist yet is used to justify approving development on a road that's already failing.

The same intersection, two different answers

At the I-5 NB Ramps roundabout, the Towhee Creek study found V/C 0.822 and LOS A (passing). The NE 174th Street study—prepared by the same consulting firm, using the same horizon year—found V/C 1.138 and LOS F (failing). The difference: roughly 87 vehicles per hour in background traffic assumptions.

Part of the reason for that difference is that five traffic studies were prepared during the same time period and none of them count each other's traffic. The code requires in-process developments to be included in background assumptions—but it isn't happening. So the 87-vehicle gap isn't just an unexplained discrepancy—it's likely a larger failure than either study shows, because both are missing trips from the other concurrent applications. The system has no mechanism to reconcile these contradictory results, and both studies were used to support development approvals.

THE FULL PICTURE

Every failing road segment and intersection across eight studies

The tables below compile every road segment at V/C 0.80 or above and every intersection at LOS E or worse from all eight developer-commissioned traffic studies in the corridor. These are the numbers the County uses to make concurrency determinations. All conditions shown are **background or existing**—before any new project trips are added.

Road Segments (V/C ≥ 0.80)

SEGMENT	DIR	V/C	CONDITION	STATUS	SOURCE
NE 10th Ave (189th–179th)	NB	1.33	2028 Bkgd	FAIL	Three Creeks East
NE 179th St (I-5 to 15th Ave)	EB	1.17	2028 Bkgd	FAIL	Three Creeks East
NE 179th St (I-5 to 15th Ave)	EB	1.14	2028 Bkgd	FAIL	Four Creeks North
NE 50th Ave (179th–174th)	NB	1.13	2028 Bkgd	FAIL	Three Creeks East
NE 179th St (NB Ramp–12th Ave)	EB	1.12–1.13	2029 Bkgd	FAIL	Ridgefield MS
NE 15th Ave (179th–189th)	NB	1.07–1.08	2029 Bkgd	FAIL	Ridgefield MS
NE 179th St (Delfel–I-5)	EB	1.06	2028 Bkgd	FAIL	Three Creeks East
NE 179th St (Delfel–I-5)	EB	1.04	2028 Bkgd	FAIL	Four Creeks North
NE 10th Ave (199th–194th)	NB	1.01	2028 Bkgd	FAIL	Three Creeks East
NE 179th St (12th–15th Ave)	EB	0.99–1.01	2029 Bkgd	FAIL	Ridgefield MS
NE 15th Ave (179th–174th)	NB	0.99	2028 Bkgd	AT LIMIT	Three Creeks East

SEGMENT	DIR	V/C	CONDITION	STATUS	SOURCE
NE 15th Ave (179th–174th)	NB	0.98	2028 Bkgd	AT LIMIT	Four Creeks North
NE 10th Ave (199th–194th)	NB	0.94–0.97	2029 Bkgd	FAIL	Ridgefield MS
NE 139th St (20th–23rd Ave)	EB	0.94	2028 Bkgd	FAIL	Three Creeks East
NE Delfel Rd (189th–179th)	SB	0.91	2028 Bkgd	FAIL	Three Creeks East
NE 10th Ave (149th–139th)	NB	1.08	2028 Bkgd	FAIL	Towhee Creek
NE 139th St (10th–20th Ave)	EB	0.93	2028 Bkgd	FAIL	Towhee Creek
NE 10th/15th Ave (189th–179th)	NB	0.92	2028 Bkgd	FAIL	Towhee Creek
NE 139th St (20th–23rd Ave)	EB	0.92	2028 Bkgd	FAIL	Towhee Creek

Intersections Failing or Near-Failing

INTERSECTION	PEAK	LOS / V/C	CONDITION	STATUS	SOURCE
NE 179th / Delfel Rd	PM	LOS F	Existing (2025)	FAIL	Three Creeks East
NE 179th / NE 50th Ave	PM	LOS F	2027–2028 Bkgd	FAIL	Kozy Manor & Three Creeks East
NE 184th / NE 29th Ave	AM	LOS F	2029 Total	FAIL	Ridgefield MS
NE 159th / NE 72nd Ave (WB)	PM	LOS F	2028 Bkgd	FAIL	NE 174th Street
I-5 NB Ramps at 179th (SB)	PM	V/C 1.168 / LOS F	2028 Buildout	FAIL	Three Creeks East
NE 179th / NE 15th Ave (EB)	PM	V/C 1.210 / LOS F	2028 Buildout	FAIL	Three Creeks East
NE 179th / NE 50th Ave	AM	LOS E	2028 Bkgd	AT LIMIT	Three Creeks East
NE 179th / Delfel Rd	AM	LOS E	Existing	AT LIMIT	Three Creeks East

All conditions shown are background or existing—before any new project trips are added. "Bkgd" = background conditions (includes approved and in-process developments, plus growth, but not the subject project). Sources: Three Creeks East (Lancaster Mobley, June 2025), Four Creeks North (Lancaster Mobley, April 2025), Kozy Manor Estates (Kittelton, Feb 2025), NE 174th Street (Lancaster Mobley, Dec 2025), Towhee Creek (PLS Engineering, Dec 2025), Ridgefield MS (Kittelton, June 2024), Mt. Vista Logistics (TENW, Jan 2023), Anderson Dental (Lancaster Mobley, Aug 2025).

WHAT'S MISSING

These numbers are a floor, not a ceiling

Every number in the tables above understates the actual problem. Here's why.

Five studies don't count each other

Five traffic studies were prepared for corridor projects during the same time period. None of them include the traffic from the other four in their background assumptions. The County's code requires in-process developments to be included—but it isn't happening. Hundreds of peak-hour trips loading the same roads simply don't appear in each other's analysis. The same engineer prepared multiple studies using the same horizon year, and none included the others as "in-process" developments. If all concurrent applications were loaded simultaneously, V/C ratios would climb higher and segments currently shown as passing could cross the 0.90 threshold.

At the I-5 NB Ramps, the difference between "passing" and "failing" is 87 vehicles per hour. The missing cumulative trips from the five cross-excluded studies far exceed 87 vehicles.

Distance caps exclude the worst bottlenecks

A project generating fewer than 50 peak-hour trips only has to analyze roads within one mile. Most corridor developments fall into this category. The I-5 interchange—the corridor's biggest constraint—may fall outside that radius entirely. The Salmon Creek commercial district where residents shop, get gas, and see the doctor is also outside the study area for most projects. The GMA contains no geographic limitation on concurrency evaluation. The distance caps are a County-level creation.

Ghost capacity inflates the denominator

When a traffic study calculates V/C for a road segment, the "capacity" number used is based on the road as it's *planned* to exist—not as it exists today. NE 179th Street is physically a two-lane rural road (capacity ~600 vehicles per hour), but the Arterial Atlas designates it as a future multi-lane arterial (capacity 1,800 vehicles per hour). Using 1,800 as the denominator makes the V/C ratio look three times better than the actual road conditions warrant. One consultant—Kittelton, preparing the Kozy Manor study—correctly used the reduced capacity. The others used the inflated number.

Reserved trips aren't on the road yet

WSU Vancouver and commercial developments hold reserved trips under concurrency agreements and submitted plans. These trips are committed capacity—they count against the system's limits—but they're not generating traffic yet. Current traffic counts don't reflect the full committed load. When buildout occurs, the actual conditions will be worse than what current counts suggest.

Bottom line: The failure counts in these tables are the *minimum*. The actual number of failing segments and intersections is higher than what any single traffic study shows, because no single study captures the full cumulative picture. The code requires in-process developments to be

counted. Staff override failing segments using a practice with no code authorization. The result isn't just a system that misses the problem—it's a system that bypasses its own rules to avoid finding one.

[HOMEPAGE](#)[UNDERSTANDING THE NUMBERS](#)[TIMELINE](#)[LAND USE HEARINGS](#)

Promises vs. Reality — A Timeline

A chronology of the 179th Street corridor — from 1997 through today. Every entry is sourced from public meeting minutes, County documents, or official records.

1997: THE PROBLEM IS ALREADY KNOWN

February 1997 — County imposes interim holding on 179th and 134th/Salmon Creek areas

County Commissioners adopt an interim urban holding zone for development impacting both the I-5/179th Street interchange and the 134th Street/Salmon Creek area. Transportation issues in this corridor date back to the 1980s. Staff, citizens, and businesses spend the year developing the Salmon Creek Fairgrounds Regional Road Plan covering 8 square miles.

September 1997 — Regional Road Plan adopted, interim holding lifted

The Salmon Creek Fairgrounds Regional Road Plan is adopted, lifting the temporary holding zone. The plan addresses arterial, circulation, and access management issues. The approach: plan first, then allow development. This is the opposite of what happens in 2019.

1999-2007: SALMON CREEK FAILS ANYWAY

January 1999 — WSU Vancouver Development Agreement

Clark County and WSU sign a development agreement (RD 99-08) reserving 1,149 AM and PM peak hour trips for the campus. The agreement has a 27-year term expiring December 31, 2025. WSU contributes \$950,000 for off-site road and intersection improvements. The area is under infrastructure pressure — WSU locks in capacity while it's still available.

2001–2003 — Salmon Creek development moratorium

Despite the 1997 Regional Road Plan, traffic congestion overwhelms the Salmon Creek corridor. The County imposes a moratorium triggered by operating speeds below 13 mph. The moratorium area extends three miles from the I-5 interchange.

2004 & 2007 — 179th corridor brought into Vancouver's Urban Growth Area

Approximately 2,200 acres are added to the UGA. Urban holding overlay applied immediately because transportation infrastructure lacks adequate capacity for urban development. One interchange south, Salmon Creek is still dealing with the consequences of development outpacing infrastructure.

2005–2007 — Second Salmon Creek moratorium

Another moratorium imposed on the Salmon Creek area. Hundreds of projects placed on hold. The \$133 million Salmon Creek Interchange Project (I-5 at NE 139th Street) is the County's answer — but it won't be complete for nearly a decade.

2008: THE WARNING NO ONE HEEDED

November 2008 — WSU agreement amended; staff warns capacity will run out in 10 years

WSU receives 1,267 additional peak hour trips (PW 08-118). The staff report explicitly warns: if Phase 2 of the Salmon Creek Interchange Project does not reach "reasonably funded" status within ten years, "there will not be adequate capacity to serve non-WSUV growth in their area." That ten-year deadline: 2018 — the same year urban holding is lifted.

"If Phase 2 does not reach 'reasonably funded' status in about ten years, then there will not be adequate capacity to serve non-WSUV growth in their area."

— Clark County Staff Report, October 31, 2008

2014: THE RULES CHANGE

August 2014 — Salmon Creek Interchange opens, \$133 million later

The new I-5 interchange at NE 139th Street opens on August 27. It took three moratoria, a decade of construction, and \$133 million to fix what happened when development outpaced infrastructure at Salmon Creek. The County is about to do the same thing one interchange north.

August 2014 — County changes concurrency standards, and lowers the bar

Ordinance 2014-08-09 shifts from travel speed standards to V/C ratios. The entire travel speed table (38 corridor segments) is deleted. The change also lowered Transportation Impact Fees and removed road projects from the 20-year Capital Facilities Plan — the same projects the corridor desperately needs now.

"When we made this change, it dramatically lowered our needed projects and subsequently lowered our TIF rates as a result."

— Matt Herman, Public Works, March 2019

2015–2016: STATE FUNDING

2015–2016 — Connecting Washington funds I-5/179th interchange (\$50M)

State legislature allocates \$50 million for the interchange replacement. Funds won't be available until the 2023–2025 biennium — and that's when design can begin, not construction. In 2016, the County pays WSDOT \$232,000 for practical design guidance to start preliminary work.

2018: WARNINGS IGNORED

September 2018 — Skyview Station TIS: first documented corridor failure

NE Salmon Creek Ave EB at V/C 1.08 and NE 139th St WB at V/C 0.91 under pre-development conditions. Failures documented before urban holding is even lifted.

November 7, 2018 — WSDOT recommends denial of Holt Homes application

In a letter to Community Planning Director Oliver Orjiako regarding CPZ2018-00021 (143 acres, 606 homes + 99 townhomes), WSDOT raises concerns about safety, capacity, and funding. The existing interchange lacks adequate capacity for additional development. Interchange improvements are not anticipated to be operationally functional until 2028 "at the earliest." WSDOT supports the staff recommendation of denial.

"WSDOT supports the staff report recommendation of denial for this proposal."

— Michael A. Williams, WSDOT Planning Manager, to Oliver Orjiako, November 7, 2018. Never disclosed at any subsequent hearing.

December 18, 2018 — Phase 1: Killian Pacific, 526 units approved

40 acres, 200 SF homes + 326 apartments, 402 PM peak trips. Council approves 41 days after WSDOT recommended denial.

2019: THE FLOODGATES OPEN

February 21, 2019 — Phase 2: Holt Homes, 705 units, no road construction plan

143 acres, 606 SF + 99 townhomes, 657 PM peak trips. The developers' own representative confirms there is no actual construction management plan for the County's road projects. Approved 4-0.

"I just wanted to make sure that we weren't misleading you, that there isn't a true construction management plan sitting there."

— Randy Printz, developers' representative, referring to the County's road projects

January–March 2019 — 179th Subcommittee formed to find funding for road projects

The committee's mission: identify funding to build the road projects needed to lift urban holding. Members include 4 developers (Killian, Holt, Hinton, Wollam), 4 developer attorneys, 3 WSDOT staff, city managers from Vancouver, Ridgefield, and Battle Ground, and 17 County staff. One vote per entity. Staff didn't vote. No corridor residents on the committee.

March 13, 2019 — Councilor Julie Olson questions GMA compliance

Olson represents the corridor district. At the Council work session, she challenges the financial framework directly.

"I don't think we're in balance. I don't think we're compliant with GMA. If we have to go through all these machinations and tax every single taxpaying member of this community in order to open this up, I think something's — we either don't have enough development up front or we've got too much capital infrastructure."

— Councilor Julie Olson, March 13, 2019

May 7, 2019 — Subcommittee presentation shows \$23.3M shortfall

Staff's own slides: \$23.3M gap (slide 30), "construction likely beyond 2024 due to WSDOT" (slide 36), additional funding "highly dependent on resolving GMA non-compliance" (slide 13).

July 16, 2019 — Council approves Phase 2 lift

WSDOT denial recommendation not disclosed.

August 20, 2019 — Council adopts \$66.5M funding plan, Lentz votes no

Step 1 only. Step 2 projects (15th–26th and 29th–50th widening) not funded. Sources include grants at 80% probability, future TIF, and bonding. Councilor Temple Lentz dissents, warning the project has tripled in scope without adequate funding.

"What started as a \$66 million project to lift urban holding for four housing developments and a strip of retail, has morphed into \$163 million project that lifts all of urban holding, but we're only talking about how we're going to fund a third of it."

— Councilor Temple Lentz, August 20, 2019. Vote: 4-1. Lentz votes NO.

September 10, 2019 — Open House at Alki Middle School

Over 100 residents attend. County describes a "skinny roads, fat nodes" strategy — improve intersections first, widen roads later. WSDOT tells the public the interchange won't be complete until "sometime in 2030." Full corridor widening described as happening in "the back half of the next decade."

September–October 2019 — Phases 3 & 4: Wollam (325 homes) and Hinton (129 homes)

Combined with Killian and Holt, the four developer agreements cover ~255 acres, 1,685 units, 15,130 daily trips, \$12M in developer commitments.

October 8, 2019 — Planning Commission hearing: scope expands from 4 developments to all 2,200 acres

CPZ2019-00031 proposes lifting urban holding on the entire area — nearly ten times the acreage covered by the four developer agreements. Commissioner Barca dissents 4-1. Staff applies the wrong legal standard, telling the Commission that improvements need to be "reasonably funded" rather than funded to be *completed* within six years.

November 12, 2019 — Full urban holding removal, all 2,200 acres

Council lifts urban holding on the entire area based on a finding that infrastructure is "reasonably funded." But the GMA requires improvements to be completed or financially committed to complete within six years — a standard that was never properly evaluated. WSDOT had already said the interchange wouldn't be functional until 2028 (and told the public 2030). Staff's own slides showed construction going beyond 2024. The legal standard was reframed from "complete within six years" to merely "reasonably funded" — and no one corrected it.

2020: DEVELOPMENT ACCELERATES, INFRASTRUCTURE DOESN'T

February–July 2020 — Five traffic studies: NE 179th already failing at V/C 1.01–1.03

M&H/Hinton, Peterson Machinery, and NE 179th Apartments West & East (all Kittelson) document the corridor failing in background. NE 72nd Ave fails under existing conditions at V/C 0.98–1.06. All credit unbuilt TIP improvements.

May–July 2020 — NE 179th Apartments approved: 283 units despite corridor failures

West (159 units) and East (124 units). Combined 1,540 daily trips. Later renamed "South Ridge." Approved while the corridor is already documented as failing in background conditions.

February 2020 — WSU Vancouver master plan approved, adds residential housing

Hearing Examiner approves WSU's master plan update (PLD-2019-00041) adding undergraduate housing to campus. The 1999 development agreement's 27-year term expired December 31, 2025. The 2008 amendment added trips but did not extend the term.

2021–2022: PLANNING STARTS, YEARS AFTER DEVELOPMENT APPROVED

2021 — Three more studies: failures continue, V/C reaches 1.04

Summit Body (V/C 1.04), Salmon Creek Memory Care (NE 139th WB V/C 0.91), DSHS Behavioral Health (NE 159th/72nd LOS F existing, signal warrants met). DSHS uses zero in-process developments — inconsistent with every other study.

2021–2022 — More developments approved despite documented failures

Trails at Whipple Creek (48 lots), Martin's Meadow (33 lots), Highlands at Whipple Creek (29 lots). All approved while NE 179th EB is failing at V/C 1.01–1.04 and NE 72nd Ave is failing under existing conditions. All rely on the same unbuilt TIP improvements.

June 2022 — Four Creeks South TIS: five segments now failing

NE 179th EB at V/C 1.05 and NE 72nd Ave at V/C 1.09–1.12 in background. Failures worsen with each study.

2023: THE ADMISSION

June 6, 2023 — Council votes 3-2 to rezone commercial land to residential

26.7 acres of Three Creeks North converted from commercial/mixed-use to housing. Employment land reduced.

July 12, 2023 — Public Works Director: six-year timeline was never feasible

Costs have grown from \$66.5M to over \$200M.

"I don't know of anyone who had done projects like these that thought that was possible."

— Ken Lader, Public Works Director

July 18, 2023 — Arterial Atlas amendments finally adopted

The circulation plan is adopted 4 years after development was approved.

August–October 2023 — Legacy Village II (28 units) and South Ridge Central Apts (131 units) approved

Approved while NE 179th EB fails at V/C 1.05 and rising. Infrastructure still unbuilt.

2024: SLIPPAGE CONTINUES**May–November 2024 — Three subdivisions approved despite worsening failures**

Viers PUD (84 lots), Mill Creek Terrace (111 lots), Mountain View Ridge PUD (72 lots). 267 more lots approved while V/C reaches 1.14. All rely on the same unbuilt improvements.

June 2024 — Ridgefield MS TIS: V/C reaches 1.14, highest yet

NE 179th EB at V/C 1.14 for 2029 horizon. Four segments fail in background. Each study worse than the last.

November 6, 2024 — City of Vancouver: more density needed, but also, no jobs nearby

Written testimony on the Comp Plan recommends increased density in the corridor, citing HB 1181 VMT requirements. But the same letter acknowledges VMT reductions are "likely impossible without some allowances for related land uses to locate nearer to each other" — an admission that the corridor lacks the employment land needed to make the density work.

2025: SIX YEARS PASS, NO ROADS**February–December 2025 — Seven more traffic studies, eight segments now failing**

Three Creeks East (200 lots, Lancaster Mobley) documents the worst results: V/C 1.17 on NE 179th EB, V/C 1.33 on NE 10th Ave, eight segments exceeding 0.90. Five studies prepared by the same engineer, none counting each other's traffic. The code requires it; it isn't happening.

March 2025 — Mill Creek Meadows approved (40 lots) despite corridor failures

40-lot subdivision at 4508 NE 174th St approved by Hearing Examiner while eight road segments exceed V/C 0.90.

August 2025 — NE 29th roundabout construction begins

\$27.6M. The first major corridor project — 6 years after urban holding lifted. Originally targeted summer 2023. 2 years late.

October 2025 — Draft EIS published for Comprehensive Plan

County's own model shows corridor failures. DEIS does not identify them as concurrency deficiencies.

November 2025 — Six years pass since urban holding was lifted

The GMA required that infrastructure be completed or financially committed to complete within six years of the concurrency finding. Six years have passed. No major corridor project is complete. Over 2,900 units approved. 33,000+ daily trips committed. 725 more units in the pipeline. The "reasonably funded" finding that justified lifting urban holding has not produced a single finished road project.

2026: APPROVALS CONTINUE**January 6, 2026 — RTC presentation: further slippage**

Brian Muhu shows construction starts pushed to 2029 for some projects. NE 50th roundabout pushed to 2035+.

January–March 2026 — 278 more lots approved despite eight failing road segments

Four Creeks North (39, Jan 21), Kozy Manor (39, Feb 27), Three Creeks East (200, Mar 6). All approved after the six-year mark passed. All rely on the same unbuilt TIP projects. NE 179th EB now at V/C 1.17.

April 8, 2026 — Staff recommends denial of two subdivisions on concurrency grounds

For the first time, County staff recommend denial of the 174th Street Subdivision (100 lots) and Taylor Reserve Subdivision (35 lots) because concurrency standards have not been met. The same planner and concurrency engineer issue both denial recommendations on the same day. Hearing set for April 23.

April 27, 2026 — County Council votes on Comprehensive Plan

The decision that sets density and infrastructure for the next 20 years. Twenty-four traffic studies document the corridor failing. The City of Vancouver wants more density. The roads still aren't built.

WHAT'S AHEAD — FUNDED AND UNFUNDED PROJECTS

2025–2027 — NE 29th Ave Roundabout (under construction)

\$27.6M. Originally promised summer 2023.

2028–2030 — NE 179th (15th–26th) and NE 15th Ave widening

\$44.3M combined. Originally promised 2023. 3–5 years past deadline.

2029–2031 — I-5/179th Interchange (WSDOT)

\$86M. WSDOT said 2028 in 2018. Has slipped repeatedly. County cannot build or guarantee it.

2031–2033 — NE 179th (29th–50th Ave)

\$23.9M. Not on the Reasonably Funded Project List. 6–8 years past deadline. NOT FUNDED.

2035+ — NE 50th Ave Roundabout

~\$24M. Not funded. Not scheduled. Already LOS F in traffic studies.

Unknown — NW 11th/179th and Delfel–NW 11th widening

Not in any County plan. No timeline. No budget.

From the first approvals in 2018 to when the last funded project finishes is nearly **20 years for 2.5 miles of road** — and that doesn't include the west side projects.

[HOMEPAGE](#)
[UNDERSTANDING THE NUMBERS](#)
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Land Use Hearings

Where the concurrency code meets real development applications — and where the gap between what the code requires and what the County is doing becomes visible.

Why hearings matter

Clark County's concurrency code — CCC 40.350.020 — requires that roads have adequate capacity before development is approved. When a corridor's volume-to-capacity (V/C) ratio exceeds 0.90, the code says development should not proceed until the condition is improved or mitigated. That's the standard the County adopted. It's in the code.

In practice, the County has not been applying the code as written. Instead, staff have been dismissing corridor V/C failures when the intersections at either end of the failing segment show acceptable levels of service — a practice that has no basis in the code text.

This gap between code and practice has been invisible for years because it happens inside technical staff reports that few people read. The hearings below are where that gap became part of the public record.

Broad agreement that the code means what it says. The applicant's own attorney agreed at the April 23 hearing that the County is not following the code. The Hearing Examiner independently identified the same problem. And in a separate submission, the developer's own traffic engineer identified **22 corridors countywide** that exceed the V/C 0.90 standard — all but one concentrated in just two high-growth areas — confirming that the plain reading of the code reveals a systemic problem, not an isolated one.

There is no serious dispute about what the code says. The question is whether the County will follow it.

ACTIVE PROCEEDINGS

174th Street Subdivision (PLD-2026-00002)

Applicant: Silver Buckle Homes / TimberCrest Homes · **Units:** 100 lots · **Location:** 17101 NE 40th Avenue

A 100-lot residential subdivision at the eastern end of the 179th corridor. The applicant's own developer-commissioned traffic study found multiple corridor segments exceeding the V/C 0.90 standard — including NE 179th Street, NE 10th Avenue, NE 15th Avenue, and NE 50th Avenue — under 2028 background conditions, before the project's traffic is even added.

What happened

On April 8, 2026, County staff recommended **denial** of this subdivision because concurrency standards had not been met. This was the first time staff had recommended denial of a corridor development on concurrency grounds. Both this application and the companion Taylor Reserve Subdivision were later reversed to approval during the hearing process.

At the April 23 hearing before the Hearing Examiner, the concurrency question became the central issue. The County's concurrency engineer was unable to identify a code basis for the practice of dismissing corridor V/C failures based on intersection performance. The applicant's attorney agreed that the County is not following the code, but argued it represents a long-standing interpretation. The Hearing Examiner stated that the code "doesn't say anything about level of service" at bounding intersections and that if the parties believe the code needs changing, that's a matter for the Planning Commission and Board of Commissioners.

Developer outreach to change the code

Within hours of the April 23 hearing, multiple developer-side parties began contacting the County — not to defend the existing practice as lawful, but to change the code. The applicant's attorney emailed County staff the morning after the hearing requesting an interim code amendment. A separate developer attorney submitted letters conceding corridor V/C failures and acknowledging staff have not been applying the code as written. The Ginn Group called for "emergency action." PLS Engineering sent a failing corridors map showing 80% of their 2026 projects affected. The Building Industry Association of Clark County sent a letter to Council requesting an emergency ordinance, citing 29+ projects and 1,500+ units.

Five distinct channels — all conceding the code produces denials as written, all asking to change the rules rather than follow them. Nobody on the development side wrote to say the current code already allows what the County has been doing. They wrote to say: please change the code so it does.

The County's response: Rather than apply the code as written or deny the application, staff indicated they would reverse their recommendation from denial to approval based on a volunteer mitigation letter from the developer. That letter proposes improvements at one intersection — but does not address the corridor V/C failures the Hearing Examiner identified. The reversal would re-apply the same practice the Hearing Examiner questioned.

The 22-corridor finding

On May 11, 2026, the developer's traffic engineer submitted a memorandum into the record identifying 22 corridor segments countywide that exceed the V/C 0.90 standard. All but one are concentrated in just two areas: Salmon Creek/Fairgrounds and SR-503/Brush Prairie — both high-growth corridors where development has outpaced infrastructure investment. The memorandum argued that enforcing the code as written would affect development across the county. But what it actually demonstrates is that the concurrency system is catching exactly the problem it was designed to catch: growth areas where the County has approved development without building adequate infrastructure.

The concurrency code exists for this reason. When roads are failing, the appropriate response is to invest in infrastructure or limit development until capacity exists — not to argue that the standard identifying the failure should be abandoned.

Proceeding timeline

- **April 8, 2026** — Staff recommends denial; first concurrency-based denial in the corridor (later reversed).
- **April 23, 2026** — Hearing before Examiner Joe Turner; concurrency engineer unable to cite code basis for override practice; applicant's attorney agrees County not following code; record held open.
- **April 24 - May 13, 2026** — Five developer-side parties contact County asking to change the code rather than follow it.
- **May 11, 2026** — Developer's engineer submits memo identifying 22 failing corridors countywide.
- **June 4, 2026** — Response deadline.
- **June 25, 2026** — Decision expected.

Heartwood North (PLD-2025-00114)

Applicant: Holt Homes · **Units:** 146 lots · **Location:** South of NE 119th Street, Brush Prairie

A 146-lot subdivision on 33 acres in the SR-503/Brush Prairie area — one of the two high-growth areas where the developer's own traffic engineer identified failing corridors. The concurrency staff report uses the same intersection LOS override methodology at issue in the 174th Street proceeding, but formalizes it into detailed boilerplate language citing CCC 40.350.020(F)(9).

Why this matters

This case is assigned to Hearing Examiner Daniel Kearns — not Joe Turner, who questioned the override methodology at the April 23 hearing. The concurrency staff report applies the same practice Turner identified as lacking code basis, now written up as standard operating procedure. Both hearing examiners are expected to issue findings around June 25.

The timing matters. The Council is expected to vote on an interim concurrency ordinance on June 16 — before either hearing examiner issues findings. If the Council changes the code before the examiners rule, the hearings become moot. The code that flagged the problem would be rewritten before the process designed to test it reaches a conclusion.

Proceeding timeline

- **June 11, 2026, 6:00 PM** — Public hearing via Webex before Hearing Examiner Daniel Kearns.
- **June 18, 2026** — Record closes for written testimony (5:00 PM).
- **June 25, 2026** — Heartwood North decision expected from Examiner Kearns.

To testify: contact CommDevOALandUse@clark.wa.gov or 564-397-4911 by noon on June 11.
Written testimony: developmentcomments@clark.wa.gov (reference Heartwood North, PLD-2025-00114).

THE PATTERN

A pattern across multiple corridors

The 174th Street Subdivision and Heartwood North are not isolated cases. They are the most visible examples of a pattern that has played out across development applications in multiple corridors:

Developer-commissioned traffic studies document corridor segments exceeding V/C 0.90. Staff dismiss the failures using a practice — the intersection LOS override — that has no basis in the adopted code. Development is approved. Roads remain unbuilt. And the corridors get worse.

What makes these proceedings different is that the practice is finally being examined on the record. In the 174th Street hearing, the concurrency engineer could not defend it. The developer's attorney conceded it is not in the code. The Hearing Examiner identified the same problem independently. And the developer's own traffic engineer confirmed, in a separate submission, that the issue extends to 22 corridors countywide — concentrated in exactly two areas: Salmon Creek/Fairgrounds and SR-503/Brush Prairie. Heartwood North is in one of those two areas.

The code says the County should either build the roads or not approve the development. The County is choosing to do neither — and that is not what the code authorizes.

Transportation Concurrency: The Legal Framework

A reference for Council — from state law to the County code

NE 179th Street Corridor · Clark County · Companion to the concurrency questions

Purpose. Concurrency exists “to assure that those public facilities and services necessary to support development are adequate to serve that development at the time it is available for occupancy and use, without decreasing service levels below locally established minimum standards” (WAC 365-196-840(1)).

Concurrency flows downward: state law sets the requirement, the comprehensive plan adopts the standards, the Countywide Planning Policies coordinate them, and the County code carries them out. This reference traces that chain and summarizes what each relevant section does.

The standard controls — not practice. CCC 40.350.020(N)(5) provides that the County’s administrative manual “shall be consistent with and implement” the code’s concurrency standards, and that where the manual and the section conflict, “the provisions of this section shall control.” The 0.90 corridor standard in (G)(1)(a) is the code; an unwritten practice or methodology is not, and cannot displace it.

THE STATE FOUNDATION: GMA AND WAC

- The Growth Management Act sets the purpose of concurrency. RCW 36.70A.070(6)(b) requires local governments to adopt and enforce ordinances that prohibit approval of development if the development causes the level of service (LOS) on a locally owned transportation facility to decline below the standards adopted in the comprehensive plan — unless transportation improvements or strategies to accommodate the impact are made concurrent with the development.
- “Concurrent” has a fixed meaning: the improvements are in place at the time of development, or a financial commitment is in place to complete them within six years of development.
- WAC 365-196-840 implements that purpose. Transportation facilities are the only facilities the GMA requires to have a concurrency mechanism; concurrency rests on maintaining the adopted LOS standards for those facilities; LOS is set in the transportation element of the comprehensive plan and is the basis for the transportation plan; and each jurisdiction must adopt a regulation governing the operation of its concurrency management system.

THE COMPREHENSIVE PLAN: WHERE THE STANDARDS LIVE

- RCW 36.70A.070(6) requires the comprehensive plan’s transportation element to adopt LOS standards for arterials and transit routes. Those adopted standards are the benchmark every concurrency determination measures against — concurrency asks whether a development would push a facility below the adopted standard.
- The Arterial Atlas, an appendix to the Comprehensive Plan, assigns each road a functional classification and a planned capacity. Classification reflects how a road is planned to be built, which may differ from how it exists today.

COUNTYWIDE PLANNING POLICIES

- RCW 36.70A.210 requires counties and cities to collaboratively adopt Countywide Planning Policies (CWPP) that govern the development of comprehensive plans. For transportation, the CWPP call for a coordinated regional system that is balanced and compatible with planned land use densities, developed jointly by the County, the cities, WSDOT, the MPO/RTPO, and C-TRAN (CWPP 5.0.1 and 5.0.8).

THE CODE: CCC 40.350.020 — THE CONCURRENCY MANAGEMENT SYSTEM

This is the regulation WAC 365-196-840 calls for — the County’s mechanism implementing GMA concurrency. What each relevant section does:

- (A) Purpose. Implements RCW 36.70A.070: establish LOS standards for arterials and transit, and ensure those standards are met or reasonably funded before new development is approved.
- (B) Applicability. Applies to subdivisions, short subdivisions, conditional use permits, and site plan review that affect a county arterial or collector, or a state highway of regional significance.
- (D) Transportation Impact Study. The applicant submits a study, prepared by or under a Washington-registered professional engineer, analyzing the development’s impact on the operating level of affected corridors and intersections. The required study area scales with trip generation — one, two, or three miles.
- (E)(1) and (E)(3) — the approval gate. No development may be approved until a concurrency approval issues. (E)(3) directs the Public Works Director to issue a concurrency approval only where the development’s impacts do not cause the operating levels for corridors, signalized intersections, and unsignalized intersections to fall below the standards in (G). All three categories must meet (G).
- (E)(5) — volunteer mitigation. The Director may approve with mitigation volunteered by the applicant where the mitigation offsets the development’s impacts so the operating levels will not further deteriorate.
- (F) — Determination of operating levels. Defines the inputs used to calculate the operating level — the volume side of the ratio: existing traffic; applicant and other approved-development mitigation; the development’s impacts and those of other approved-but-unbuilt developments; transportation improvement program (TIP) improvements reasonably funded and scheduled for construction within six years, (F)(6); capacity reserved by development agreement, (F)(7); background growth and exempt development, (F)(8); and any other factors the Director determines could affect the operating level, (F)(9).

(G) — LEVEL OF SERVICE STANDARDS (THE PASS/FAIL THRESHOLDS)

- (G)(1)(a) — Corridors. The volume-to-capacity (V/C) ratio for each roadway segment shall not exceed 0.90, measured separately in each direction of travel. Capacity comes from Table 40.350.020-1 for roads built to county standards; for roads not fully built out, capacity is based on the current roadway condition, using the lane-width capacities stated in the subsection.
- (G)(1)(b) — Signalized intersections. No individual movement may exceed an average of two cycle lengths or 240 seconds of delay, whichever is less.
- (G)(1)(c) — Unsignalized intersections. Must achieve LOS E or better (LOS D if signal warrants are met). A development is not required to mitigate unless it adds at least five peak-period trips to a failing approach and worsens the worst movement on that approach.
- (G)(3) — Annual review. Council reviews the LOS standards and the operating levels for each corridor and intersection of regional significance annually.
- (G)(4) — Council authority. Council reserves the authority to enact and renew moratoria and interim controls on development affecting designated corridors and intersections under RCW 36.70A.390.

Questions for Council to Ask Staff

Transportation Concurrency — CCC 40.350.020

Prepared for the concurrency Council Time session

To assist the Council in understanding the complexities of the concurrency issue, we offer the following questions for the Council to ask staff. They are drawn from the code as currently adopted, the history of the concurrency provisions, the current Comprehensive Plan provisions on concurrency (including Appendix A), the developer-commissioned traffic studies in the corridor record, and the statements and testimony from recent hearings on development applications, including the NE 174th Street project. The answers should point the Council to a specific subsection of CCC 40.350.020 — and where they cannot, staff should explain how a practice can be enforced without reference to any code provision.

THRESHOLD QUESTIONS

1. If the position taken by staff — including ACM Furth's June 5, 2026 email to the Council — is correct that the code already authorizes the current practice, why is the Council intervening in a matter now pending before the Hearing Examiner? Why do you think no developers or developer attorneys put code support on record in the hearing? Should that interpretive question not be decided by the Hearing Examiner, with either party free to seek superior court review if it disagrees?
2. If that position is incorrect (see the questions that follow), how is it appropriate to change a legal standard in the middle of a contested proceeding in a way that favors one party over the others?
3. Why is the Assistant County Manager advising the Council on a contested interpretation of a complex code provision — is that not the role of County Counsel?

THE 0.90 STANDARD AND WHETHER “PRACTICE” CAN OVERRIDE IT

If the threshold questions resolve the matter, the questions below may require no further action. Should the Council wish to inquire further: the code sets specific concurrency provisions, and since the NE 174th Street hearing several of them have been invoked in an attempt to justify approval where the V/C exceeds 0.90. The following questions address that.

4. CCC 40.350.020(G)(1)(a) provides that the volume-to-capacity (V/C) ratio for each roadway segment “shall not exceed” 0.90. “Shall” is mandatory language. What specific code section or subsection allows approving a development that results in a V/C in excess of 0.90?
5. CCC 40.350.020(E)(3) requires that the operating levels for corridors, signalized intersections, and unsignalized intersections all meet the (G) standards before a concurrency approval issues. If a corridor segment exceeds 0.90 V/C, what language in (E)(3) would permit an approval despite the V/C above 0.90?
6. Does any subsection provide that an acceptable intersection level of service justifies approval in the face of a corridor segment that exceeds 0.90? If so, please put it on the record and explain why you believe it overrides the “shall not exceed” 0.90 standard.
7. The applicant's attorney acknowledged on the record that overriding a failing corridor V/C with intersection performance is not written in the code, and the Hearing Examiner asked: “But your code 435020G1A provides the maximum volume to capacity ratio for each

roadway segment shall not exceed 9/10 period when measured independently for each direction of travel period. It doesn't say anything about level of service at either end. So I'm not sure how does how do you get there based on that language." Is it the County's position that the attorney who made that concession, and the Hearing Examiner are simply wrong — and if those two lawyers are both wrong, what specific code provision says that overrides the "shall not exceed" language in G(1)?

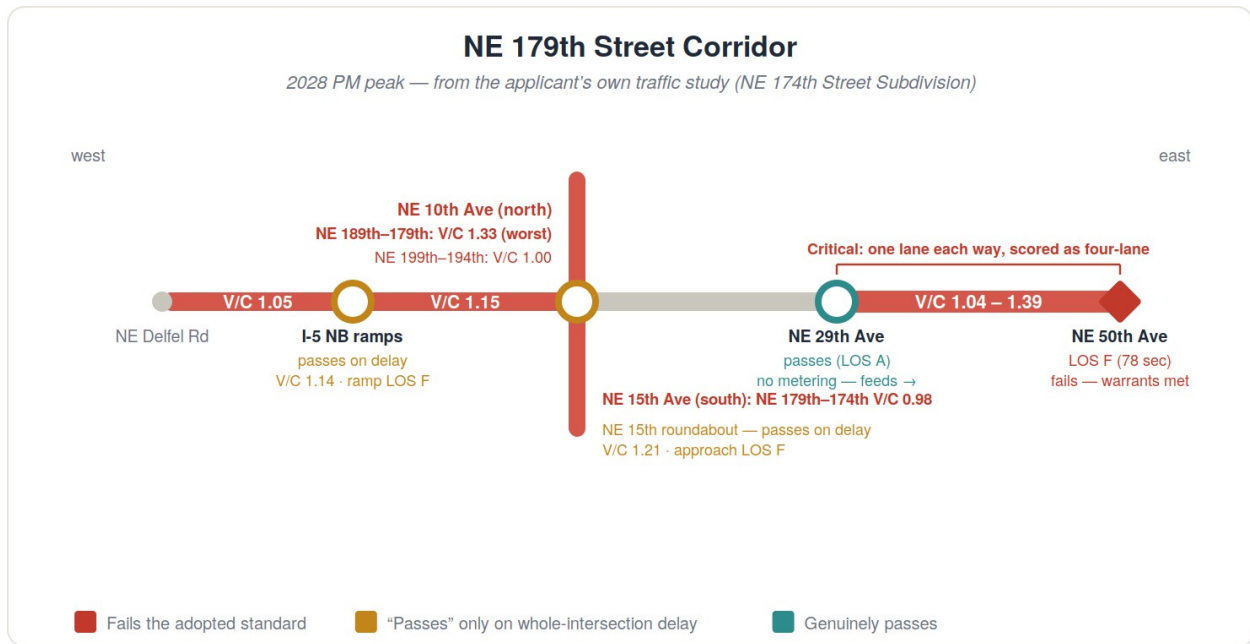
8. CCC 40.350.020(F)(9) refers to "any other factors that the Public Works Director has determined could have an impact on the operating level." How can (F)(9) override the "shall not exceed" language in (G)(1)(a)? (F)(9) provides discretion in calculating the volume; by its terms it does not authorize approval above 0.90 as calculated by (F)(9).
9. CCC 40.350.020(N) directs the Public Works Director to adopt and publish an administrative manual setting out the methodology and criteria for evaluating operating levels, and (G)(2) says the LOS standards are applied "as stated in" that manual. But (N)(5) provides that the manual "shall be consistent with and implement the provisions of this section," and that to the extent the manual is inconsistent with the section, "the provisions of this section shall control." **(a)** Is the practice of approving above 0.90 set out in the published administrative manual? **(b)** If it is, how can it stand against (G)(1)(a) given (N)(5)? and **(c)** If it is not in the manual, what legal basis is there for applying the "practice" that appears in neither the code nor the adopted manual?
10. If the PW staff has utilized the discretionary "practice" that staff claims is actually "code based", please provide the record of every concurrency determination since the 2014 amendments in which a corridor segment exceeded 0.90 V/C and, despite that finding, was approved on the basis of a related intersection's level of service. Also did staff ever bring this "practice" before a hearing's examiner or the Council?
11. If the practice has been to set aside the "shall not exceed" language in (G)(1), where is the methodology set out so that the public, developers, land use practitioners, staff, and hearing examiners can know it? Will staff provide that document and the date it was adopted?
12. If there is no adopted methodology, does approval turn solely on whether the Public Works Director (or designee) decides to approve a project? If so, what is the purpose of an extensive concurrency code?
13. If, as some staff assert, Public Works has some unspecified discretion, with no guidelines, to not to follow the "shall not exceed" language in (G)(1), when was that "practice" first adopted, and by what action — a Council ordinance or administrative direction? Has the Council ever voted to adopt it or even been made aware of its existence?
14. The concurrency section of the code has been amended several times since the 2014 update, including a 2019 amendment to subsection (G) — the subsection containing the 0.90 standard. Each amendment was an opportunity to write this practice into the code, yet none did. Why? If staff considered the practice already authorized, why was it left out when (G) was reopened and amended in 2019?
15. CCC 40.350.020(G)(3) requires Council to review the LOS standards and the operating levels annually. In the most recent annual reviews, were any corridor segments reported to Council as exceeding 0.90? If so, what did staff present as the consequence under the code and did the Council give any direction to staff?
16. Has the County ever denied a development application on concurrency grounds anywhere in the unincorporated county? If so, when and which one?

17. If documented LOS F intersections and corridor segments above 1.0 do not produce a denial, what set of facts would?
18. CCC 40.350.020(E)(5) allows approval with volunteered mitigation such that operating levels “will not further deteriorate.” If an intersection is already failing, before the project’s trips are added — does (E)(5) permit approval as long as the mitigation keeps the intersection from deteriorating further, or must the mitigation bring the intersection to the adopted level-of-service standard? When the County accepts mitigation that reduces but does not resolve a failure, what is the basis for finding concurrency satisfied, and which subsection permits it?
19. In determining a single development’s impact on a segment or intersection, do you account for all other approved and in-process developments in the corridor and, if not, why not as those impacts are real?
20. What determines the County’s assumed traffic volume at a given intersection or segment? Do you analyze the peak hour at full build-out of the area, and if not, what horizon and condition do you use?
21. Is each development’s study evaluated independently, with no single corridor-wide cumulative analysis combining all approved and in-process developments? If such an analysis exists, where is it?

All of these questions are valid and PW staff, and County Counsel, should answer them directly but at the end of the day.. Setting aside practice and intent — reading only the words of (E)(3) and (G)(1)(a) as adopted — show us the specific language in the code, as currently written, that permits the PW director to exercise unlimited discretion to approve a development that when it is clear that the .90 standard is violated and, if so, why would the Council allow that to happen and send those county residents into LOS F purgatory?

What Concurrency Failure Looks Like — Two Clark County Corridors

Each diagram below is drawn from the applicant's own traffic study. They show two unrelated road networks with the same result: corridors already over capacity, where development keeps being approved on an intersection measure the code does not authorize. The County's adopted standard is a corridor volume-to-capacity (V/C) ratio of 0.90 — a segment standard that good intersection performance cannot satisfy.



NE 179th Street fails segment after segment in the 2028 PM peak. The dispositive failure is the NE 29th–NE 50th segment — a road with one travel lane each way that the study scored at four-lane capacity; applying the code's capacity puts it at V/C 1.04 to 1.39. The bounding roundabouts "pass" only on whole-intersection delay while running over capacity with a failing approach, and the all-way stop at NE 50th is LOS F. The worst segment of all is the NE 10th Avenue leg running north (NE 189th–179th) at V/C 1.33; NE 15th Avenue to the south also fails.



A different corridor (NE 119th and NE 99th near SR 503), a different engineer, the same pattern. Both segments exceed the 0.90 standard at 2029 buildout — NE 119th at V/C 1.10, NE 99th at 0.99 — feeding into SR 503, itself a failing corridor at V/C 0.93–1.07. The bounding intersections either barely pass under the County's four-minute delay cap or fail outright because signal warrants are met; only one intersection in the picture genuinely passes.

Same methodology, two unrelated road networks. The code sets a corridor capacity standard that intersection performance cannot satisfy — yet development keeps being approved on roads that already exceed it.