From: Jeffrey Delapena
To: "Heidi Pozzo"
Cc: Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan Index of Record submission
Date: Thursday, August 20, 2026 3:39:00 PM

Hello Heidi,

Thank you for providing these comments and exhibits. These will be added to the Comprehensive Plan Index of Record.

Best,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

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-----Original Message-----
From: Heidi Pozzo <hcpheidi@yahoo.com>
Sent: Thursday, August 20, 2026 3:01 PM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Cc: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Comp Plan Index of Record submission

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jeff,

Please find attached a document I submitted to the 174th St Subdivision hearing about the legislative intent of the 2014 code change to adopt v/c as the concurrency test for road segments. Please enter it into the Comp Plan index of record. Due to file sizes, I will upload the exhibits through the link you provided me.

Thank you,

Heidi

Clark County Hearing Examiner

Supplemental Submission for the Open Record

Case: NE 174th Street Subdivision (PLD-2026-00002)
Hearing Examiner: Joe Turner
Topic: Legislative intent of CCC 40.350.020(G)(1) and the V/C standard
Submitted by: Heidi Pozzo
Date: April 25, 2026

I. Purpose of This Submission

This submission addresses one focused question: what the Clark County Council intended when it adopted, and later re-adopted, CCC 40.350.020(G)(1). It is meant to stand on its own and to add to, rather than repeat, my earlier filings.

What this submission adds. The Concurrency Staff Report (Ex. 52) at page 5 says that the V/C results on the NE 179th Street, NE 10th Avenue, and NE 15th Avenue corridors "do not represent roadway deficiencies, rather corridor mobility facilitated with good intersection LOS," and that "no further analysis or mitigation is required with this development." That sentence is the basis for staff's no-mitigation conclusion. The County's own legislative record tells a different story. V/C ≤ 0.90 is the corridor LOS standard. Intersection LOS in (G)(1)(b) and (G)(1)(c) is a supplemental safety check, not an override. And in 2016 and again in 2017, the Council formally found that approving developments on failing roads is contrary to the code's purpose and a public health and safety problem.

What this submission does not address. I am not addressing the volunteer letter (Ex. 51), cross-exclusion of concurrent corridor projects, the Arterial Atlas capacity question, the TIP-credit question, WSDOT jurisdictional issues, or the SEPA threshold here. Those issues are in my other filings.

II. Exhibits Submitted with This Filing

The documents listed below are the contemporaneous record of the 2014 concurrency ordinance, the 2016 emergency response, and the 2017 amendment process that produced the operative text of CCC 40.350.020. They are submitted as exhibits to this filing and referenced in the analysis that follows.

- **Ex. A:** Development and Engineering Advisory Board (DEAB) Adopted Meeting Minutes, May 1, 2014.

- **Ex. B:** Clark County Public Works / Community Planning, "Transportation Concurrency and the Capital Facilities Plan (CFP) Update," Planning Commission Presentation, June 5, 2014.
- **Ex. C:** Revised Staff Report to the Planning Commission, Concurrency: Proposed changes to the Title 40 development code and Capital Facilities Plan (Oliver Orjiako, Community Planning Director; prepared by Laurie Lebowsky, Transportation Planner), June 25, 2014, including proposed text of CCC 40.350.020 and Draft CFP 2014–2033.
- **Ex. D:** Clark County Planning Commission Hearing Minutes, July 17, 2014, Case No. CPZ2014-00009 (Concurrency Code & Capital Facilities Plan Updates).
- **Ex. E:** Ordinance 2016-08-12, "An emergency interim zoning ordinance relating to land use, suspending exemptions to the Concurrency Standards under CCC 40.350.020," adopted August 30, 2016.
- **Ex. F:** Ordinance 2016-10-11, extending Ord. 2016-08-12, with accompanying Public Works staff report dated October 25, 2016.
- **Ex. G:** Clark County Department of Community Planning, Revised Staff Report to the Planning Commission (Oliver Orjiako, Community Planning Director; Matt Hermen, Transportation Planner), "Concurrency: Proposed changes to the Title 40 development code (Amended)," March 16, 2017.
- **Ex. H:** Clark County Public Works Transportation, "Clark County Code Language: Concurrency – 40.350.020(G)(1)(c)," March 2, 2017 (slides presented at DEAB).
- **Ex. I:** Clark County Development and Engineering Advisory Board, April 13, 2017 Meeting Packet, including (1) DEAB Adopted Minutes of March 2, 2017 (incorporated for adoption at the April 13 meeting) and (2) Clark County Public Works, "Clark County 2018–2023 Transportation Improvement Program (TIP) Project Evaluation System" presentation by Susan Wilson and Michael Derleth.
- **Ex. J:** Board of County Councilors, Minutes of April 25, 2017.
- **Ex. K:** Ordinance 2017-04-13, "An ordinance concerning concurrency standards and amending Clark County Code (CCC) Section 40.350.020 Transportation Concurrency Management System," adopted April 25, 2017 (the operative code text now in effect).
- **Ex. L:** Clark County Planning Commission, Minutes of Public Hearing, Thursday, March 16, 2017 (concurrency code amendments).

III. The Override Rationale in Ex. 52

The April 8, 2026 Concurrency Staff Report (Ex. 52) acknowledges that the developer's traffic study identifies multiple corridor segments operating at V/C ratios above the 0.90 standard in

CCC 40.350.020(G)(1)(a). Staff does not dispute that those segments fail the V/C standard. Instead, staff concludes:

> *"[I]n the buildout horizon, staff believes that the reported v/c ratio over the NE 179th Street, NE 10th Avenue, and NE 15th Avenue corridors does not represent roadway deficiencies, rather corridor mobility facilitated with good intersection LOS. Therefore, staff concludes that no further analysis or mitigation is required with this development."*

Ex. 52 at p. 5. The same paragraph then describes the V/C results as "an indicator that these roadway segments should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made." So the V/C exceedances are set aside on the strength of separate intersection LOS findings, and the V/C result is treated as a soft indicator for future study rather than a binding LOS finding under the code.

The rest of this submission walks through whether the ordinances that produced the operative code text support that move. They do not.

IV. The 2014 Record: V/C Adopted as the Corridor LOS Standard

The 2014 amendments to CCC 40.350.020 were developed jointly by Public Works Transportation and Community Planning, reviewed by DEAB on May 1, 2014, presented to the Planning Commission in work session on June 5, 2014, heard by the Planning Commission on July 17, 2014, and adopted by the Board by Ordinance 2014-08-09 in August 2014. The contemporaneous record of that process consists of the four documents at Exhibits A through D.

A. May 1, 2014 DEAB Meeting (Ex. A)

The change from travel-speed LOS to V/C was framed as a complete replacement, not as the addition of a second metric alongside intersection LOS. Steve Schulte of Public Works explained that V/C is "a completely different measurement tool" from the prior travel-speed approach, and that "what's changing is monitoring corridor travel times, travel speeds minutes and seconds and going to VC ratios." Ex. A at p. 2.

Intersection mobility standards were described as a separate, supplemental safety floor. Schulte stated that "intersection mobility standards or safety net standards—these bare minimums for safety are being carried forward in the code." Ex. A at p. 2 (emphasis added). He further explained: "safety standards are not changing—they are national. We are retaining our mobility standards for intersections." Ex. A at p. 2. The words "safety net" and "bare minimums" are inconsistent with treating intersection LOS as a metric capable of overriding the corridor V/C standard. A floor cannot, by its nature, displace the standard above it.

The 2014 package was financially structured around V/C as the trigger for identifying needed improvements. The DEAB minutes record that "TIF rates will decrease when a revised CFP is adopted later this year" and that "2007 CFP costs were reduced by 30%—TIFs will decrease by that same percentage rate." Ex. A at p. 2. The DEAB motion approving the proposal was grounded in "predictability, simplicity and possible TIF reductions." Ex. A at p. 2. The trade was transparent: a simpler corridor metric (V/C) coupled with a smaller capital program. Nothing in this record indicates that the simpler corridor metric was intended to be displaced by intersection LOS when the V/C result was unfavorable.

B. June 5, 2014 Planning Commission Presentation (Ex. B)

Slide 4 establishes the LOS hierarchy. Under "Key Elements of the Concurrency Program Update," Slide 4 lists, in order:

> *1. Using the adopted Comprehensive Plan population growth rate of 1.12 percent per year — OFM medium projection*
>
> *2. A 20 year planning horizon*
>
> *3. Level-of-service measurement is a "roadway volume to capacity ratio" with a maximum of 90 percent*
>
> *4. "Additional protective" LOS standards for individual intersections*
>
> *5. In addition to LOS standards, national safety standards will apply and may be more restrictive*

Ex. B, Slide 4 (verbatim). Item 3 identifies V/C ≤ 0.90 as **the** "level-of-service measurement." Item 4 describes intersection LOS standards as **"additional protective."** "Additional" is the operative word. Additional protections supplement the baseline; they do not subtract from it. The framework presented to the Planning Commission treats V/C as the LOS measurement and intersection LOS as a supplemental layer that adds protection beyond what V/C provides.

Slides 5 and 6 illustrate compliance. The single worked example provided was Highway 99 at 78th Street: capacity 7,000, volume 3,500, V/C of 0.50, "since the maximum LOS is set at 90 percent, then the corridor is not in Concurrency failure." Ex. B, Slides 5–6. The example performs no parallel intersection LOS calculation and presents no scenario in which an intersection LOS finding overrides a failing V/C result. The Planning Commission was taught that the test is V/C ≤ 0.90, full stop.

Slides 11 and 12 show what was being removed from the capital plan. Slide 11 is the 2007 adopted CFP map. Slide 12 is the 2014–2033 draft CFP map. The 2014 map's legend includes a category for "2014–2033 CFP Deletion" — projects struck from the plan as part of the 2014 ordinance package. The deletions are concentrated in several parts of the county, including in and around the NE 179th Street corridor, where a meaningful number of previously planned

projects no longer appear on the new map. The corridors staff now describes as "not roadway deficiencies" (Ex. 52 at p. 5) sit on a network from which planned improvements were affirmatively removed in 2014. I ask the Examiner to compare the two maps directly. The visual comparison is the most direct way to see what the 2014 ordinance package took out of the capital plan.

C. June 25, 2014 Revised Staff Report and Proposed Code Text (Ex. C)

The staff report defines V/C ≥ 0.90 as a binding mitigation trigger. On page 1, the staff report from Director Orjiako states: "Under our proposed policy, transportation improvements would be required of roadway segments that are either at a V/C of 0.90 or above." Ex. C at p. 1. The staff report does not say "may be required" or "are subject to further evaluation in light of intersection mobility." It says "would be required."

The 2014 CFP confirms the same structure. The Draft CFP 2014–2033 attached to the staff report (Ex. C at pp. 17–18) lists "Concurrency Driven Projects" in Category II, with a footnote defining them as "County road segments with v/c > 90%." This is the County's own contemporaneous definition of a concurrency-driven project: a road segment whose V/C exceeds 0.90. The CFP does not identify a parallel category of projects driven by intersection LOS findings overriding V/C.

D. July 17, 2014 Planning Commission Hearing (Ex. D)

Lebowsky described the new system as deliberately less focused on intersections. In response to a question from Planning Commissioner Barca, Lebowsky stated: "The new standard looks at links and it's less focused on intersections." Ex. D at p. 5. The phrase is not consistent with a framework in which intersection LOS is empowered to override a failing corridor V/C.

V/C ≥ 0.90 was described as the trigger for project identification. Lebowsky explained that Category II "concurrency-driven projects" were identified by examining "what showed up in red and what was at that 90 percent capacity and above that was predicted over the next 20 years—and these are the projects that jumped off the map for us." Ex. D at p. 5. V/C ≥ 0.90 is the trigger for project identification, not a soft flag to be reconsidered if intersection LOS is acceptable.

The Planning Commission recommended adoption on a unanimous roll call. Ex. D at p. 8. There is no record at any point of a discussion of intersection LOS as an override pathway, of "corridor mobility facilitated with good intersection LOS," or of any equivalent concept.

V. The 2016 Emergency Response: Council Findings That Approving Developments on Failing Roads Is Contrary to the Code's Purpose

In 2016, the Council formally addressed a separate concurrency-related concern: that the (G)(1)(c) intersection-exemption provision adopted in 2010 was being used to approve developments at failing intersections without mitigation. The Council's response was to adopt emergency interim ordinances suspending the exemption while staff developed a permanent fix. Although those ordinances addressed the (G)(1)(c) unsignalized-intersection exemption, the findings the Council adopted bear directly on the present override question, because they articulate the Council's formal view of the purpose and structure of CCC 40.350.020.

A. Ordinance 2016-08-12 (Ex. E)

On August 30, 2016, the Council adopted Ordinance 2016-08-12. The recital provisions, adopted as findings under Section 1, state in pertinent part:

> *"WHEREAS, the Council finds that Clark County code attempts to delay development in areas served by roads failing concurrency; and*
>
> *"WHEREAS, recent amendments applied to intersections may not achieve that goal; and,*
>
> *"WHEREAS, developments may be approved even though served by roads that have failed to achieve safe levels of service; and*
>
> *"WHEREAS, immediate suspension of these exemptions is necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards and protect the public health and safety;"*

Ord. 2016-08-12 at lines 1–8. Section 1 of the ordinance states: "In compliance with the requirements of this statute, the Board of County Commissioners adopts as findings the pronouncements contained in the above recital provisions." The recitals are therefore not preamble; they are formal legislative findings of the Council.

Three points from these findings bear on the override question:

1. **The purpose of the code is to delay development on failing roads.** The Council found, as a matter of legislative finding, that the code "attempts to delay development in areas served by roads failing concurrency." There is no qualifier; the finding is unambiguous. Approving a development on a failing road is contrary to that purpose unless and until the road is improved or mitigated.
2. **Approving developments on failing roads is a public health and safety problem.** The Council framed approval on failing roads as something requiring emergency action to "protect the public health and safety." The 2016 ordinance characterizes failing roads

as having "failed to achieve safe levels of service," directly tying concurrency failure to safety, not merely mobility.

3. **When (G)(1) provisions are not achieving the code's purpose, the procedural response is emergency suspension followed by noticed code amendment.** The Council's response to the (G)(1)(c) problem was not staff workaround. It was: emergency suspension; six-month extension; DEAB review; Planning Commission review; SEPA notice; BOCC public hearing; permanent code amendment. This is the procedural path the Council itself uses when it concludes that a (G)(1) provision is producing the wrong outcomes.

B. Ordinance 2016-10-11 (Ex. F)

On October 25, 2016, the Council adopted Ordinance 2016-10-11, extending the interim ordinance for six months. The 2016-10-11 recitals are even sharper than 2016-08-12 in stating the Council's view of how concurrency is supposed to work:

> *"WHEREAS, the Council finds and concludes that Clark County code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated; and*
>
> *"WHEREAS, recent amendments applied to intersections may not achieve that goal; and,*
>
> *"WHEREAS, developments may be approved, through exemptions in the Road Standards, even though served by roads that have failed to demonstrate acceptable levels of service…"*

Ord. 2016-10-11 at lines 1–6. The added clause is dispositive. Concurrency, in the Council's own articulation, "attempts to delay development in areas served by roads failing concurrency **until the condition can be improved or mitigated.** Two outcomes are contemplated: improvement or mitigation. There is no third pathway by which a failing road becomes a non-failing road through reframing.

The October 25, 2016 staff report by Public Works (accompanying Ord. 2016-10-11) is similarly direct. It states: "Concurrency code amendments adopted by the BOCC in 2010 allowed exemptions to be applied to regionally significant unsignalized intersections that may not achieve required level of service standards. Through the application of these exemptions, developments could be approved even though the regionally significant stop controlled intersections failed to achieve required level of service standards." Ex. F (PW staff report, October 25, 2016). Public Works identified the practice of approving developments at failing facilities as the problem the emergency ordinance was suspending.

VI. The 2017 Amendment Process and the Operative Code Text

Following the 2016 emergency ordinances, the Council directed staff to develop a permanent code amendment through the customary process: DEAB review, Planning Commission review, SEPA notice, BOCC public hearing. The result was Ordinance 2017-04-13, adopted April 25, 2017. This is the ordinance that produced the operative text of CCC 40.350.020 now before the Examiner.

A. The March 2, 2017 DEAB Meeting and Public Works Presentation (Exs. H, I)

Public Works admitted, on the record at DEAB, that the (G)(1)(c) language was allowing exemptions for large developments. David Jardin and Matt Hermen presented at the March 2, 2017 DEAB meeting. The minutes record their characterization: "The approved code was approved with a threshold that was believed to resolve intersection delay. Unfortunately, the threshold does not apply to all types of intersections universally; therefore allowing exemptions for large developments. Staff is proposing to amend CCC40.350.020(G)(1)(c); permanently removing a de Minimis exemption threshold." Ex. I (DEAB Minutes, March 2, 2017) at p. 2. Public Works recognized the (G)(1)(c) language was operating to exempt larger developments contrary to the code's purpose, and proposed a noticed amendment as the remedy.

What the 2017 PowerPoint actually said about the (G)(1)(c) exemption — and what is happening now. Slide 4 of the March 2, 2017 PowerPoint (Ex. H) reports that "there have been no small development cases that used the current exemptions in order to move forward." Slide 5 then describes the unintended consequence: "Large developments use the current exemptions to justify compliance with the Concurrency Code." The example on Slide 5 is a development generating 281 PM peak hour trips, of which only 5 land on a failing intersection approach with V/C 0.62 and LOS F — the development qualified for no-mitigation under (G)(1)(c) because two of the three prongs were not met. Public Works framed this practice in 2017 as a problem requiring code amendment.

The 2017 amendment removed one prong but not the others. Ordinance 2017-04-13 struck the V/C 0.9 prong from (G)(1)(c) but kept the 5-trip prong in place. The structural workaround Public Works documented in 2017 — large developments routing trip distributions so fewer than 5 trips land on any one failing approach — remains available under the post-2017 code text. The documents in this case demonstrate the workaround is in routine use:

- In Ex. 52 at p. 4, staff applies (G)(1)(c) to NE 159th Street/NE 72nd Avenue (LOS F) and finds "none of the criterion was met"; staff applies (G)(1)(c) to NE 179th Street/NE 50th Avenue (LOS F) and reaches the opposite finding only because the 5-trip prong was met there.
- The applicant's own traffic study (PLS Engineering, December 4, 2025) invokes (G)(1)(c) at NE 159th/NE 72nd: "the proposed development is not projected to add any site trips

to the failing westbound approach… no concurrency related mitigation for the intersection can be imposed on the NE 174th Street Subdivision application."

- The Three Creeks East PUD staff report (PAC-2024-00346) applies (G)(1)(c) at the same NE 159th/NE 72nd intersection and at NE 179th/NE 50th and reaches a no-mitigation finding under the 5-trip prong.

The pattern Public Works in 2017 said was not happening with small developments is the standard pattern in the corridor today — used by large developments. The practice the 2017 PowerPoint described as the "unintended consequence" of the 2010 amendment is still operating, on the same corridor, applied to subdivisions of 100 and 200 lots.

B. The March 16, 2017 Planning Commission Staff Report (Ex. G)

The staff report from Director Orjiako and Matt Hermen, transmitted to the Planning Commission for the March 16, 2017 hearing, contains the County's own statement of the GMA framework and the consequence of LOS failure under transportation concurrency. Three statements are relevant.

First, the staff report recites the GMA standard. "The GMA requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. 'Concurrent with the development' is defined by the GMA to mean that any needed 'improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.' RCW 36.70A.070(6)(b)." Ex. G at p. 1.

Second, the staff report identifies the consequence of LOS failure under transportation concurrency: "Transportation is the only area of concurrency that specifies denial of development if LOS standards cannot be met." Ex. G at p. 1. This is the County's own statement, transmitted to its own Planning Commission, of what is supposed to happen when LOS standards cannot be met. The "corridor mobility facilitated with good intersection LOS" rationale at Ex. 52, p. 5 is, in operative effect, a workaround to avoid the denial that follows from V/C exceeding 0.90.

Third, the staff report recites the existing-deficiency rule. "[L]ocal jurisdictions must have a program to correct existing deficiencies and bring existing transportation facilities and services up to locally adopted standards. A developer may not be required to pay for improvements to correct existing deficiencies." Ex. G at p. 1. The existing-deficiency rule limits what a developer may be required to pay for. It does not authorize the County to declare a corridor non-deficient because intersection LOS is acceptable. Under GMA, the County must either (a) have a program in place that delivers V/C-restoring improvements within six years with funding, or (b) deny the development. The "corridor mobility" rationale is a third pathway that GMA does not recognize.

C. The March 16, 2017 Planning Commission Public Hearing (Ex. L)

On March 16, 2017, the Clark County Planning Commission held a public hearing on the proposed concurrency code amendment. All seven members of the Commission were present: Steve Morasch (Chair), Ron Barca (Vice Chair), Robin Grimwade, Bill Wright, Karl Johnson, Richard Bender, and Matt Swindell. Ex. L at p. 1. Matt Hermen of Community Planning presented the proposed amendment. David Jardin of Public Works responded to questions from the Commission.

The Planning Commission voted unanimously to recommend adoption. On a roll call vote, all seven commissioners voted aye: Wright, Bender, Grimwade, Johnson, Swindell, Barca, and Morasch. Ex. L at p. 7. The recommendation was forwarded to the Council, which held its public hearing on April 25, 2017 (Ex. J) and adopted Ordinance 2017-04-13 unanimously (Ex. K).

D. The April 13, 2017 TIP Project Evaluation System Presentation (Ex. I)

Eight days before the BOCC public hearing on Ordinance 2017-04-13, Public Works presented to DEAB its 2018–2023 TIP Project Evaluation System. The system is the County's own internal ranking system for prioritizing capital road projects. The Concurrency criterion (Ex. I, TIP Slides 14–15) treats intersection LOS and corridor V/C as separate, parallel categories of failure, each independently warranting points for capital investment:

> *"Improves Intersections of Regional Significance — Failing (LOS: E,F): 6 Points; Within 10% of failing (LOS: D): 4 Points*
>
> *"Improves a Concurrency Corridor — Failing (V/C: > 0.90): 3 Points; Within 10% of failing (V/C 0.80–0.89): 2 Points"*

Ex. I (TIP Slide 14). The slide is titled "Concurrency" and cited to "(CCC 40.350.020)." The County's own ranking system, contemporaneous with the 2017 ordinance, treats V/C > 0.90 as a binding indicator of corridor failure warranting capital investment—parallel to, not subsumed by, intersection LOS failure. The County cannot consistently maintain that V/C > 0.90 is a binding failure standard for purposes of allocating road funds while simultaneously maintaining that the same V/C > 0.90 is "not a roadway deficiency" for purposes of requiring developer mitigation.

E. The April 25, 2017 BOCC Public Hearing and Adoption (Exs. J, K)

On April 25, 2017, the Council held a public hearing on the proposed concurrency amendment and adopted Ordinance 2017-04-13 unanimously. Ex. J (Boldt, Stewart, Olson, Blom, Quiring all voting aye). Matt Hermen of Community Planning presented; David Jardin of Public Works joined the discussion; Christopher Horne (Deputy Prosecuting Attorney) joined the discussion. Ex. J. The Council adopted Section 1 of the ordinance, which states: "The Board hereby adopts as findings and conclusions those facts and conclusions contained in the recitals above." Ord. 2017-04-13 at § 1.

The recitals adopted as findings include the following:

> *"WHEREAS, the Council finds and concludes that Clark County code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated; and*
>
> *"WHEREAS, recent amendments applied to intersections may not achieve that goal; and,*
>
> *"WHEREAS, developments may be approved, through exemptions in the Road Standards, even though served by roads that have failed to demonstrate acceptable levels of service…"*

Ord. 2017-04-13 at lines 6–11. These are the formal legislative findings of the Council, contemporaneously made when adopting the operative text of CCC 40.350.020 now in effect. They re-affirm, three times in three ordinances (2016-08-12, 2016-10-11, 2017-04-13), that:

- the code's purpose is to delay development on failing roads
- "until the condition can be improved or mitigated";
- intersection-related amendments that allow approval despite failing roads do not achieve that purpose; and
- approving developments through such workarounds is the problem the ordinance was adopted to fix, not a feature of the code to be preserved.

F. The Operative Code Text Adopted by Ordinance 2017-04-13 (Ex. K)

The operative text of CCC 40.350.020(G)(1) as adopted by Ordinance 2017-04-13 reads, in pertinent part:

> **(G)(1)(a).** "The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance.… For roadways not fully built-out to county standards, the capacity shall be determined based on the current roadway condition." Ord. 2017-04-13 at lines 182–199.
>
> **(G)(1)(b).** "Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less)." Id. at lines 200–202.

> **(G)(1)(c).** "All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better…" Id. at lines 203–209.

Three structural features of this text are decisive on the override question:

4. **Subsection (G)(1)(a) is a flat prohibition.** The corridor V/C standard "shall not exceed nine-tenths (0.9)." There is no qualifier, exception, or override carveout in the operative text. The Council had three years between June 2014 and April 2017 to write an override into the code if that was the legislative intent. It did not.
5. **The three subsections are independent, parallel standards.** The 2017 ordinance dropped the "Within the designated transportation corridors" preamble that, in the 2014 proposed text, prefaced the signalized intersection standard. The 2017 (G)(1)(b) is now a freestanding requirement parallel to (G)(1)(a). The result is that subsections (a), (b), and (c) each establish distinct standards that must each be satisfied. Intersection LOS in (b) and (c) cannot save a corridor that fails (a), because (a), (b), and (c) are conjunctive, not alternative.
6. **The exemptions in Section H are exclusive and do not include the override.** The code identifies four narrow categories of development applications "not subject to a concurrency denial": K–12 public schools incorporating commute trip reduction commitments, fire/police stations, public transit facilities, and neighborhood parks. CCC 40.350.020(H); Ord. 2017-04-13 at lines 233–239. "Corridor mobility facilitated with good intersection LOS" is not among them. The enumerated-exemption structure of Section H forecloses unenumerated exemptions created by staff practice.

On the buildout question. I note that the June 5, 2014 PC presentation contained a proposal (Slide 7) that "once roadways and intersections are fully built out to Arterial Atlas standards, they will not be further tested for concurrency." Ex. B, Slide 7. That proposal was not adopted into the code. The Council, in 2014 by Ordinance 2014-08-09 and again in 2017 by Ordinance 2017-04-13, declined to include any provision exempting built-out roads from V/C testing. The operative (G)(1)(a) text instead does the opposite: it specifies how to calculate capacity for both built-out and not-built-out roads, with both subject to the same V/C ≤ 0.90 standard. The reason a buildout exemption is absent from the code is straightforward: a road built to its classified standard can still be overwhelmed by demand, and a concurrency code that ceased to test such roads would defeat its own purpose by allowing unlimited development to fill any road to any V/C without consequence.

VII. The "Corridor Mobility Facilitated with Good Intersection LOS" Rationale Has No Foundation in the Legislative Record

Pulling the threads of the legislative record together, the operative text of CCC 40.350.020 establishes the following structure:

7. **V/C ≤ 0.90 is the corridor LOS standard.** The 2014 PC presentation (Ex. B, Slide 4), the 2014 staff report (Ex. C at p. 1), the operative code text adopted by Ordinance 2017-04-13 (Ex. K, (G)(1)(a)), and the County's own 2017 TIP ranking system (Ex. I, TIP Slide 14) all treat V/C ≤ 0.90 as the binding corridor LOS standard.
8. **Intersection LOS is a supplemental safety floor, not an override.** Public Works' own 2014 description called the intersection standards "safety net" and "bare minimums" (Ex. A); the 2014 PC presentation called them "additional protective" (Ex. B); and the 2014 PC hearing record described the new system as "less focused on intersections" (Ex. D). The structural placement of (G)(1)(b) and (G)(1)(c) as freestanding requirements parallel to (G)(1)(a) is consistent with that framing.
9. **The Council has formally found, three times, that approving developments on failing roads is contrary to the code's purpose.** Ordinance 2016-08-12 (Ex. E), Ordinance 2016-10-11 (Ex. F), and Ordinance 2017-04-13 (Ex. K) each contain Council findings that the code "attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated" and that approving developments on failing roads is the problem to be fixed, not a feature to be preserved.
10. **Transportation concurrency specifies denial when LOS standards cannot be met.** The County's own March 16, 2017 staff report states: "Transportation is the only area of concurrency that specifies denial of development if LOS standards cannot be met." Ex. G at p. 1. The code does not contemplate a third pathway by which a failing corridor is reframed as a non-deficiency.
11. **The override has no foundation in the record.** There is no statement in the 2014 record (Exs. A–D), the 2016 emergency response (Exs. E, F), the 2017 amendment process (Exs. G–L), or the operative code text adopted by Ordinance 2017-04-13 (Ex. K) that authorizes intersection LOS to override a failing corridor V/C. There is no worked example of such an override in any presentation. There is no Council, Planning Commission, or DEAB discussion of such an override. The override theory now used by staff has no foundation in the legislative record.

The contrast with the actual record is stark. When the Council identified that a (G)(1) provision was producing the wrong outcomes, it acted: emergency suspension, six-month extension, DEAB review, Planning Commission hearing, SEPA notice, BOCC public hearing, permanent code amendment. The "corridor mobility" override now used by staff has not been the subject of any such process. It exists, on this record, only as a recurring sentence in concurrency staff reports.

VIII. Implication for This Application

The Hearing Examiner is asked to determine whether the proposed development complies with the concurrency standards in CCC 40.350.020. The applicant's traffic study identifies multiple corridor segments operating in excess of V/C 0.90 under 2028 conditions. Staff (Ex. 52 at p. 5) treats those V/C exceedances as not constituting "roadway deficiencies" because intersection LOS is acceptable. The legislative record of the ordinances that produced the operative code text does not support that treatment.

I ask the Examiner to consider this submission together with the broader concurrency record I have placed before him. The narrow point here is that the override rationale in Ex. 52 is contradicted by the legislative record of the very ordinances it claims to apply. The corridor V/C standard in CCC 40.350.020(G)(1)(a) was adopted, and re-adopted in 2017, as the corridor LOS measure. Intersection LOS in (G)(1)(b) and (G)(1)(c) was retained as a supplemental safety check. The Council formally found, three times, that approving developments on failing roads is contrary to the code's purpose. Reading the code in light of its legislative record produces a coherent structure. The override theory does not.

Sincerely,

_____

Heidi Pozzo

NE 179th Street corridor, Clark County

Mailing Address: 13023 NE Highway 99, Ste 7-298, Vancouver, WA 98686

Exhibit A

Development and Engineering Advisory Board Meeting
May 1, 2014
2:30-4:00 p.m.
Public Service Center

Board members in attendance: Steve Bacon, Ott Gaither, Eric Golemo, Andrew Gunther, Don Hardy, Jamie Howsley, Mike Odren, Terry Wollam, Jeff Wriston

Board members not in attendance:

County staff: Gary Albrecht, Don Benton, Brent Davis, Jane Kleiner, Laurie Lebowsky, David Jardin, Diana Nutt, Ali Safayi, Steve Schulte, Greg Shafer, Holly St. Pierre, Ron Wierenga

Administrative Actions

- Introductions
- Welcome new member – Terry Wollam
- DEAB meeting is being recorded and the audio will be posted on the DEAB's website.
- Review/Adopt minutes – April minutes - there was a motion to approve and adopt. Minutes amended, approved & adopted.
- Review upcoming events
    - BOCC Work Session – Clark County Stormwater Manual & Municipal Code Update – Wednesday, May 14, 11:15 a.m.
    - BOCC Hearing – 1) Population and Employment Allocation; 2) Marijuana-related Facilities – Tuesday, May 27, 10:00 a.m.
    - BOCC Work Session – Clean Water Commission Annual Report Presentation – Wednesday, May 28, 10:30 a.m.
    - PC Work Session – CPZ2014-00003 - NE 10th Avenue, Clark Regional Waste Water District, Washougal UGA Removal, and Arterial Atlas/Fifth Plain Creek Area – Thursday, May 1, 5:30 p.m.
    - PC Hearing – Open Space & Timberland Applications, CPZ2014-00003 - NE 10th Avenue, Clark Regional Waste Water District, and Washougal UGA Removal – Thursday, May 15, 6:30 p.m..
    - DEAB Annual Report to BOCC - Wednesday, June 4th, 10:00 a.m.
- Correspondences – None
- DEAB member announcements - None

Concurrency Ordinance Updates and Q&A

Laurie Lebowsky from Community Planning presented this topic. Steve Schulte, David Jardin and Gary Albrecht have been working with Laurie on a project to simplify and streamline the concurrency code as well as the capital facilities plan (CFP). Traffic Impact Fee (TIF) rates will decrease when a revised CFP is adopted later this year. (TIF rates were not part of this discussion. They will be addressed later.) *Guiding principles -Concurrency* (slide) was reviewed. One of these is to shape a more predictable program. One option to simplify is automating the monitoring of congestion. We have some projects in collaboration with the state for signal monitoring. *Key elements of the update* (slide) - CFP revision was based on the Office of Finance

Management's (OFM) medium projection of 1.12% population growth this year. This was also adopted by the BOCC recently. Our CFP is a twenty-year planning horizon as required by statewide growth management. The biggest change to concurrency is from the standard of travel speeds and times in the corridors to a volume-to-measurement or a volume-to-capacity (VTC) ratio. This would be a measure of length. In order to ensure safety and capacity is preserved at intersections, specific language in code addresses intersection safety. Ott Gaither asked if VTC is a common industry standard accepted by agencies. Laurie Lebowsky and Steve Schulte explained it is used by City of Vancouver, Oregon Department of Transportation (ODOT), Regional Transportation Council (RTC) as well as other jurisdictions. Annually, the RTC relays the congestion monitoring report to the county. Ott Gaither asked if VTC is a lowering or an increase of the standard. Steve Schulte commented this is a completely different measurement tool. For instance, in the old model, delay times in intersections were monitored travel times and travel speeds in corridors for both directions were measured. The most congested direction of travel is used for measurement. Also, lengths of segments between intersections are measured. However, intersection mobility standards or safety net standards—these bare minimums for safety are being carried forward in the code. The VTC ratio is easier to understand for the non-engineer. Each classification of roadway has its own design capacity. This model will make it easier for the county to interface with RTC in long-term modeling. David Jardin explained the county will maintain a model to track current development, in process development, traffic, existing and future conditions. An annual report will be produced. Eric Golemo asked if this meant the level of service (LOS) is tracked plus capacity of corridors or is this LOS significantly different from what is happening now. David Jardin explained that the LOS at intersections will remain unchanged. Instead of monitoring the miles-per-hour threshold, at the beginning of each year, the county will assess the existing volumes and compare them to the capacity that's allowed. These are already included in traffic studies; it's not an extra level of analysis. Eric Golemo asked if this meant there would be less of a chance of mitigation if there is a failing movement at an intersection. Steve Schulte answered that safety standards are not changing-they are national. We are retaining our mobility standards for intersections. What's changing is monitoring corridor travel times, travel speeds minutes and seconds and going to VC ratios. We cannot speculate if one is more demanding than another. There are no differences in traffic studies. Ott Gaither asked if it would be possible to run a model. Steve Schulte said it's possible, however what's happened is a new growth rate, 1.12% has been utilized that is lower than the rate from 2007. Therefore, the CFP is reduced dramatically. The BOCC approves of the VTC ratio and the downsized CFP. This way there will be county funds available to mitigate failures.

CFP: Range of revenue projected is $510-$540 million. List of projects for CFP was displayed with maps. Staff will develop criteria for what kind of facility will qualify for funds. The CFP is more fluid and flexible. County funds will be allocated out over time. Steve Schulte explained the Urban Development Road Program is unallocated funds that could be utilized for job creation. 2007 CFP costs were reduced by 30% TIFs will decrease by that same percentage rate. This will be adopted with the Supplemental Budget in November of this year. However, it could be changed based on the Comprehensive Plan update. Next steps: Laurie Lebowsky will present update at June 5th DEAB meeting. Will present to PC work session on evening of June 5th. The PC Hearing is July 17th. BOCC Hearing is August 19th – both CFP and Concurrency updates will

be discussed. Concurrency changes are eligible to be adopted at that time. CFP changes will wait for adoption until the supplemental budget November 4th. The new CFP will be effective November 4th.

Next steps for DEAB: PC would like comments in advance of their June 5th meeting. Mike Odren suggested that the board take time before June 5th meeting to review the proposed code changes provided by Laurie Lebowsky.

A motion was made by Eric Golemo that due to predictability, simplicity and possible TIF reductions, DEAB supports the changes to the county's transportation program and CFP. It was seconded and approved.

An Amendment to the motion was suggested by Jamie Howsley. Any comments on concurrency code language should be sent to Community Planning staff by May 16th to be included in the Planning Commission packets. Motion was seconded and approved.

Stormwater Manual Ordinance Updates and Q&A

Ron Wierenga and Rod Swanson presented updates to the Stormwater manual project. The process has been ongoing for the last 15 months. Several DEAB members participate on the technical and stakeholder advisory committees. The chief task in updating the manual is incorporating the Department of Ecology's minimum requirements. It needs to be equivalent with the state's manual. For example the same BMPs they use as well as the same design standards, etc. The decision was made at the beginning of the project to create an entirely new, rather than updated manual. The draft manual is out for public comment. The comment period ends next week. There are few comments at this time. The draft needs to be finalized by mid-June in order to submit on time to the state for the equivalency determination. After state's evaluation, the county has until July 1, 2015 to adopt it. Therefore, this will not be the only public comment period. Changes will continue through the next year. There will be further work to do in determining how to insert the manual in the engineering and application review process. There will be a lot of external and internal training. Nine minimum requirements that must match the state's manual. There are minor changes to eight of the nine. Requirement #5 is most changed—Onsite stormwater management. This regards using low impact development BMPs to the extent possible on a project. The thresholds are very small and must be considered on virtually every development project. These practices include considering infiltration, disbursement and containing runoff on the site. Larger projects that trigger all the minimum requirements, performance standards can be used or a choice can be made from the list. However, it is a different list than the one used for small projects. The main difference is that permeable pavement has a priority over bio retention. There are infeasibility tests, yes or no questions or specific onsite management questions. The lists are longer. If you're using the performance standard you do not need to use the BMP list in any particular order. There are no economic infeasibility criteria currently. Possibly comments will be submitted on this. The challenge would be to submit a justification for this and have DOE approve it. Some infeasibility criteria are very vague. Two of the other minimum requirements, treatment (pollution removal) and flow control; those will not go away. Requirement #5 makes selection of site even more important.

Jamie Howsley asked about the past practice of groundwater testing being held in abeyance until the winter months. Ron Wierenga responded that we've seen too many failed infiltration facilities to not continue to hold to this standard. It was suggested this could be mitigated at times with county historical data. Also, groundwater elevation maps could be utilized to discover if testing could occur at a different time. The new Stormwater manual will apply to all applications filed after July 1, 2015. Further discussion will be needed about the description of an application. Still figuring out how these requirements apply to contingent vesting at time of pre-application. Work session scheduled with BOCC on May 14th. Mike Odren suggested comments regarding vesting, phasing issues and the meaning of an application might be the most pertinent. If you would like to submit comments for the work session please summarize and get to staff by end of next week. If there are more after this week they will be considered, just not for this draft.

2015-2016 Priorities

So far only Ott Gaither and Eric Golemo have submitted ideas.

- 60-day permits
- Plat alteration
- Stormwater
- Permit consolidation
- Updates on fee holiday
- Concurrency
- Final site plan
- Bi-annuals
- Grading, erosion & control inspection fees
- LEAN process
- Staffing levels
- Permit Center wait times
- Technology aspects county could utilize - Skyping, inspections, Permit Center upgrades

Send comments on this to Mike Odren via email before our next meeting. He will work with Helen to put together to review before next BOCC meeting.

Public Comment
There was no public comment.

Meeting adjourned at 4:30 p.m.
Meeting minutes prepared by: Holly St. Pierre
Reviewed by: Greg Shafer
Adopted date: June 5, 2014

Exhibit B

Transportation Concurrency and the Capital Facilities Plan (CFP) Update

Planning Commission Presentation
June 5, 2014

Covered Today

1) Concurrency program updates
2) Capital Facilities Plan (CFP) updates

Not Covered Today

1) Possible Traffic Impact Fee program changes

Guiding Principles- Concurrency

1. More predictable outcomes for developers
2. Simpler process and easier metrics to understand
3. Promote increased awareness of congestion locations
4. Automate congestion modeling via technology

Key Elements of the Concurrency Program Update

1. Using the adopted Comprehensive Plan population growth rate of 1.12 percent per year- OFM medium projection

2. A 20 year planning horizon

3. Level-of-service measurement is a “roadway volume to capacity ratio” with a maximum of 90 percent

4. “Additional protective” LOS standards for individual intersections

5. In addition to LOS standards, national safety standards will apply and may be more restrictive

Concurrency Measurement- Example

1. 78th Street east of Highway 99 has a capacity of 7,000 vehicles in the peak hour

2. Existing traffic of 2,200 vehicles plus already permitted new traffic of 1,300 vehicles- results in a volume of 3,500 vehicles in the peak hour

3. The calculated loading is 3,500/7,000 or 50 percent of capacity- and if the maximum LOS is set at 90 percent, then the corridor is not in Concurrency failure

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Other Elements of the Concurrency Program Update

1. Both a “one-hour” and a “two-hour” peak traffic measurement are being carried forward in the evaluations

2. A status color system will be adopted for corridors to increase awareness- with possible BOCC actions to provide for more developer predictability

3. Once roadways and intersections are fully built out to Arterial Atlas standards, they will not be further tested for concurrency

4. We are moving towards more automation of our traffic counting and monitoring-via remote stations and direct downloading of information into our concurrency databases

Guiding Principles- CFP

1) Projected 20 year capital funding available is $510 million to approximately $540 million (Constant 2014 dollars)

2) Adopt a fiscally constrained CFP

CFP Categories

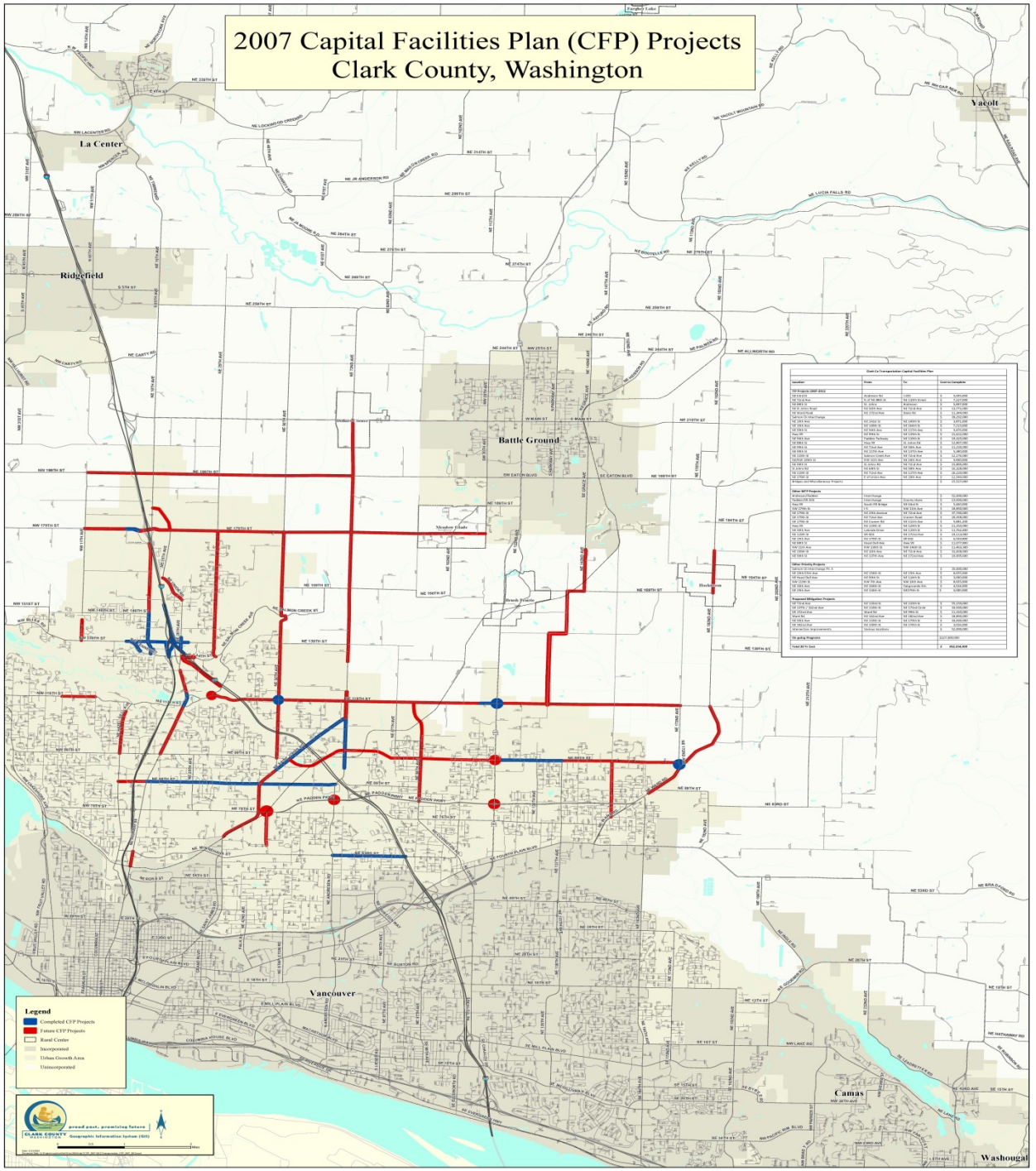
1) Committed- 6 yr. TIP projects

2) New- Concurrency driven projects

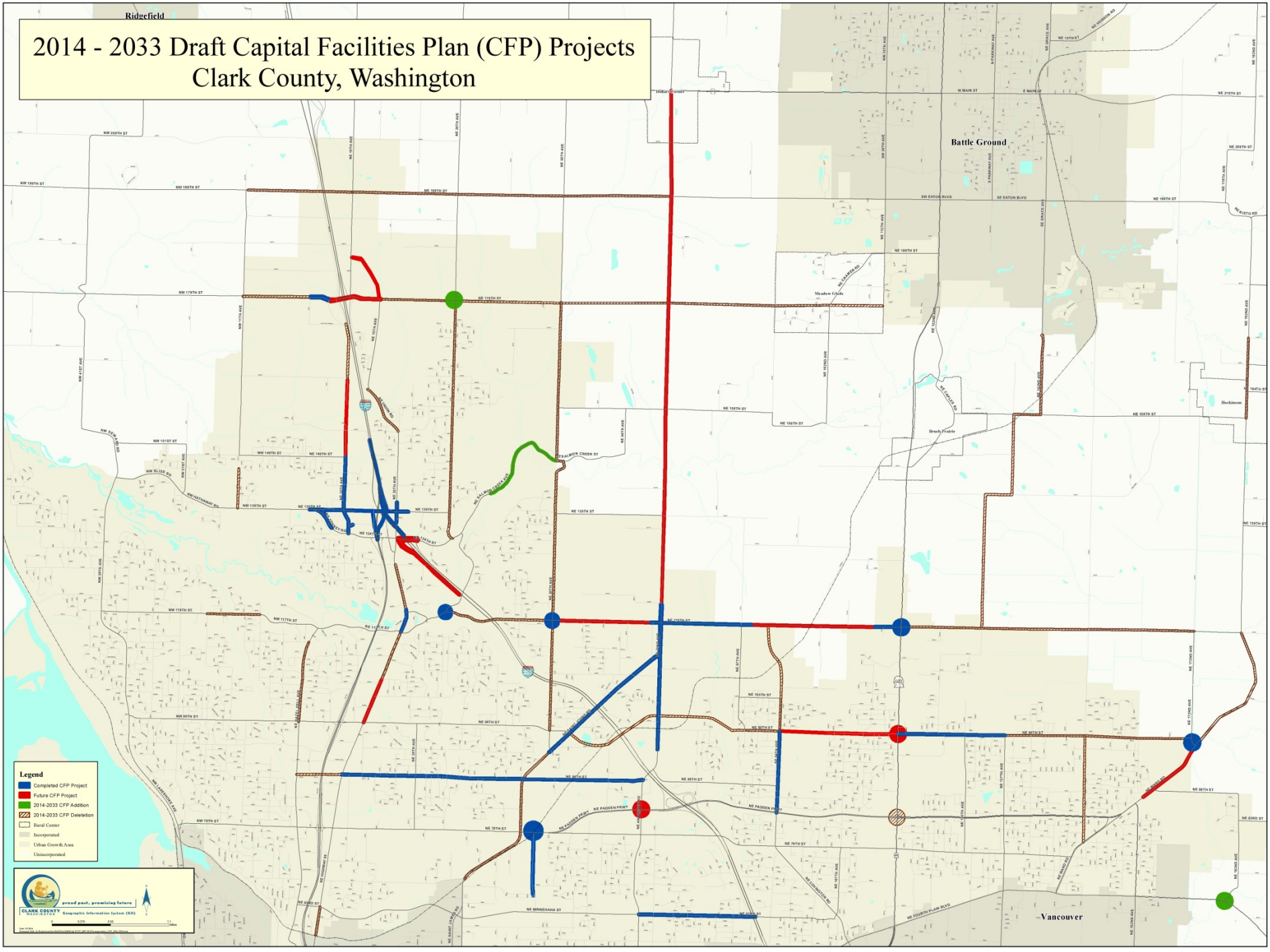
3) New- Regional, partnership, and urban holding projects

4) Ongoing programs (e.g. preservation, bridge repairs)

2007 Adopted CFP	$952 million (with infl) $760 million (2014 $)
CFP Cost to Complete	$532.5 million (2014 $)
Projected 20 Yr Revenue	$510-$540 million (2014 $)


2007 Capital Facilities Plan (CFP) Projects
Clark County, Washington
La Center
Ridgefield
Battle Ground
Vancouver
Camas
Washougal
Yacolt
Legend
Completed CFP Projects
Future CFP Projects
Rural Center
Incorporated
Urban Growth Area
Unincorporated
CLARK COUNTY
WASHINGTON
proud past, promising future
Geographic Information System (GIS)

2014 - 2033 Draft Capital Facilities Plan (CFP) Projects
Clark County, Washington



Next Steps

1) DEAB follow up on June 5th, before PC work session
2) Hearing dates
    1) Planning Commission hearing July 17 at 6:30 pm
    2) Board hearing August 19 at 10:00 am
3) The Adopted CFP will become effective in November of this year as part of the County's supplemental budget update.

Exhibit C

CLARK COUNTY
WASHINGTON
proud past, promising future

DEPARTMENT OF COMMUNITY PLANNING

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Community Planning Director

PREPARED BY: Laurie Lebowsky, Transportation Planner

DATE: June 25, 2014-REVISED STAFF REPORT

SUBJECT: Concurrency: Proposed changes to the Title 40 development code and Capital Facilities Plan

Background

The Board of County Commissioners placed revising the concurrency standards on the work programs for Public Works and Community Planning, as a cooperative effort between the two departments. The Board wanted to simplify the approach to concurrency, so the process could be easily be understood by both staff and applicants. They believed the simplified approach would promote job creation and economic development.

Staff examined approaches to concurrency used in other jurisdictions, such as City of Vancouver. Staff determined that the simplest approach to concurrency is to base the level-of-service standards on the volume-to-capacity ratio instead of measuring the corridor travel speeds.

Volume-Demand-to-Capacity Ratio (V/C) is a measure that reflects mobility and quality of travel of a facility or a section of a facility. It compares roadway demand (vehicle volumes) with roadway supply (carrying capacity of an identified road segment). For example, a V/C of 1.00 indicates the roadway facility is operating at its capacity. Under our proposed policy, transportation improvements would be required of roadway segments that are either at a V/C of 0.90 or above.

Changing the method of measuring capacity requires changing the Capital Facilities Plan, as well as the Concurrency section in the development code.

Attached to this staff report please find the proposed changes to the Title 40 Concurrency CCC Section 40.350.020 and also the new, proposed Capital Facilities Plan. Please note that the attached Capital Facilities Plan has been re-formatted since the Planning Commission work session on June 5th,since it was a working copy that the PC was reviewing.

The PC additionally wanted minor changes to Title 40 code and that code language is attached to this staff report with the PC's recommended changes, highlighted in yellow.

40.560.010 Plan Amendment Procedures

P. Other Plan Amendment Categories

3. In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable interjurisdictional agreements.

Staff reviewed the comprehensive plan and found that all applicable policies and implementation strategies were met.

Public Outreach

Staff met with the Development Engineering Advisory Board (DEAB) on May 1st, 2014 regarding the proposed changed to the County's concurrency standards. DEAB voted unanimously to conceptually support staff's proposed changes. Staff will also make a presentation to a meeting of the Commission on Aging at their July 15 meeting.

Staff gave both SEPA and CTED notice and copies of the SEPA and CTED notice can be found in your packet.

Information regarding the proposed concurrency update was also provided on the county's Public Works website.

The Clark County Planning Commission meeting has been duly advertised in *The Columbian* newspaper.

Staff Recommendation

Based on these findings, staff recommends that the Planning Commission APPROVE the proposed changes to both the Concurrency ordinance and the Capital Facilities Plan.

40.350.020 Transportation Concurrency Management System

A. Purpose.

This section implements the requirements in RCW 36.70A.070 that counties:

1. Establish level of service standards for arterial and transit routes; and

2. Ensure that such standards are met or reasonably funded before new development is approved.

B. Applicability.

This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

1. Any county roadway with a comprehensive plan functional classification of arterial or collector; or

2. Any state highway of regional significance.

(Amended: Ord. 2007-11-13)

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

1. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D)(7), or the requirement for a study has been waived by the Public Works director.

2. A transportation impact study shall include, at a minimum, an analysis of the following elements:

   a. Trip generation, modal split, distribution, and assignment for the proposed development; and

   b. An analysis of the projected impact of the proposed development upon the current operating level and safety of ~~any~~ affected transportation corridors and ~~or~~ intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.

3. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

4. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C). The traffic counts shall reflect representative traffic conditions ~~within transportation corridors~~ on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.

5. A transportation impact study shall ~~not~~ be required to analyze impacts on affected transportation corridors or intersections of regional significance located ~~more than~~ at least the following distances from the proposed development (as measured by straight-line distance):

   a. Fifty (50) or less new peak ~~hour~~ period trips at development site: one (1) mile;

   b. Fifty-one (51) to two hundred fifty (250) new peak ~~hour~~ period trips at development site: two (2) miles;

   c. Two hundred fifty-one (251) or more new peak ~~hour~~ period trips at development site: three (3) miles.

6. The Public Works director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

7. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak ~~hour~~ period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.

8. Upon the written request of an applicant, the Public Works director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.

2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and

40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.

3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).

4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance ~~located more than~~ further away than the ~~following~~ distances ~~from the proposed development (as measured by straight-line distance):~~ identified in 40.350.020(D)(5).

~~a. Fifty (50) or less new peak hour trips at development site: one (1) mile;~~

~~b. Fifty-one (51) to two hundred fifty (250) new peak hour trips at development site: two (2) miles;~~

~~c. Two hundred fifty-one (251) or more new peak hour trips at development site: three (3) miles.~~

5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

6. Appeals to the determination of the Public Works Director with respect to concurrency shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be appealed as Type II procedures. For applications reviewed as Type III procedures, the Public Works Director's determination shall be treated as a recommendation to the review authority.

(Amended: Ord. 2012-05-25)

F. Determination of Operating Levels.

The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

1. The existing traffic levels on the roadways and intersections;

2. Any mitigation measures proposed by the applicant.

a. For site plans, mitigation measures shall be completed and/or implemented prior to occupancy or commencement of the use.

b. For land divisions, mitigation measures shall be completed and/or implemented prior to:

(1) Final plat approval; or

(2) Issuance of the first building permit for any newly recorded lot, provided:

(a) The improvements are secured by a performance bond or financial guarantees acceptable to the county prior to final plat.

(b) Construction plans shall be approved, and any needed right-of-way for the mitigation improvements have been obtained prior to final plat approval.

(c) "Model home" building permits issued subject to the requirements of Section 40.260.175 do not require bonding or right-of-way acquisition necessary for transportation concurrency mitigation measures.

3. Any mitigation measures conditioned to other approved developments which will be completed and/or implemented prior to occupancy of the proposed development;

4. The traffic impacts of the proposed development on the affected transportation corridors and intersections;

5. The traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections;

6. Any improvements being implemented as part of the county's transportation improvement program that are reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application;

7. Any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter;

8. Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Public Works director determines could have an impact on the operating level of the transportation corridors or intersections;

9. Any other factors that the Public Works director has determined could have an impact on the operating level of the transportation corridors or intersections.

(Amended: Ord. 2007-04-13; Ord. 2007-09-12; Ord. 2007-11-09; Ord. 2009-12-01; Ord. 2011-08-08)

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:

a. ~~The minimum travel speeds for each designated transportation corridor are shown in Table 40.350.020-1. A map of designated transportation corridors is on file at the Public Works department transportation/concurrency offices in Vancouver, Washington.~~ The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth area, but outside of the City of Vancouver. Measurements shall also be made for State Highways of Regional Significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining ~~calculating~~ the capacity for roadways built out to County standards, the capacity shall be ~~determined~~ based on the factors described in Table 40.350.020-1 Roadway Capacities. For roadways not fully built-out to County standards, the capacity shall be determined based on the current roadway condition. For roadways with lane widths 12 feet and greater, and with paved shoulder widths 2 feet and greater, the lane capacity shall be 800 vehicles per hour. For roadways with lane widths between 11 and 12 feet and with paved shoulder widths 2 feet and greater, the lane capacity shall be 700 vehicles per hour. For roadways with lane widths less than 11 feet, the lane capacity shall be 600 vehicles per hour.

Table 40.350.020-1 Roadway Capacities

Roadway Type			County Designation	Single Direction Capacity/hour
Urban	Arterials	Parkway	Pa-4b	2000
		Principal	Pr-4cb	1800
		Minor, 4-lane	M-4cb	1800
		Minor, 2-lane	M-2cb	900
	Collector	Urban	C-2cb	900
		Urban	C-2	800
		Urban	C-2b	800
Rural	Arterial		RA	800
	Collector	Major	R-2	800
		Minor	Rm-2	800

b. ~~Within the designated transportation corridors,~~ ~~i~~Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less). ~~All signalized intersections located inside of incorporated cities shall be excluded from this requirement.~~

~~c. Outside of designated transportation corridors, all signalized intersections of regional significance shall achieve LOS D standards or better, except the intersections of SR-500/Falk Road and SR-500/NE 54th Avenue which shall achieve LOS E standards or better.~~

~~d.~~c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works director and shall not obligate the County to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak ~~hour~~ period trips to a failing intersection approach;

(2) The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic ~~hour~~ period; and

(3) That same movement is worsened by the proposed development.

~~e. The LOS standards shown in Table I shall be reduced by three (3) mph for those proposed developments that the Public Works director determines comply with the mitigated LOS standards for master planned developments pursuant to Section 40.350.020(O).~~

~~f.~~d. The LOS standards identified in this subsection shall be applied during peak ~~hour~~ period traffic conditions, as defined by the Clark County Review Authority and published in the Administrative Manual.

2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).

3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the ~~board~~ Board of County Commissioners.

4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

(Amended: Ord. 2010-08-06)

~~Table 40.350.020-1. Travel Speed Standards~~				
~~Corridors~~	~~Corridor Limits Description~~	~~Corridor Distance (mi.)~~	~~Minimum Travel Speeds~~	~~Equivalent Travel Time (min)~~

			(mph)	
North-South Roadways				
Lakeshore Avenue	Bliss Rd to NE 78th St	3.54	22	9.65
Hazel Dell Avenue	Highway 99 to NE 63rd St	3.57	17	12.60
Highway 99 and NE 20th Avenue				
NE 15th/20th Avenue (North)	NE 179th St to S of NE 134th St	2.72	17	9.60
Central	N of NE 134th St to NE 99th St	2.10	13	9.69
South	NE 99th St to NE 63rd St	1.79	13	8.26
St. Johns Road	NE 119th St to NE 68th St	2.53	22	6.90
NE 72nd Avenue	SR-502 to NE 119th St	5.00	27	11.11
Andresen Road	NE 119th St to NE 58th St	3.07	13	14.17
Gher/Covington/NE 94th Avenue	NE 119th St to SR-500	3.46	17	12.23
SR-503				
North	NE 199th St. to NE 119th St	4.07	27	9.04
South	NE 119th St to Fourth Plain	2.80	13	12.92
NE 137th Avenue	NE 119th St to Fourth Plain	2.46	17	8.68
Ward Road	Davis Rd to SR-500	1.18	13	5.45
NE 162nd Avenue	Ward Rd to NE 39th St	2.39	13	11.03
NE 182nd Avenue	Risto Rd to Davis Rd	4.43	27	9.84
East-West Roadways				
SR-502	NW 30th Ave (Battle Ground) to NE 179th St	6.52	27	14.49
179th Street				
West	NW 41st Ave to I-5	2.40	22	6.55
West Central	I-5 to NE 72nd Ave	2.97	22	8.10
139th Street and Salmon Creek Avenue				
139th Street West	Seward Rd to I-5	2.66	17	9.39
Salmon Creek Avenue (West Central)	I-5 to NE 50th Ave	2.20	13	10.20

~~119th Street~~				
~~West~~	~~Lakeshore to Hazel Dell~~	~~2.21~~	~~22~~	~~6.03~~
~~West Central~~	~~Hwy 99 to NE 72nd Ave~~	~~2.64~~	~~17~~	~~9.32~~
~~East Central~~	~~NE 72nd Ave to SR-503~~	~~2.26~~	~~22~~	~~6.16~~
~~East~~	~~SR-503 to NE 182nd Ave~~	~~3.18~~	~~22~~	~~8.70~~
~~99th Street~~				
~~West~~	~~Lakeshore to I-5~~	~~1.97~~	~~17~~	~~6.95~~
~~West Central~~	~~I-5 to St. Johns Rd~~	~~2.13~~	~~22~~	~~5.81~~
~~East~~	~~SR-503 to NE 172nd Ave~~	~~2.76~~	~~22~~	~~7.53~~
~~Padden Parkway~~				
~~East Central~~	~~I-205 to SR-503~~	~~1.91~~	~~17~~	~~6.74~~
~~East~~	~~SR-503 to Ward Rd.~~	~~2.11~~	~~22~~	~~5.75~~
~~78th/76th Street~~				
~~West~~	~~Lakeshore to I-5~~	~~1.31~~	~~17~~	~~4.62~~
~~West Central~~	~~I-5 to Andresen (on Padden)~~	~~3.09~~	~~17~~	~~10.91~~
~~East Central~~	~~Andresen to SR-503~~	~~2.43~~	~~17~~	~~8.58~~
~~East~~	~~SR-503 to Ward Rd~~	~~1.65~~	~~17~~	~~5.82~~
~~Fourth Plain Boulevard~~				
~~East Central~~	~~I-205 to SR-503~~	~~1.03~~	~~13~~	~~4.75~~
~~NE 88th St~~				
~~West Central~~	~~Hwy 99 to Andresen~~	~~2.83~~	~~17~~	~~10.00~~
~~63rd Street~~				
~~West Central~~	~~Hazel Dell to Andresen~~	~~3.25~~	~~22~~	~~8.86~~
~~East Central~~	~~Andresen to NE 94th Ave~~	~~1.24~~	~~17~~	~~4.38~~

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50 of this code;

2. Fire/police stations;

3. Public transit facilities;

4. Neighborhood parks.

(Amended: Ord. 2006-05-01)

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such development applications shall be required to submit a concurrency survey for review by the Public Works director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the director and shall be filed with the Public Works director. The concurrency survey shall indicate, at a minimum:

a. The type and location of the development;

b. An identification of all affected transportation corridors and intersections of regional significance;

c. The specific reason the development is exempt from the provisions of this section;

d. An estimate of the projected total peak ~~hour~~ period trips that will be generated by the development; and

e. An estimate of the date of occupancy of the development.

3. The Public Works director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).

2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires.

Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:

a. Withdrawn by the applicant;

b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or

c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

(Amended: Ord. 2012-05-25)

K. Capacity Reservation for Development Agreements.

The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.

2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

M. Deferral of Reserved Capacity.

If reserved trips from a development agreement (Section 40.350.020(K)) are not scheduled to be utilized for at least five (5) years, the board by administrative resolution may direct that all or a portion of such out-year trips be excluded in concurrency testing of other project applications where anticipated transportation improvement projects, whether or not deemed reasonably funded, are expected to increase capacity on the impacted corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When deferring use of reserved trips, the reserved trips will remain vested with the original party to the developer agreement and will be available for use by that party consistent with any conditions in the development agreement.

N. Establishment of Administrative Manual.

1. The Public Works director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

2. The Public Works director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by Section 40.350.020(D).

3. The Public Works director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in Sections 40.350.020(N)(1) and (N)(2).

4. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

5. The provisions of the administrative manual shall be consistent with and implement the provisions of this section. To the extent the provisions of the manual are inconsistent with the provisions of this section, the provisions of this section shall control.

O. Mitigated Level of Service for Master Planned Developments.

Mitigated level of service standards ~~shall~~ may be established, ~~shall be approved~~ for master planned industrial, university or office uses, which the review authority finds:

1. Provides for family wage jobs as defined in Section 40.350.020(P);

2. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;

3. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

4. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

(Amended: Ord. 2007-11-09; Ord. 2012-12-14)

P. Criteria for Family Wage Job Definition.

1. “Threshold family wage” is the income and benefit package needed to support a three (3) person, single-earner family that precludes them from eligibility for supplemental public assistance. The threshold family wage includes a cash wage and a minimum benefit package. The benefit package must be present, but is not generally included in the value of the cash wage. A cash wage that meets the threshold but does not include benefits does not meet the definition.

a. The threshold cash wage is measured by calculating the county's average annual covered wages, plus twenty-five percent (25%). The annual covered wage data is calculated by and shall be obtained from the Washington Department of Employment Security. "Covered wages" means wages covered under unemployment compensation laws.

b. To be considered for inclusion in the threshold family wage, a minimum benefit package equal to twelve and one-half percent (12 1/2%) of the average annual covered wage of the industry or actual average annual covered wages of the employees, whichever is lower, must be provided and available. Benefits provided by the employer must include, but are not limited to, an employer-paid health insurance, retirement or defined benefit program and a personal leave program.

c. Any benefits with a cash equivalent value in excess of seventeen and one-half percent (17 1/2%) of the cash wage may be credited toward cash wage if it falls under the threshold. Excess benefit value may include, but is not limited to, such things as a cafeteria plan, dental, vision, or childcare; however, the definition does not include the value of stock options or other investment-based benefits.

2. Standards.

a. To be eligible for mitigated level of service, an employer or prospective employer or employer group(s) must demonstrate that the median number of all covered wage jobs will meet or exceed the threshold family wage. Family wage jobs may be demonstrated by any of the following methods:

(1) Provide written documentation such as payroll history, tax records or other verification, as approved by the development approval authority, that average annual covered wages will meet or exceed the threshold family wage. The covered wages are measured at the company's own established internal thirty-six (36) month level-of-pay scale offered to employees, excluding overtime, in place at the time of application for mitigated level of service; or

(2) Provide a copy of the three (3) or four (4) digit North American Industry Classification System (NAICS) code for the business(es) applying for the mitigated LOS incentive. If the average annual covered wages for the industry classification meet or exceed the threshold family wage, and benefits as defined herein are provided, it is assumed that the employer meets the threshold family wage. Washington Department of Employment Security data shall be used to determine compliance with this criteria; or

(3) Sign a developer agreement to include affirmation of the fact that average annual wages of all on-site industrial or office employers will meet the threshold family wage upon legal occupancy of the building(s);

b. Provide a signed, notarized statement and documentation that a minimum benefit package as prescribed in Section 40.350.020(P)(1)(b) is provided and available to all regular full-time employees.

3. Director Obligations. The threshold family wage shall be updated annually in the county code by the Community Development director or designee upon publication of the average annual covered wages for Clark County by the Washington Department of Employment Security.

4. Enforcement.

a. At the time of annual update of the threshold family wage data, each recipient of mitigated LOS standard shall be reviewed for compliance with the threshold family wage criteria. This review shall include all employers who have had continuous occupancy of their development for a period of at least thirty-six (36) months and who have not been released from the requirements of this section. The review shall take place for five (5) consecutive years including the first thirty-six (36) month review. The review shall consist of confirmation with the Washington Department of Employment Security that reported average annual covered wages for the past year meets or exceeds the threshold family wage.

b. If, after thirty-six (36) months after the date of certificate of occupancy of a building or addition thereto, or as specified in a developer agreement, the recipient fails to meet the threshold family wage for the median of all thirty-six (36) month level-of-pay scale covered wage workers, the developer/employer shall pay a monetary penalty to the county. The penalty moneys shall then be used by the county to improve public roadways and intersections in the vicinity of the development. The amount of the penalty will be calculated as the difference between the threshold family wage required to satisfy the mitigated LOS eligibility standard and the actual average wage paid by the employer, multiplied by the total number of covered wage workers of the employer. This amount will then be increased by fifty percent (50%) and interest added consistent with RCW 82.02.020. The total amount added together will be considered as the amount of the penalty.

c. If the threshold family is not met after the annual reviews, the penalty shall be as follows:

- Third year: one hundred percent (100%) of the amount calculated in Section 40.350.020(P)(4)(b);
- Fourth year: eighty percent (80%) of the amount calculated in Section 40.350.020(P)(4)(b);
- Fifth year: seventy percent (70%) of the amount calculated in Section 40.350.020(P)(4)(b);
- Sixth year: sixty percent (60%) of the amount calculated in Section 40.350.020(P)(4)(b);
- Seventh year: fifty percent (50%) of the amount calculated in Section 40.350.020(P)(4)(b);

5. Expenditure of Funds. The penalty funds shall be expended or encumbered for a permissible use within five (5) years of receipt, consistent with RCW 82.02.020.

(Amended: Ord. 2007-11-09)

Q. Application of SEPA to the Director's Determinations.

Any determination made by the Public Works director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

(Amended: Ord. 2006-09-05)

DRAFT CFP 2014-2033

I. Committed - TIP (2014-2019)

Road	From	To	Comments	Cost	
NE 119th St	NE 72nd Ave	NE 87th Ave		$	15,000,000
NE 47th Ave @ NE 78th St	Intersection			$	1,800,000
NE 94th Ave	NE Padden Pkwy	NE 99th St		$	7,755,000
TSO Projects (5)	Various			$	6,120,000
Highway 99	NE 99th St	NE 107th St		$	8,800,000
NE 99th St	NE 94th Ave	NE 107th Ave		$	7,500,000
NE 119th St	NE 50th Ave	NE 72nd Ave		$	8,239,000
NE 47th Ave	NE 68th St	NE 78th St	Urban Dev Road OGP	$	3,417,000
NE 99th St @ SR 503	Intersection		Urban Dev Road OGP	$	2,269,000
NE 10th Ave	NE 154th St	NE 164th St		$	22,000,000
Completed Cost of 2014-19 TIP Projects				**$**	**82,900,000**

II. New - Concurrency Driven Projects

Road	From	To	Comments	Cost	
Padden Pkwy @ Andresen	Intersection		Interim upgrade	$	15,000,000
Ward Road	NE 88th St	NE 172nd Ave Bridge	1.7 capacity NB	$	9,700,000
Salmon Ck Ave	WSU Entrance	NE 50th Ave	WSU provide R/W; env. Issues	$	12,100,000
NE 119th St	NE 87th Ave	NE 112th Ave	1.0 capacity EB	$	26,200,000
NE 72nd Ave	NE 122nd St	NE 219th St	NB 1.23 capacity	$	30,000,000
Urban Arterial Intersections	Various		N/A	$	15,000,000
Cost of New Projects				**$**	**108,000,000**

III. New - Regional & Partnership Projects

Road	From	To	Comments	Cost
NE 179th St/I-5 Interchange	Delfel	NE 15th Ave	County road only	$ 15,000,000
SCIP Phase 2	NE 134th St	I-205	Assumes 50% WSDOT	$ 17,500,000
NE 182nd Ave @ SR-500[1]	Intersection			$ 1,000,000
NE 15th Ave Extension[2]	NE 179th St	NE 10th Ave	Bridge may increase cost	$ 7,000,000
NE 99th St	NE 107th Ave	SR 503		1,000,000
NE 10th Ave	NE 149th St	NE 154th St	interim upgrade option	$ 2,100,000
NE 179th St@29th Ave & @50th Ave	Intersections		Environmental Issues	$ 5,000,000
County Cost of Partnership Projects				**$ 48,600,000**

IV. TIP On-Going Programs

Programs	Comments	Estimated Annual		Cost
Bridge Repair/Rehab		$ 2,500,000		$ 50,000,000
Road Preservation		$ 7,000,000		$ 140,000,000
Rural Road Improvement Program		$ 2,000,000		$ 40,000,000
Sidewalks and ADA		$ 600,000		$ 12,000,000
Transportation Safety Imp.		$ 1,000,000		$ 20,000,000
Urban Development Road Prgm		$ 1,250,000		$ 25,000,000
Traffic Signal Optimization		$ 300,000		$ 6,000,000
Cost of OGP's		**$ 14,650,000**		**$ 293,000,000**

CFP COST **$ 532,500,000**

Notes:

1 Amounts shown in 2014 Dollars
2 County road segments with v/c > 90%
3 2035 Medium OFM projection

Footnotes: 1 Projects created due to urban holding, BoCC projects, and/or regional projects
2 Costs for 15th Avenue does not include bridge construction costs

Exhibit D

CLARK COUNTY
PLANNING COMMISSION MINUTES
Thursday, July 17, 2014

Public Services Center
1300 Franklin Street
BOCC Hearing Room, 6th Floor
Vancouver, WA

6:30 p.m.

I. CALL TO ORDER 6:30 P.M.

USKOSKI: Okay. This is the Planning Commission for Thursday, July 17th. We'll call to order and have roll call.

II. ROLL CALL & INTRODUCTION OF GUESTS

MORASCH: ABSENT

USKOSKI: HERE

BARCA: HERE

QUIRING: HERE

BLOM: ABSENT

JOHNSON: HERE

III. GENERAL & NEW BUSINESS

A. APPROVAL OF AGENDA FOR JULY 17, 2014

USKOSKI: Okay. Moving on to new and general business. We have first the approval of the agenda for tonight.

JOHNSON: I move we approve the agenda for July 17, 2014.

BARCA: Second.

USKOSKI: All in favor.

EVERYBODY: AYE

B. APPROVAL OF MINUTES FOR JUNE 19, 2014

USKOSKI: Next up the approval for the minutes of July (sic) 19th, 2014.

QUIRING: I move the approval of the minutes of July 19th, 2014. Whoops. June 19.

BARCA: Second.

USKOSKI: All in favor.

EVERYBODY: AYE

C. COMMUNICATIONS FROM THE PUBLIC

USKOSKI: Do we have any communications from the public? All right. So moving on to the agenda items tonight.

IV. PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. SHORELINE MASTER PROGRAM LIMITED AMENDMENT

We have up first - I believe the shorelines won't be here tonight, so - CPZ2014-00009 for the concurrency code and capital facility plan update. So if we have staff presentation.

LEBOWSKY: Yes. Laurie Lebowsky with Community Planning, and with me tonight is Steve Schulte from Public Works.

MCCALL: Excuse me. We need a motion to hold that over to August 7th.

USKOSKI: Oh.

LEBOWSKY: The shorelines.

MOTION TO HOLD OVER SHORELINE MASTER PROGRAM TO AUGUST 7

JOHNSON: I motion we hold the Shoreline Master Program Limited Amendment over to --

MCCALL: August 7th.

JOHNSON: -- August 17th --

MCCALL: 7th.

JOHNSON: -- 7th, excuse me, check that, 7th.

COOK: At 6:30.

JOHNSON: At 6:30.

QUIRING: Second it.

USKOSKI: Do we need to do a roll call on that, Marilee? Okay.

ROLL CALL VOTE:

USKOSKI: AYE

QUIRING: AYE

BARCA: AYE

JOHNSON: AYE

MCCALL: Thank you.

B. CPZ2014-00009: CONCURRENCY CODE & CAPITAL FACILITIES PLAN UPDATES

USKOSKI: Okay. Now moving on to concurrency.

LEBOWSKY: Okay. Commissioners, Steve and I are here to present the proposed changes to the concurrency ordinance and the capital facilities plan. If you recall, we had a work session with you all on June 5th. The presentation I'm doing tonight is pretty similar to that at that work session, so I'll be going through that. I want to keep it fairly brief, the staff presentation, since it's similar to what you've seen before. Feel free to stop if you have any questions -- to stop me if you have any questions.

The guiding principles for our concurrency update, as previously mentioned, the Board had put this on the work program for both Community Planning and Public Works, and that the concurrency ordinance and capital facilities plan update be based on the principles seen here.

And here are -- whoops. These are the key elements of the concurrency program update, including the assumptions for the growth rate which as you know are the OFM medium projection which is what the Board of County Commissioners adopted. The previous capital facilities plan and comp plan, the growth rate was double the assumed growth rate for our comp plan update. And we also with this concurrency update are going to retain some measures to ensure that intersections and roadways are protected.

This is our example that we used for showing the difference in terms of how we're changing the system. The new system is based on roadway capacity. And this example is illustrating how that would work with the development occurring and with roadway capacities, and the example here we're using is Highway 99 at 78th Street.

As you saw in the guiding principles, the Commissioners wanted a new standard that was simpler and more predictable for both developer -- for the developers, applicants and for staff.

And here are other elements of the concurrency program update. We are allowing flexibility in the future for a possibility of measuring a two-hour peak traffic measurement. We are working with a new status system to look at to monitor our roadways. If they get close to capacity, that we know ahead of time and that there's a flag and that we need to, if there's an issue, that we monitor it. Once a roadway or an intersection are fully built out, then the concurrency test no longer applies. And we are moving more towards automation of traffic counting and monitoring intersections.

I just want to add that in your hearing binder, we made some minor changes to the Title 40 code

language. I want to point them out real quick. If you look -- I'm looking at, this is for Page 2, highlighted in yellow, Lines 12, 13, 15 and 22, this was per your recommendation from the work session June 5th. And then additionally on Page 6, Page 6, Lines 12, 16, 23 and 24, and they are highlighted in yellow, and again that was per your recommendation, we made those minor changes.

USKOSKI: So can you remind me why we changed from peak hour to peak period. I don't recall.

LEBOWSKY: We were talking about how now when we measure for capacity it's an hour, peak hour, and we wanted to have the flexibility to in the future go to a two-hour measurement, and we went to peak period because then that could accommodate in the future should we want to change to a two-hour measurement for capacity.

USKOSKI: So at that point it would become a policy change on how the period is defined?

LEBOWSKY: If you look in the -- let's see. What page is that? They talk about -- Page 6 we talk about the Administrative Manual, that's the manual that we use for measuring for concurrency. In the previous version of this code language it wasn't really spelled out, but it's in that Administrative Manual where we would change if we wanted to go to a two-hour peak period instead of just the peak hour.

In terms of right now for measuring for capacity, we really are a peak, peaky one hour, our roadways, how they function. In the future when there's more traffic, we wanted to have that flexibility built in should we want to go to that standard. Steve.

SCHULTE: We only have one mic working tonight, so I'm going to do the best I can with this. The standard would be easy to change, we can do that with a word. We can go into the Administrative Manual and change that one hour to two hour very easily. The challenge in making this happen at some point in the future is all our trip reservations. This whole databank of trip reservations for every single development out there that has trips reserved, we have to change those 60 minute peak hour measurements to 120 minute peak hour measurements. So all of those individual developments we're going to have to go through and change those, and that would be a large undertaking. So at least for the near future we're on the peak hour basis.

LEBOWSKY: Are there any other questions about that issue?

USKOSKI: You can continue.

LEBOWSKY: Okay. I'm going to shift gears to the capital facilities plan, it's a complimentary element to concurrency. GMA requires that both the capital facilities plan and the concurrency standards be internally consistent. It's the projected guiding principles for CFP.

We worked with the funding group in Public Works to identify potential, what did they see were the potential funding sources. And as much as you can predict or not with the state legislature and the federal government, what was our revenue sources, what were the amounts in 2014 dollars over the next 20 years, we identified between 510 million to approximately $540 million.

Before I go further, I should point out that in your binder you have a spreadsheet that's titled Capital Facilities Plan, and that's -- when I'm talking about capital facilities plan, I'm referring to that spreadsheet and that includes the projects.

COOK: Tab 9.

LEBOWSKY: Tab 9. Thank you, Chris. One of the principles also with the CFP is that it be fiscally constrained, that those revenue sources we identified can cover the costs.

I'm going to quickly go through the different categories. If you see the spreadsheet, Tab 9, there are four different categories. The Number I is the six-year transportation improvement projects. In terms of movable pieces, those aren't movable, those are funded projects.

Second are what we call the concurrency driven projects. When we looked at this new standard for a capacity based system, and we looked at our road system, projected out 20 years, what showed up in red and what was at that 90 percent capacity and above that was predicted over the next 20 years, and these are the projects that jumped off the map for us, and that's in Category Number II on the spreadsheet.

Number III are the new projects regional. We titled this regional partnership and urban holding projects. Projects with WSDOT, projects that we had to include on the CFP because of other land use actions for example where we lifted urban holding.

And then finally we have the transportation improvement program, the ongoing programs. And those include programs such as bridge repair, road preservation, rural road improvement, the sidewalks program, transportation and safety improvements.

We included with this update, with this new CFP, we included a new pot of money for urban development road program. We wanted with this new standard -- let me back up a minute. The new standard looks at links and it's less focused on intersections. We wanted to have flexibility in the CFP. If we identify an area of concern that's an intersection in the urban area, we wanted to have a pot of money for where that could be used to address any potential issues. And then traffic, finally traffic signal optimization.

Any questions on the handout on the spreadsheet?

USKOSKI: I actually do have one about under Section III, 179th Street and the I-5 interchange. So you guys are adding that to the six-year plan from 15th to Delfel, am I understanding you correctly?

LEBOWSKY: The 179th Street/I-5 Interchange, that's under regional partnership projects.

USKOSKI: So you'd have to get WSDOT on board before you could go forward with that, that you wouldn't go and improve that section without knowing what WSDOT's plans were to improve the intersection at --

LEBOWSKY: That is correct. That is correct. Steve.

SCHULTE: I just might add, the 15 million is for the non-state portion of that work. It's for the west side work where North Delfel comes into 179th, and it's for Union Road out to 15th Avenue, so it's the County portions of the work. The intersection proper on State right-of-way is assumed to be State funded and not shown on the chart.

USKOSKI: Correct.

LEBOWSKY: Are there any other, any questions?

BARCA: So are the projects that are listed, are they in some form of priority?

LEBOWSKY: No.

BARCA: No.

LEBOWSKY: No. Typically with -- and Steve could answer if you want to jump in here. Typically within each of these categories that's where you prioritize projects.

BARCA: So within the categories themselves they're prioritized?

LEBOWSKY: Correct. So if you looked on that spreadsheet, you have the Category I and the Category II, within Category I you have the projects prioritized, and that that would be a different process. The capital facilities plan, it's a big picture, long range look. Our funding group within Public Works, their job is to prioritize projects, to identify potential grant funding, and that can influence the priority of projects, you also have a policy direction given by the Board.

BARCA: So I guess that being said and coming back to the specific project that was just talked about, 179th at the I-5, that's on the top of the list, does that mean it is our highest priority within that Category III?

SCHULTE: No, it doesn't. There's no priorities on these sheets at all. So the top one on Roman Numeral III is the same priority as the bottom one. What happens in reality as time goes on and the needs become better defined and grant monies become, availability becomes better known, we could pick anywhere off the list. The Roman Numeral I projects, those are committed, they're largely funded, they're running on timelines, those are our near-term projects.

BARCA: Right.

SCHULTE: The Roman Numeral IV, those are the annual amounts we allocate for those ongoing programs, those happen every year. Within each of those categories under Roman Numeral IV there are priority lists behind each of those line items. So we have our priorities on bridge repair or we have our priorities already on sidewalks behind each of those line items. But for Roman Numeral II and III there's no priority there at all, time will tell which needs to go first, again based on grant funding, traffic growth in areas and things like that and safety issues.

BARCA: So, Steve, you said on Roman Numeral IV these were annual amounts?

MCCALL: Steve, we're not picking you up. I've got this other mic on. So we're not picking you up on this one.

LEBOWSKY: So for -- they're not annual -- I think what Steve means - just to clarify - is that for the ongoing programs this is over the total that you see, the total costs, that is over the 20 years.

BARCA: The 20-year horizon.

LEBOWSKY: The 20-year horizon. You would have to divide by 20 to get the annual amounts.

BARCA: So $600,000 for sidewalks divided by 20 years.

SCHULTE: No.

LEBOWSKY: Times 20, sorry.

QUIRING: No.

SCHULTE: No. So the 600,000 in the estimated annual, that's the annual amount we'd like to fund for sidewalks and ADA, and over 20 years that is 12 million.

LEBOWSKY: Right. The total cost on the right-hand side, that's over the 20.

QUIRING: Right hand.

BARCA: I see.

SCHULTE: And then again, under each of those seven we have a prioritized list within each category, within each of those items which we're pursuing.

BARCA: Okay, thanks.

LEBOWSKY: Are there any other questions? Okay. So I mapped the CFP. What you see there is you have red and you have blue. Let's see. The red is the -- shoot. The blue is what's been completed. So you see the Salmon Creek interchange for example, those are completed projects in the CFP. The red are projects that are yet to be completed, and then the dots are the intersection projects.

And then on this slide. Again, you have the blue, the completed projects. You have the red, the future projects. And then there's a brown or a tan, those are the projects that were removed from the CFP to create the spreadsheet that's in your binder.

These are our next steps in this project. We have a hearing with the Board on August 19th. The adopted -- the CFP, should it be adopted, will be -- actually it will be adopted as part of the County supplemental update this year. And I'm going to move on to staff, the recommendation. Staff recommendation is that you approve the proposed Title 40 code changes as shown in your binder today along with the capital facilities plan. And I now conclude my presentation for any more questions that you have.

USKOSKI: Karl, do you have any questions or comments?

JOHNSON: No. I'm good.

USKOSKI: I would ask for a sign-up sheet, but do we have anybody in the public that wishes to testify? I see three of you out there. I'm counting you tonight. Okay. Seeing as how we don't have anyone, we'll go ahead and close the public comment period and turn it back to the Planning Commission for any thoughts, comments, discussion, questions.

BARCA: No questions.

QUIRING: No questions. They did an excellent job in the work session and answered a lot of questions then and have changed things in here, so...

USKOSKI: Karl.

JOHNSON: No. The same thing.

USKOSKI: Ron.

JOHNSON: Great job.

MOTION AND ROLL CALL

BARCA: I'm ready to make a motion.

USKOSKI: Okay.

BARCA: Okay. So I would like to make a motion that we approve the proposed Title 40 changes for capital facilities and also approve the capital facilities plan in one vote. Did I miss something in wording?

QUIRING: So was that something with the concurrency ordinance? That needs to be included.

BARCA: Oh, the Title 40 code changes of the concurrency ordinance.

QUIRING: I'll second it.

ROLL CALL VOTE

USKOSKI: Any discussion? Roll call.

JOHNSON: AYE

QUIRING: AYE

BARCA: AYE

USKOSKI: AYE

MCCALL: Passes unanimously.

V. OLD BUSINESS

USKOSKI: Okay. Moving on. Any old business? Any new business? Any comments?

VI. NEW BUSINESS

MCCALL: New business would be a reminder again that August 7th we're having the hearing at 6:30 for shorelines.

USKOSKI: Yes. So August 7th, 6:30 p.m., Shorelines Master Program Limited Amendment, August 7th, 6:30.

MCCALL: Yes. And then the second thing would be that the Board of Commissioners will be proceeding with the interview process for the empty seat on the Planning Commission on July 29th.

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

VII. ADJOURNMENT

USKOSKI: Okay. Sounds good. Adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at: http://www.clark.wa.gov/planning/PCmeetings.html.

Proceedings can be viewed on CVTV on the following web page link:

http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13.

Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc.
Marilee McCall, Administrative Assistant/Clark County Community Planning

Exhibit E

ORDINANCE NO. 2016-08-12

An emergency interim zoning ordinance relating to land use, suspending exemptions to the Concurrency Standards under CCC 40.350.020.

WHEREAS, the Council finds that Clark County code attempts to delay development in areas served by roads failing concurrency; and

WHEREAS, recent amendments applied to intersections may not achieve that goal; and,

WHEREAS, developments may be approved even though served by roads that have failed to achieve safe levels of service; and

WHEREAS, immediate suspension of these exemptions is necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards and protect the public health and safety; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Board to adopt an interim zoning ordinance without holding a public hearing, provided, a duly-noticed public hearing is held within 60 days of adoption; and

Whereas, the Board is considering this interim ordinance to further the public health, safety, and welfare; it is now, therefore,

ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Findings. RCW 35.63.200 authorizes adoption of interim zoning measures with certain limitations. In compliance with the requirements of this statute, the Board of County Commissioners adopts as findings the pronouncements contained in the above recital provisions.

Section 2. Amendatory. Sec. 1 (Ex. A) of Ord. 2000-10-03, as most recently amended by Ordinance 2010-08-06 and codified as 40.350.020, are each amended to read:

40.350.020 Transportation Concurrency Management System

A. Purpose.

This section implements the requirements in RCW 36.70A.070 that counties:

1. Establish level of service standards for arterial and transit routes; and

2. Ensure that such standards are met or reasonably funded before new development is approved.

B. Applicability.

This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

1. Any county roadway with a comprehensive plan functional classification of arterial or collector; or

2. Any state highway of regional significance.

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

1. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D)(7), or the requirement for a study has been waived by the Public Works Director.

2. A transportation impact study shall include, at a minimum, an analysis of the following elements:

a. Trip generation, modal split, distribution, and assignment for the proposed development; and

b. An analysis of the projected impact of the proposed development upon the current operating level and safety of affected transportation corridors and intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.

3. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

4. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.51.030(C). The traffic counts shall reflect representative traffic conditions on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.

5. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located at least the following distances from the proposed development (as measured by straight-line distance):

a. Fifty (50) or less new peak period trips at development site: one (1) mile;

b. Fifty-one (51) to two hundred fifty (250) new peak period trips at development site: two (2) miles;

c. Two hundred fifty-one (251) or more new peak period trips at development site: three (3) miles.

6. The Public Works Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works Director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

7. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.

8. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of

regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.

2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and 40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.

3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).

4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance further away than the distances identified in Section 40.350.020(D)(5).

5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

6. Appeals to the determination of the Public Works Director with respect to concurrency shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be appealed as

Type II procedures. For applications reviewed as Type III procedures, the Public Works Director's determination shall be treated as a recommendation to the review authority.

F. Determination of Operating Levels.

The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

1. The existing traffic levels on the roadways and intersections;

2. Any mitigation measures proposed by the applicant.

   a. For site plans, mitigation measures shall be completed and/or implemented prior to occupancy or commencement of the use.

   b. For land divisions, mitigation measures shall be completed and/or implemented prior to:

      (1) Final plat approval; or

      (2) Issuance of the first building permit for any newly recorded lot, provided:

         (a) The improvements are secured by a performance bond or financial guarantees acceptable to the county prior to final plat.

         (b) Construction plans shall be approved, and any needed right-of-way for the mitigation improvements have been obtained prior to final plat approval.

         (c) "Model home" building permits issued subject to the requirements of Section 40.260.175 do not require bonding or right-of-way acquisition necessary for transportation concurrency mitigation measures.

3. Any mitigation measures conditioned to other approved developments which will be completed and/or implemented prior to occupancy of the proposed development;

4. The traffic impacts of the proposed development on the affected transportation corridors and intersections;

5. The traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections;

6. Any improvements being implemented as part of the county's transportation improvement program that are reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application;

7. Any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter;

8. Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Public Works Director determines could have an impact on the operating level of the transportation corridors or intersections;

9. Any other factors that the Public Works Director has determined could have an impact on the operating level of the transportation corridors or intersections.

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:

a. The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining the capacity for roadways built-out to county standards, the capacity shall be based on the factors described in Table 40.350.020-1, Roadway Capacities. For roadways not fully built-out to county standards, the capacity shall be determined based on the current roadway condition. For roadways with lane widths twelve (12) feet and greater, and with paved shoulder widths two (2) feet and greater, the lane capacity shall be eight hundred (800) vehicles per hour. For roadways with lane widths between eleven (11) and twelve (12) feet and with paved shoulder widths two (2) feet and greater, the lane capacity shall be seven hundred (700) vehicles per hour. For roadways with lane widths less than eleven (11) feet, the lane capacity shall be six hundred (600) vehicles per hour.

///////

Table 40.350.020-1 Roadway Capacities				
Roadway Type			**County Designation**	**Single Direction Capacity/Hour**
Urban	Arterials	Parkway	Pa-4b	2000
		Principal	Pr-4cb	1800
		Minor, 4-lane	M-4cb	1800
		Minor, 2-lane	M-2cb	900
	Collector	Urban	C-2cb	900
		Urban	C-2	800
		Urban	C-2b	800
Rural	Arterial		RA	800
	Collector	Major	R-2	800
		Minor	Rm-2	800

b. Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less).

c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and

(2) ~~The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~

~~(3)~~ That same movement is worsened by the proposed development.

d. The LOS standards identified in this subsection shall be applied during peak period traffic conditions, as defined by the responsible official and published in the administrative manual.

2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).

3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the board.

4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50;

2. Fire/police stations;

3. Public transit facilities;

4. Neighborhood parks.

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such development applications shall be required to submit a concurrency survey for review by the Public Works Director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Public Works Director. The concurrency survey shall indicate, at a minimum:

a. The type and location of the development;

b. An identification of all affected transportation corridors and intersections of regional significance;

c. The specific reason the development is exempt from the provisions of this section;

d. An estimate of the projected total peak period trips that will be generated by the development; and

e. An estimate of the date of occupancy of the development.

3. The Public Works Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works Director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).

2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:

a. Withdrawn by the applicant;

b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review

authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40,510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or

c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

K. Capacity Reservation for Development Agreements.

The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.

2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

M. Deferral of Reserved Capacity.

If reserved trips from a development agreement (Section 40.350.020(K)) are not scheduled to be utilized for at least five (5) years, the board by administrative resolution may direct that all or a portion of such out-year trips be excluded in concurrency testing of other project applications where anticipated transportation improvement projects, whether or not deemed reasonably funded, are expected to increase capacity on the impacted corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When deferring use of reserved trips, the reserved trips will remain vested with the original party to the developer agreement and will be available for use by that party consistent with any conditions in the development agreement.

N. Establishment of Administrative Manual.

1. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

2. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by Section 40.350.020(D).

3. The Public Works Director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in Sections 40.350.020(N)(1) and (N)(2).

4. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

5. The provisions of the administrative manual shall be consistent with and implement the provisions of this section. To the extent the provisions of the manual are inconsistent with the provisions of this section, the provisions of this section shall control.

O. Mitigated Level of Service for Master Planned Developments.

Mitigated level of service standards may be established, for master planned industrial, university or office uses, which the review authority finds:

1. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;

2. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

3. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

P. Application of SEPA to the Director's Determinations.

Any determination made by the Public Works Director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

Section 3. Effective Date. This ordinance shall be effective upon adoption and shall expire upon adoption of a new ordinance following consideration of this matter by the Clark County Council or 60 days of adoption whichever is earlier.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.

2. Transmit a copy of this ordinance to the state within ten days of its adoption, pursuant to RCW 36.70A.106.

3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

4. This ordinance is temporary in nature and is not to be codified.

ADOPTED BY ROLL CALL this 30th day of August, 2016.

Attest

Clerk to the Board

CLARK COUNTY COUNCIL

By: _____
Marc Boldt, Chair

By: _____
Jeanne E. Stewart , Councilor

By: _____
Julie Olson, Councilor

Approved as to form only:

Christopher Horne
Deputy Prosecuting Attorney

By: _____
David Madore, Councilor

By: _____
Tome Mielke, Councilor

CLARK COUNTY, WASHINGTON 1844

Exhibit F

CLARK COUNTY
STAFF REPORT

DEPARTMENT: Public Works/ Transportation Division

DATE: October 25, 2016

REQUESTED ACTION: Approve a time extension of Emergency Ordinance 2016-08-12 for six (6) months to allow staff adequate time to develop corrections to the concurrency standards.

____ Consent __X__ Hearing ____ County Manager

PUBLIC WORKS GOALS:

- ☒ Provide safe and efficient transportation systems in Clark County
- ☐ Create and maintain a vibrant system of parks, trails, and green spaces
- ☒ Continue responsible stewardship of public funds
- ☐ Promote family-wage job creation and economic development to support a thriving community
- ☒ Maintain a healthy, desirable quality of life
- ☒ Increase partnerships and foster an engaged, informed community
- ☐ Cultivate a nimble, responsive work force
- ☐ Make Public Works a great place to work

BACKGROUND

Clark County Code 40.350.020 Transportation Concurrency Management System, implements the requirements found in RCW 36.70A.070 that establish level of service standards for arterial and transit routes. This code section also ensures that the level of service standards are met or reasonably funded prior to or concurrent with new development approval. Concurrency code amendments adopted by the BOCC in 2010 allowed exemptions to be applied to regionally significant unsignalized intersections that may not achieve required level of service standards. Through the application of these exemptions, developments could be approved even though the regionally significant stop controlled intersections failed to achieve required level of service standards.

COUNCIL POLICY IMPLICATIONS

On August 30, 2016, Public Works Staff presented an interim zoning ordinance relating to land use, suspending an exemption to the Transportation Concurrency Standards under CCC 40.350.020 to the Board of County Councilors. The board approved an emergency Ordinance 2016-08-12 on August 30, 2016. All interim ordinances require a 15 day public notice and a public hearing to be held within 60 days in order to take testimony on the topic and make a decision. With no council action, the ordinance expires. However, the council is allowed to extend the emergency ordinance provided there is a work plan in place to resolve the issue. Staff is asking for 6 months to complete outreach with the Development Engineering Advisory Board (DEAB) and Planning Commission (PC), as well as, the public.

The immediate suspension of the exemptions was necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards and protect public health and safety. Without the ordinance, it is possible that developments could use the provision to claim the de minimis exemption if left in place. They could potentially be able to get approval for additional residences, sending trips to failed intersections without mitigating for those impacts.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

PW16-125

COMMUNITY OUTREACH
None

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.

BUDGET DETAILS

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	County Road Fund
Company Name	

DISTRIBUTION:
Board staff will post all staff reports to The Grid. http://www.clark.wa.gov/thegrid/

Attachments: Proposed resolution, Emergency Ordinance 2016-08-12, Notice of Hearing

Carolyn Heniges, P.E.
Transportation Division Manager

Heath H. Henderson, P.E.
Public Works Director/County Engineer

APPROVED: _____
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: Oct. 25, 2016

~~SR#~~ _____

ORDINANCE NO. 2016-10-11

An emergency interim zoning ordinance relating to land use, extending Ord. 2016-08-12 that suspended one provision of the exemption to the Concurrency Standards under CCC 40.350.020.

WHEREAS, the Council finds and concludes that Clark County code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated; and

WHEREAS, recent amendments applied to intersections may not achieve that goal; and,

WHEREAS, developments may be approved, through exemptions in the Road Standards, even though served by roads that have failed to demonstrate acceptable levels of service; and

WHEREAS, the continued suspension of these exemptions is necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards, receive comments from the Development and Engineering Advisory Board and the Planning Commission to protect the public health and safety; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Board to adopt an interim zoning ordinance without holding a public hearing, provided, a duly-noticed public hearing is held within 60 days of adoption; and

Whereas, the Board is considering this interim ordinance at a duly advertised public hearing to following the receipt of testimony, find and conclude that extension of this interim Ordinance will further the public health, safety, and welfare; it is now, therefore,

ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Findings. RCW 35.63.200 authorizes adoption of interim zoning

measures with certain limitations. In compliance with the requirements of this statute, the County Councilors adopt as findings the pronouncements contained in the above recital provisions. Following the duly advertised public hearing, the Councilors find and conclude that it is appropriate to extend Interim Ordinance No. 2016-08-12 as set out below.

Section 2. Amendatory. Sec. 1 (Ex. A) of Ord. 2000-10-03, as most recently amended by Ordinance 2014-08-09 and codified as 40.350.020, are each amended and extended to read:

40.350.020 Transportation Concurrency Management System

A. Purpose.

This section implements the requirements in RCW 36.70A.070 that counties:

1. Establish level of service standards for arterial and transit routes; and

2. Ensure that such standards are met or reasonably funded before new development is approved.

B. Applicability.

This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

1. Any county roadway with a comprehensive plan functional classification of arterial or collector; or

2. Any state highway of regional significance.

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

1. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D) (7), or the requirement for a study has been waived by the Public Works Director.

2. A transportation impact study shall include, at a minimum, an analysis of the following elements:

a. Trip generation, modal split, distribution, and assignment for the proposed development; and

b. An analysis of the projected impact of the proposed development upon the current operating level and safety of affected transportation corridors and intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.

3. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

4. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.51.030(C). The traffic counts shall reflect representative traffic conditions on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.

5. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located at least the following distances from the proposed development (as measured by straight-line distance):

a. Fifty (50) or less new peak period trips at development site: one (1) mile;

b. Fifty-one (51) to two hundred fifty (250) new peak period trips at development site: two (2) miles;

c. Two hundred fifty-one (251) or more new peak period trips at development site: three (3) miles.

6. The Public Works Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works Director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

7. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.

8. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.

2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and 40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.

3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).

4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance further away than the distances identified in Section 40.350.020(D)(5).

5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because

of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

6. Appeals to the determination of the Public Works Director with respect to concurrency shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be appealed as Type II procedures. For applications reviewed as Type III procedures, the Public Works Director's determination shall be treated as a recommendation to the review authority.

F. Determination of Operating Levels.

The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

1. The existing traffic levels on the roadways and intersections;

2. Any mitigation measures proposed by the applicant.

   a. For site plans, mitigation measures shall be completed and/or implemented prior to occupancy or commencement of the use.

   b. For land divisions, mitigation measures shall be completed and/or implemented prior to:

      (1) Final plat approval; or

      (2) Issuance of the first building permit for any newly recorded lot, provided:

         (a) The improvements are secured by a performance bond or financial guarantees acceptable to the county prior to final plat.

         (b) Construction plans shall be approved, and any needed right-of-way for the mitigation improvements have been obtained prior to final plat approval.

         (c) "Model home" building permits issued subject to the requirements of Section 40.260.175 do not require bonding or right-of-way acquisition necessary for transportation concurrency mitigation measures.

3. Any mitigation measures conditioned to other approved developments which will be completed and/or implemented prior to occupancy of the proposed development;

4. The traffic impacts of the proposed development on the affected transportation corridors and intersections;

5. The traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections;

6. Any improvements being implemented as part of the county's transportation improvement program that are reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application;

7. Any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter;

8. Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Public Works Director determines could have an impact on the operating level of the transportation corridors or intersections;

9. Any other factors that the Public Works Director has determined could have an impact on the operating level of the transportation corridors or intersections.

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:

a. The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining the capacity for roadways built-out to county standards, the capacity shall be based on the factors described in Table 40.350.020-1, Roadway Capacities. For roadways not fully built-out to county standards, the capacity shall be determined based on the current roadway condition. For roadways with lane widths twelve (12) feet and greater, and with paved shoulder widths two (2) feet and greater, the lane capacity shall be eight hundred (800) vehicles per hour. For roadways with lane widths between eleven (11) and twelve (12) feet and with paved shoulder widths two (2) feet and greater,

the lane capacity shall be seven hundred (700) vehicles per hour. For roadways with lane widths less than eleven (11) feet, the lane capacity shall be six hundred (600) vehicles per hour.

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Table 40.350.020-1 Roadway Capacities				
Roadway Type			**County Designation**	**Single Direction Capacity/Hour**
Urban	Arterials	Parkway	Pa-4b	2000
		Principal	Pr-4cb	1800
		Minor, 4-lane	M-4cb	1800
		Minor, 2-lane	M-2cb	900
	Collector	Urban	C-2cb	900
		Urban	C-2	800
		Urban	C-2b	800
Rural	Arterial		RA	800
	Collector	Major	R-2	800
		Minor	Rm-2	800

b. Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less).

c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and

(2) ~~The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~

~~(3)~~ That same movement is worsened by the proposed development.

d. The LOS standards identified in this subsection shall be applied during peak period traffic conditions, as defined by the responsible official and published in the administrative manual.

2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).

3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the board.

4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50;

2. Fire/police stations;

3. Public transit facilities;

4. Neighborhood parks.

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such development

applications shall be required to submit a concurrency survey for review by the Public Works Director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Public Works Director. The concurrency survey shall indicate, at a minimum:

a. The type and location of the development;

b. An identification of all affected transportation corridors and intersections of regional significance;

c. The specific reason the development is exempt from the provisions of this section;

d. An estimate of the projected total peak period trips that will be generated by the development; and

e. An estimate of the date of occupancy of the development.

3. The Public Works Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works Director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).

2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:

a. Withdrawn by the applicant;

b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40,510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or

c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

K. Capacity Reservation for Development Agreements.

The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.

2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

M. Deferral of Reserved Capacity.

If reserved trips from a development agreement (Section 40.350.020(K)) are not scheduled to be utilized for at least five (5) years, the board by administrative resolution may

direct that all or a portion of such out-year trips be excluded in concurrency testing of other project applications where anticipated transportation improvement projects, whether or not deemed reasonably funded, are expected to increase capacity on the impacted corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When deferring use of reserved trips, the reserved trips will remain vested with the original party to the developer agreement and will be available for use by that party consistent with any conditions in the development agreement.

N. Establishment of Administrative Manual.

1. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

2. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by Section 40.350.020(D).

3. The Public Works Director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in Sections 40.350.020(N)(1) and (N)(2).

4. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

5. The provisions of the administrative manual shall be consistent with and implement the provisions of this section. To the extent the provisions of the manual are inconsistent with the provisions of this section, the provisions of this section shall control.

O. Mitigated Level of Service for Master Planned Developments.

Mitigated level of service standards may be established, for master planned industrial, university or office uses, which the review authority finds:

1. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;

2. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

3. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

P. Application of SEPA to the Director's Determinations.

Any determination made by the Public Works Director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

Section 3. Work plan Development. Staff for the Departments of Community Development and Public Works are directed to proceed with the evaluation, receipt of public comment, and scheduling of proceedings with the Development and Engineering Advisory Board and Planning Commission. Thereafter a public hearing will be scheduled.

Section 3. Effective Date. This ordinance shall be effective upon adoption and shall expire upon adoption of a new ordinance following consideration of this matter by the Clark County Council or 6 months from its adoption whichever is earlier.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.

2. Transmit a copy of this ordinance to the state within ten days of its adoption, pursuant to RCW 36.70A.106.

3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED BY ROLL CALL this _____ day of August, 2016.

For:_____

_____

Against:

_____

_____

(Remainder or page intentionally left blank.)

Attest

Clerk to the Board

CLARK COUNTY COUNCIL

By: _____
Marc Boldt, Chair

By: _____
Jeanne E. Stewart , Councilor

By: _____
Julie Olson, Councilor

Approved as to form only:

Christopher Horne
Deputy Prosecuting Attorney

By: _____
David Madore, Councilor

By: _____
Tom Mielke, Councilor

CLARK COUNTY, WASHINGTON 1844

ORDINANCE NO. 2016-08-12

An emergency interim zoning ordinance relating to land use, suspending exemptions to the Concurrency Standards under CCC 40.350.020.

WHEREAS, the Council finds that Clark County code attempts to delay development in areas served by roads failing concurrency; and

WHEREAS, recent amendments applied to intersections may not achieve that goal; and,

WHEREAS, developments may be approved even though served by roads that have failed to achieve safe levels of service; and

WHEREAS, immediate suspension of these exemptions is necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards and protect the public health and safety; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Board to adopt an interim zoning ordinance without holding a public hearing, provided, a duly-noticed public hearing is held within 60 days of adoption; and

Whereas, the Board is considering this interim ordinance to further the public health, safety, and welfare; it is now, therefore,

ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Findings. RCW 35.63.200 authorizes adoption of interim zoning measures with certain limitations. In compliance with the requirements of this statute, the Board of County Commissioners adopts as findings the pronouncements contained in the above recital provisions.

Section 2. Amendatory. Sec. 1 (Ex. A) of Ord. 2000-10-03, as most recently amended by Ordinance 2010-08-06 and codified as 40.350.020, are each amended to read:

40.350.020 Transportation Concurrency Management System

A. Purpose.

This section implements the requirements in RCW 36.70A.070 that counties:

1. Establish level of service standards for arterial and transit routes; and

2. Ensure that such standards are met or reasonably funded before new development is approved.

B. Applicability.

This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

1. Any county roadway with a comprehensive plan functional classification of arterial or collector; or

2. Any state highway of regional significance.

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

1. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D)(7), or the requirement for a study has been waived by the Public Works Director.

2. A transportation impact study shall include, at a minimum, an analysis of the following elements:

a. Trip generation, modal split, distribution, and assignment for the proposed development; and

b. An analysis of the projected impact of the proposed development upon the current operating level and safety of affected transportation corridors and intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.

3. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

4. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.51.030(C). The traffic counts shall reflect representative traffic conditions on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.

5. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located at least the following distances from the proposed development (as measured by straight-line distance):

a. Fifty (50) or less new peak period trips at development site: one (1) mile;

b. Fifty-one (51) to two hundred fifty (250) new peak period trips at development site: two (2) miles;

c. Two hundred fifty-one (251) or more new peak period trips at development site: three (3) miles.

6. The Public Works Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works Director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

7. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.

8. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of

regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.

2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and 40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.

3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).

4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance further away than the distances identified in Section 40.350.020(D)(5).

5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

6. Appeals to the determination of the Public Works Director with respect to concurrency shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be appealed as

Type II procedures. For applications reviewed as Type III procedures, the Public Works Director's determination shall be treated as a recommendation to the review authority.

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The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

1. The existing traffic levels on the roadways and intersections;

2. Any mitigation measures proposed by the applicant.

   a. For site plans, mitigation measures shall be completed and/or implemented prior to occupancy or commencement of the use.

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      (1) Final plat approval; or

      (2) Issuance of the first building permit for any newly recorded lot, provided:

         (a) The improvements are secured by a performance bond or financial guarantees acceptable to the county prior to final plat.

         (b) Construction plans shall be approved, and any needed right-of-way for the mitigation improvements have been obtained prior to final plat approval.

         (c) "Model home" building permits issued subject to the requirements of Section 40.260.175 do not require bonding or right-of-way acquisition necessary for transportation concurrency mitigation measures.

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5. The traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections;

6. Any improvements being implemented as part of the county's transportation improvement program that are reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application;

7. Any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter;

8. Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Public Works Director determines could have an impact on the operating level of the transportation corridors or intersections;

9. Any other factors that the Public Works Director has determined could have an impact on the operating level of the transportation corridors or intersections.

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:

a. The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining the capacity for roadways built-out to county standards, the capacity shall be based on the factors described in Table 40.350.020-1, Roadway Capacities. For roadways not fully built-out to county standards, the capacity shall be determined based on the current roadway condition. For roadways with lane widths twelve (12) feet and greater, and with paved shoulder widths two (2) feet and greater, the lane capacity shall be eight hundred (800) vehicles per hour. For roadways with lane widths between eleven (11) and twelve (12) feet and with paved shoulder widths two (2) feet and greater, the lane capacity shall be seven hundred (700) vehicles per hour. For roadways with lane widths less than eleven (11) feet, the lane capacity shall be six hundred (600) vehicles per hour.

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Table 40.350.020-1 Roadway Capacities				
Roadway Type			**County Designation**	**Single Direction Capacity/Hour**
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		Urban	C-2b	800
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	Collector	Major	R-2	800
		Minor	Rm-2	800

b. Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less).

c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and

(2) ~~The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~

~~(3)~~ That same movement is worsened by the proposed development.

d. The LOS standards identified in this subsection shall be applied during peak period traffic conditions, as defined by the responsible official and published in the administrative manual.

2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).

3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the board.

4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50;

2. Fire/police stations;

3. Public transit facilities;

4. Neighborhood parks.

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such development applications shall be required to submit a concurrency survey for review by the Public Works Director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Public Works Director. The concurrency survey shall indicate, at a minimum:

a. The type and location of the development;

b. An identification of all affected transportation corridors and intersections of regional significance;

c. The specific reason the development is exempt from the provisions of this section;

d. An estimate of the projected total peak period trips that will be generated by the development; and

e. An estimate of the date of occupancy of the development.

3. The Public Works Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works Director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).

2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:

a. Withdrawn by the applicant;

b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review

authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40,510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or

c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

K. Capacity Reservation for Development Agreements.

The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.

2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

M. Deferral of Reserved Capacity.

If reserved trips from a development agreement (Section 40.350.020(K)) are not scheduled to be utilized for at least five (5) years, the board by administrative resolution may direct that all or a portion of such out-year trips be excluded in concurrency testing of other project applications where anticipated transportation improvement projects, whether or not deemed reasonably funded, are expected to increase capacity on the impacted corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When deferring use of reserved trips, the reserved trips will remain vested with the original party to the developer agreement and will be available for use by that party consistent with any conditions in the development agreement.

N. Establishment of Administrative Manual.

1. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

2. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by Section 40.350.020(D).

3. The Public Works Director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in Sections 40.350.020(N)(1) and (N)(2).

4. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

5. The provisions of the administrative manual shall be consistent with and implement the provisions of this section. To the extent the provisions of the manual are inconsistent with the provisions of this section, the provisions of this section shall control.

O. Mitigated Level of Service for Master Planned Developments.

Mitigated level of service standards may be established, for master planned industrial, university or office uses, which the review authority finds:

1. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;

2. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

3. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

P. Application of SEPA to the Director's Determinations.

Any determination made by the Public Works Director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

Section 3. Effective Date. This ordinance shall be effective upon adoption and shall expire upon adoption of a new ordinance following consideration of this matter by the Clark County Council or 60 days of adoption whichever is earlier.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.

2. Transmit a copy of this ordinance to the state within ten days of its adoption, pursuant to RCW 36.70A.106.

3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

4. This ordinance is temporary in nature and is not to be codified.

ADOPTED BY ROLL CALL this 30th day of August, 2016.

Attest

Clerk to the Board

CLARK COUNTY COUNCIL

By: _____
Marc Boldt, Chair

By: _____
Jeanne E. Stewart , Councilor

By: _____
Julie Olson, Councilor

Approved as to form only:

Christopher Horne
Deputy Prosecuting Attorney

By: _____
David Madore, Councilor

By: _____
Tome Mielke, Councilor

CLARK COUNTY, WASHINGTON 1844

NOTICE OF PUBLIC HEARING

The Clark County Council will hold a public hearing on Tuesday, the 25th day of October 2016 **at 10:00 a.m.** in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider adoption of an ordinance extending the suspension of certain Road Standard Concurrency exemptions, adopting a work plan and providing an opportunity for the public to testify on the interim Ordinance adopted pursuant to RCW 35.63.200 and RCW 36.70A.390..

More information concerning this matter may be obtained by contacting David Jardin at the Clark County Community Development, 1300 Franklin Street, Vancouver, Washington, telephone (360) 397-6118.

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

BOARD OF COUNTY COMMISSIONERS

Rebecca Tilton

Clerk of the Board

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By Christine Cook

Deputy Prosecuting Attorney

PUBLISH: *October 11, 2016*

For other formats contact the Clark County ADA Program:
Voice (360) 397-2322; **Relay** 711 or (800) 833-6388
Fax (360) 397-6165; **Email** ADA@clark.wa.gov

Exhibit G

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Community Planning Director

Matt Hermen, Transportation Planner

DATE: March 16, 2017

SUBJECT: Concurrency: Proposed changes to the Title 40 development code (Amended)

BACKGROUND

Concurrency is one of the goals of the Growth Management Act and refers to the timely provision of public facilities and services relative to the demand for them. To maintain concurrency means that adequate public facilities are in place to serve new development as it occurs or within a specified time period. The Growth Management Act (GMA) gives special attention to concurrency for transportation.

The GMA requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land development. “Concurrent with the development” is defined by the GMA to mean that any needed "improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years." RCW 36.70A.070(6)(b). Local governments have flexibility regarding how to apply concurrency within their plans, regulations, and permit systems.

As part of the requirement to develop a comprehensive plan, jurisdictions are required to establish level-of-service standards (LOS) for arterials, transit service, and other facilities. RCW 36.70A.070(6)(a). Once a jurisdiction sets an LOS, it is used to determine whether the impacts of a proposed development can be met through existing capacity and/or to decide what level of additional facilities will be required. Transportation is the only area of concurrency that specifies denial of development if LOS standards cannot be met. However, local jurisdictions must have a program to correct existing deficiencies and bring existing transportation facilities and services up to locally adopted standards. A developer may not be required to pay for improvements to correct existing deficiencies.

Clark County Code (CCC) 40.350.020 Transportation Concurrency Management System, implements the requirements found in RCW 36.70A.070 that establish level of service standards for arterial and transit routes. The initial concurrency code was written so that all development “triggered” mitigation improvements on failing

intersections. This resulted in the inability for small developments to receive permit approvals, because of the sizeable mitigation requirements. Concurrency code amendments adopted by the BOCC in 2010 allowed development exemptions, from the intersections mitigation requirements, to be applied for smaller developments. The approved code was approved with a threshold that was believed to resolve intersection delay. Unfortunately, the threshold does not apply to all types of intersections universally; therefore allowing exemptions for large developments Staff is proposing to amend CCC40.350.020(G)(1)(c); permanently removing a de Minimis exemption threshold.

On August 30, 2016, Public Works Staff presented an interim zoning ordinance relating to land use, suspending an exemption to the Transportation Concurrency Standards under CCC 40.350.020 to the Board of County Councilors (BOCC). The BOCC approved an emergency Ordinance 2016-08-12 on August 30, 2016. The immediate suspension of the exemptions was necessary, due to Washington's vesting laws, to provide time to reevaluate the road standards and protect public health and safety. Without the ordinance, it is possible that developments could use the provision to get approval for additional residences, sending trips to failed intersections without mitigating for those impacts.

On October 25, 2016, the BOCC approved extending Ordinance 2016-08-12 for six months to evaluate the effectiveness of the interim ordinance, receive public comment, and schedule proceedings with the Development and Engineering Advisory Board and Planning Commission.

PROPOSED ACTION:

Staff is proposing amending CCC 40.350.020(G)(1)(c), to meet the intent of allowing concurrency requirement exemptions for small developments.

c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. ~~The signalization~~ Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:
    1. The proposed development adds at least five (5) peak period trips to a failing intersection approach; and,
    ~~2. The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~
    2.~~3. That same~~ The worst movement~~,~~ on the failing approach is worsened by the proposed development. In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and any other relevant factors.

PUBLIC OUTREACH

On January 27, 2017 the Washington State Department of Commerce received the necessary materials required under RCW 36.70A.106, at least 60 days prior to the final adoption of the draft amendment. The Department of Commerce then forwarded a copy of the notice to other state agencies.

Clark County received a letter on February 2, 2017 from the Washington Department of Transportation (WSDOT) requesting that the code address other treatments for failing intersections, other than signalization. The proposed amended code language includes WSDOT's recommendation.

Staff met with the Development Engineering Advisory Board (DEAB) on March 2nd, 2017 regarding the proposed changed to the County's concurrency standards. DEAB recommended approval of the proposed changes to CCC 40.350.020.

The *Notice of Public Hearing* was published in *The Columbian* newspaper on March 1, 2017.

The State Environmental Protection Act (SEPA) *Notice of Determination of Non-Significance (DNS)* was published in *The Columbian* newspaper on March 2, 2017. The SEPA DNS, Checklist and proposed amendment were distributed to all affected agencies and jurisdictions on March 2, 2017, with the comment period scheduled to expire on March 16, 2017 at 5:00 p.m. All comments received will be shared with the Planning Commission prior to the scheduled public hearing.

Information regarding the proposed concurrency update was also provided on the county's Community Planning website.

RECOMMENDATION AND CONCLUSIONS

Based upon the information and the findings presented in this report and in the supporting documents, staff recommends that the Planning Commission forward to the Board of Clark County Commissioners a recommendation of **APPROVAL** of amending CCC 40.350.020, Transportation Concurrency Management System.

Exhibit H



Clark County Code Language

Concurrency – 40.350.020 (G)(1)(c)

March 2, 2017

Public Works Transportation



Code History

- Concurrency Code Prior to August 2010
  - The Concurrency code was written so that development that triggered Concurrency related mitigation had to volunteer to build, or wait for the county to build, all the mitigation to comply with the county's mobility standards.
  - Subsequent development that impacted the same transportation facility in failure would need to volunteer to ensure the construction of the Concurrency related mitigation, or wait until the infrastructure was constructed.
    - The subsequent development would only have to send 1 trip to a failing facility to be conditioned with mitigation
    - Subsequent development could be as small as a 2 or 3 lot short plat
  - The result of the Concurrency code language
    - Large development projects would trigger the mitigation and then 'wait out' other subsequent development projects for them to build the improvement
    - Small developments were requested to volunteer very large Concurrency related mitigations.

2010 BOCC Action

- In order to provide an opportunity for smaller developments to occur without being 'tagged' with substantial mitigations the BOCC, in August of 2010, approved Concurrency code language modification of CCC40.350.020 (G)(1)(c) to include:

  All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. **However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:**

  (1) The proposed development adds at least five (5) peak period trips to a failing intersection approach;

  (2) The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and

  (3) That same movement is worsened by the proposed development.

2010 Code Language Result

- Small developments were able to apply new code exemptions to determine if their traffic impacts would be subject to Concurrency related mitigations for failing intersections
- Small developments were able to be constructed without having to volunteer substantial Concurrency related mitigations
- Trips generated by the small developments would still be accounted for in traffic studies
  - The trip generated by small developments was accounted for with a required background traffic growth rate of 2% per year
- There have been no small development cases that used the current exemptions in order to move forward
  - The small development project that had prompted this 2010 code modification had a pre application conference but did not follow on with a formal land use application.

2010 Code Language Unintended Consequences

- Large developments use the current exemptions to justify compliance with the Concurrency Code
  - Example:
    - Unsignalized intersection impacted is NE 88th Street/NE 94th Avenue
      - Proposed Development Total PM Peak Hour Trip generation:
        - » 281 PM Peak Hour Trips - of the 281 PM Peak Hour Trips, 165 entered the intersection
      - Traffic study findings – Development impact to the NE 88th Street/NE 94th Avenue intersection
        - » Out of the 165 PM Peak Hour Trips that entered the intersection, 5 PM Peak Hour Trips were added to the eastbound stop controlled approach
        - » Level of Service (LOS) F on the stop controlled approach
        - » Volume/Capacity (v/c) 0.62 on the stop controlled approach

2010 Code Language Unintended Consequences

However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach;

(2) The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and

(3) That same movement is worsened by the proposed development.

- Example (Cont.):
  - Operational exemptions application
    1. Does the proposed development add 5 peak hour trips to the failing intersection approach?
       - » Yes. 5 PM peak hour trips added.
    2. Is the projected v/c for the worst lane movement on the approach with the highest delay equal to or greater than 0.9? AND;
       - » No. v/c = 0.62
    3. Is the worst lane movement on the approach with the highest delay made worse by the proposed development?
       - » Yes. The eastbound to northbound left turn movement delay is increased by 10 seconds of delay.

2010 Code Language Unintended Consequences

- Example (Cont.):
  - Operational exemptions evaluation conclusion
    - No mitigation required because only 2 of the 3 exemptions were met.

2010 Code Language Unintended Consequences – Safety Review

- Example (Cont.):
  - Although no mitigation was required under the county's Concurrency code, Staff performs a review of documented crash history. This crash history review helps to identify crash trends and possible countermeasures.
    - Staff's review of intersection safety
      - » Staff's review found that there was only 1 documented crash in the most recent 5 year crash history. This equated to a crash rate of 0.09 crashes per million entering vehicles.
      - » The county's practice is to use a crash rate equal to 1.0 crashes per million entering vehicles as a threshold to require additional engineering evaluation.
        - The Institute of Transportation Engineers (ITE) *Traffic Access and Impact Studies for Site Development A Recommended Practice* states that, "…any intersection with more than one accident per million entering vehicles is worthy of additional analysis."
    - Because the crash rate was 0.09 crashes per million entering vehicles, no further analysis was required.

2010 Code Language Issue

- Current exemption language indicates that all 3 exemptions need to be met before mitigation required.
- The projected volume to capacity ratio of 0.9 is difficult to achieve at an intersection when all approaches are not stop controlled.
- Because the volume to capacity ratio of 0.9 is difficult to achieve, there may be missed opportunities to require development to mitigate their impacts on Concurrency regulated unsignalized intersections.

2-Way Stop Controlled Intersection - Example



4 – Way Stop Controlled Intersection - Example



Proposed Code Language

40.350.020 (G)(1)(c) All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. ~~The signalization~~ Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

1. The proposed development adds at least five (5) peak period trips to a failing intersection approach; and,
2. ~~The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~
3. ~~That same~~ The worst movement~~,~~ on the failing approach is worsened by the proposed development.

2016 BOCC Actions

- Ordinance 2016-08-12: BOCC approved this Interim Ordinance suspending the exemptions to concurrency
- Ordinance 2016-10-11: BOCC approved extension of Ord. 2016-08-12 for 6 months

2016 Interim Ordinance Work Plan

- Cooperation with the Prosecuting Attorneys Office, Public Works Transportation, Development Engineering and Community Planning developed Concurrency Code language that accomplishes original intent without exemptions so broad they are difficult to achieve.
- Invite public comment from stakeholders and the development community.
- Development Engineering Advisory Board (DEAB) recommendation
- Planning Commission recommendation
- BOCC adoption.

Next Steps

- Hold a Planning Commission public hearing on March 16, 2017.
- The BOCC Public Hearing will occur on April 25, 2017.

Exhibit I

AGENDA

DEVELOPMENT and ENGINEERING ADVISORY BOARD

Thursday, April 13, 2017

2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

ITEM	TIME		FACILITATOR
	Start	Duration	
1. Administrative Actions • Introductions • DEAB meeting is being recorded and the audio will be posted on the DEAB's website • Review/Adopt minutes • DEAB Annual Report and Work Plan/Follow-up • Review upcoming events • DEAB member announcements	2:30	15 min	Wriston
2. TIP Evaluation System	2:45	30 min	Wilson
3. Residential Bldg Permits/Bonding/DA/Updates	3:15	30 min	Horne/Madsen
4. Public Comment	3:45	30 min	All

Next DEAB Meeting:

Thursday, May 4, 2017
2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

Agenda:
Utility Joint Trench - Shadix

BOCC Work Sessions and Hearings

BOCC Work Session – every Wednesday at 9 a.m. *

BOCC Hearing – every Tuesday at 10 a.m. **

BOCC Hearing – Developer Agreement - Hidden Crest Development and Parkers Abby – Tuesday, April 18, 10:00 a.m.

BOCC Work Session – Clean Water Funding; Leichner Landfill Annual Budget Procedure and CREDC's Land for Jobs Presentation – Wednesday, April 19, 9:15 a.m.

BOCC Work Session – 2017 Spring Supplemental – Wednesday, April 26, 10:30 a.m.

PC Work Sessions and Hearings

PC Work Session – Open Public Meetings Act & Public Records – Thursday, April 20, 5:30 p.m.

PC Hearing – Open Public Meetings Act & Public Records and CPZ2017-00005 - Shoreline Master Program – Thursday, April 20, 6:30 p.m.

Note: Work sessions are frequently rescheduled. Check with the BOCC's office to confirm date/time of scheduled meetings.

PC – Planning Commission
BOCC – Board of Clark County Commissioners

* Unless cancelled, which some are if there are no topics
** Except first Tuesday when the hearing is typically in the evening

Development and Engineering Advisory Board Meeting
March 2, 2017
2:30 p.m.-4:30 p.m.
Public Service Center

Board members in attendance: Steve Bacon, Ott Gather, Eric Golemo, Andrew Gunther, Don Hardy, Mike Odren, Terry Wollam, Jeff Wriston

Board members not in attendance: James Howsley

County staff: Brent Davis, Matt Hermen, Chris Horne, David Jardin, Greg Shafer, Marty Snell, Nicole Snider

Public: Houston Aho, Steve Madsen

Administrative Actions

- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB's website, we are using the microphones today to improve quality of recording.
- Review/Adopt minutes: Minutes were approved.
- Review upcoming events
    - BOCC Work Session – Speed Limit adjustments on Various County Roadways - Wednesday, March 8, 9:30 a.m.
    - BOCC Work Session –Comcast & Century Link Franchise Agreements - Wednesday, March 22, 10:30 a.m.
    - BOCC Work Session – DEAB's 2016 Annual Report and 2017/2018 Work Plan presentation - Wednesday, March 29, 10:30 a.m.
    - BOCC Work Session – Sustainable Forestry Program - Wednesday, April 12, 12:30 a.m.
    - BOCC Work Session – Spring Supplemental - Wednesday, April 26, 10:30 a.m.
    - PC Work Session – Transportation Concurrency Management - Thursday, March 2, 5:30 p.m.
    - PC Hearing – Transportation Concurrency Management - Thursday, March 16, 6:30 p.m.

- DEAB member announcements
    - Eric Golemo gave an update on the subcommittee for driveway spacing handed off to Jan for Spring biannuals
    - Mike Odren shared a package from CPU regarding spacing and transformers, concern with new determination regarding; hardiplank siding is no longer considered non-combustible. This is affecting builders and location of buildings.
    - Greg Shafer stated that Dean Shadix had discussed having the utilities join the meeting. CPU will be here for the May 4thmeeting – Jeff Wriston will contact CPU and start the dialogue before the meeting.

Residential Building Permits/Bonding/Development Agreement

Chris Horne, Steve Madsen, and Houston Aho regarding issue of bonding for final plat; a lot of unknowns and rather than write a code that would need amendments. A decision was made to do this with Development agreements at this time, this will help to avoid additional delays.

Discussion followed; most jurisdictions allow this, there has been a move to push this into a Code based revision, this is the desired outcome. Chris Horne gave examples of how this can fall apart in practice, too many unknowns. Houston Aho gave examples of other jurisdictions where the bonding process is standard practice and working well for them.

DEAB requests a follow up at April 14th meeting.

Concurrency Code Revisions

David Jardin and Matt Herman presented; power point provided in your packet.

> "Clark County Code (CCC) 40.350.020 Transportation Concurrency Management System, implements the requirements found in RCW 36.70A.070 that establish level of service standards for arterial and transit routes. The initial concurrency code was written so that all development "triggered" mitigation improvements on failing intersections. This resulted in the inability for small developments to receive permit approvals, because of the sizeable mitigation requirements. Concurrency code amendments adopted by the BOCC in 2010 allowed development exemptions, from the intersections mitigation requirements, to be applied for smaller developments. The approved code was approved with a threshold that was believed to resolve intersection delay. Unfortunately, the threshold does not apply to all types of intersections universally; therefore allowing exemptions for large developments Staff is proposing to amend CCC40.350.020(G)(1)(c); permanently removing a de Minimis exemption threshold."

Motion made – To support the Code language revisions as presented.

Public Comments

There were no public comments.

Meeting adjourned: 4:25 pm
Meeting minutes prepared by: Nicole Snider
Reviewed by: Greg Shafer

Clark County 2018-2023 Transportation Improvement Program (TIP)

Project Evaluation System

Clark County DEAB
April 13, 2017, 2:30PM
BOCC Hearing Room

Presented by Susan Wilson and Michael Derleth
Clark County Public Works

Agenda

- Guiding Principals and Legal Requirements
- Evaluation System Goals
- Ranking Criteria Details
- Other Suggestions

Guiding Principles and Legalities

BOCC Guiding Principles:

Debt Service Payment

Safety

Preservation of Roadways & Assets

Capital Projects

Legal Requirements:

RCW 36-81-121 and WAC 136-16-010.

All capital road projects are to be in ACP/TIP.

County Engineer to ***"develop and apply"*** priority programming. WAC 136-14

Board adopts before budget - Board action required to later amend TIP. RCW 36-81-130

TIP follows adopted policies and Comprehensive Plan via the Capital Facilities Plan.

ACP = Annual Construction Program
TIP = Transportation Improvement Program

Evaluation System Goals:

Safety 33%	Economic Development 29%	Mobility 24%
Safety Rating 30 Points HSM, Physical road features	**Support for Economic Development** 20 Points VBLM Potential future jobs created.	**Route Connectivity** 10 Points Atlas, Links to other roadways
		Multimodal 6 Points Access to alternative transportation
	Concurrency 10 Points Level of Service, Volume/Capacity. Evaluates Congested areas	
Comparison to Arterial Atlas 10 Points Evaluates the existing roadway section with standard arterial cross-sections specified in the County's Arterial Atlas.		

Other 14%

Environmental Impacts Public & Outside Agency Support Leveraging of Outside Funding

Ranking Criteria

- Objective, data-based, best practices
- Nine different criteria:

	Points
Safety	30
Economic Development	20
Arterial Atlas	10
Concurrency	10
Route Connectivity	10
Multimodal Needs	6
Environmental Impact	6
Funding Leverage	6
Public & Outside Support	2
Total:	100 Points

Safety:

- Performance Score — 20 Points
  - 5 year Crash History
  - Highway Safety Manual (HSM) Analysis
- Risk Exposure Score — 10 Points
  - Shoulder Widths
  - Roadside Drop-off
  - Pedestrian Trips
  - Sight Distance, Alignment, etc.
  - Fixed Objects
  - Bike Lanes
  - Sidewalks

Total: 30 Points

Economic Development:

Potential Jobs: Geographic Information Systems analysis

Vacant Buildable Lands Model
Consistency with CFP, Growth Plans
Considers non-buildable land (net jobs)

- Potential Industrial Jobs 0-7 Points
  - 9 jobs per net-buildable acre
  - Projects listed in increasing order of jobs 0-7 pts
- Potential Commercial Jobs 0-4 Points
  - 20 jobs per net-buildable acre
  - Projects listed in increasing order of jobs 0-4 pts

Economic Development (#2):

- Potential Industrial Jobs 0-7 Points
- Potential Commercial Jobs 0-4 Points
- Development Potential: Within 1 mile of:
  - Focused Public Investment Area? 4 Points
  - Development Ready Site? 4 Points
  - State Highway/Interchange? 1 Points

Max: 20 Points

Comparison to Arterial Atlas:

Atlas describes current and future road needs and official classifications: Circulation!

- Current road section vs. Atlas:
  - Requires additional travel lanes — 1 Point
  - Requires center/left turn lane — 2 Points
  - Requires sidewalks — 1 Point
  - Requires bike lanes — 1 Point

Total: 5 Points

Concurrency:

Have road capacity ready when it is needed (CCC 40.350.020)

- Improves Intersections of Regional Significance
  - Failing (LOS: E,F) 6 Points
  - Within 10% of failing (LOS: D) 4 Points
- Improves a Concurrency Corridor
  - Failing (V/C: > 0.90) 3 Points
  - Within 10% of failing (V/C 0.80>0.89) 2 Points

Concurrency (#2):

- Improves Intersections of Regional Significance — 6 Points
- Improves a Concurrency Corridor — 3 Points

- Improves Congestion in Moratorium Area
  - Alleviates Congestion (improves LOS or V/C) — 1 Points
  - Doesn't improve LOS or V/C — 0 Points
- Improves Transportation in Urban Holding Area
  - Project Within a UH Area — 4 Points
  - Project Adjacent to a UH Area — 2 Points

Max: 10 Points

Total: 14 Possible

Route Connectivity:

- How does a project link to other arterial and collector routes in the Arterial Atlas?
  - Links both Arterial(s) and Collector(s)3 Points
  - Links two Arterials 2 Points
  - Links two collectors 1 Point
  - Completes a gap 2 Points

Max: 5 Points
Total: 8 Possible

Multimodal:

- Does the project improve access to multimodal facilities?
  - Improves defined bicycle route — 2 Points
  - Improves access to Park & Ride — 2 Points
  - Improves access to C-Tran route (within project limits) — 2 Points
  - Improves access to trail or trailhead — 1 Point

Max: 6 Points
Total: 7 Possible

Environmental:

- Impacts and the ability to obtain permits:

Difficulty: / Concern:	Low/No	Moderate	High
NEPA/SEPA			
Wetland Permits			
Habitat Permits	0.75 pts per	0.40 pts per	0.00 pts per
Shoreline Permits	Concern	Concern	Concern
Endangered Species			
Cultural Resources			
Size of Impacts			
Mitigation Site			

Total: 6 Points

Funding Leverage:

- What non-County funds are awarded?

  State/Federal grants, regional, developer fees, etc.

  - 50% outside funds — 6 Points
  - 40% — 5 Points
  - 30% — 4 Points
  - 20% — 3 Points
  - 10% — 2 Points
  - No funds awarded — 0 Points

  Max: 6 Points

Public & Other Support:

- Any other formal support for a project?
  - Regional Transportation Council (MTIP)
    State Transportation Plan
    or surrounding City Trans. Plan? — 1 Point
  - Formal Public Support (e.g. adopted neighborhood circulation plan)? — 1 Point
  - No formal support — 0 Points

Max: 2 Points

Summary:

- Ranking projects for the TIP:
  - Legally required
  - Supports other county long-range plans
  - Detailed, objective, best-practices criteria.
- Ranked list is a starting point for decisions

Other Suggestions?

Thank you,

We appreciate your interest!

Any other questions?

More information:
https://www.clark.wa.gov/public-works/transportation-improvement-program

Jobs Points Example

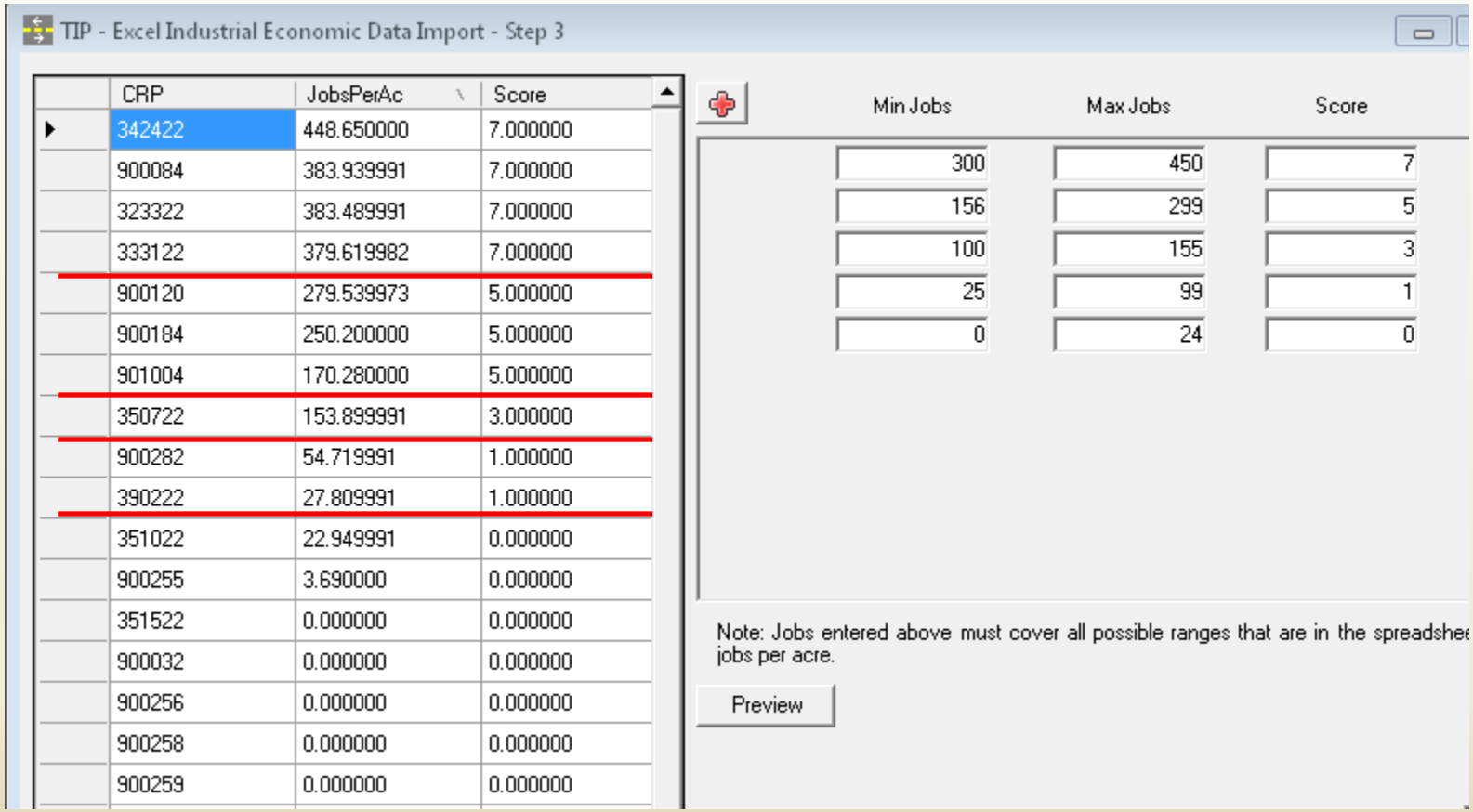

Exhibit J

BOARD OF COUNTY COUNCILORS
MINUTES OF APRIL 25, 2017

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor John Blom and Councilor Eileen Quiring present.

9:45 AM

PROCLAMATIONS

National Volunteer Week
Chair Boldt read a proclamation proclaiming April 23-29, 2017 as National Volunteer Week in Clark County, Washington and extended their appreciation to our legions of volunteers who exemplify many values they hold dear as Americans and help them become more giving, compassionate, and engaged citizens. Sherry Braga and Bernie Gearhardt, Directors of Volunteer Programs Association accepted and said a few words. Kelly Cheney, Volunteer Coordinator, Vancouver Police Department, joined the discussion. Karen Llewellyn, Volunteer Coordinator, Clark County, joined the discussion.

National Mental Health Awareness Month
Councilor Blom read a proclamation proclaiming May 2017 as National Mental Health Awareness Month in Clark County, Washington. They congratulated Columbia River Mental Health Services for its decades of dedication to the health and welfare of our community, and urged residents to celebrate the agency's 75th anniversary and support its foundation by attending its May 5 gala at Warehouse 23. Craig Pridemore, Director and Deanna Pauli-Hammond, President, Columbia River Mental Health Foundation accepted and said a few words.

10:00 AM

PLEDGE OF ALLEGIANCE
The Councilors led the Pledge of Allegiance.

MOMENT OF SILENCE
The Councilors had a moment of silence.

CONSENT AGENDA
Chris Horne, Deputy Prosecuting Attorney, spoke about adding an emergency interim ordinance relating to land use and zoning controls, suspending revisions to Clark County Code 40.210.010 made by amended Ordinance 2016-06-12, and adopting a limited moratorium on land divisions within lands designated Agriculture, Forest Tier II, and Rural.

ACTION: Moved by Olson to **AMEND** the agenda to add the emergency interim ordinance (Ordinance 2017-04-14) to the consent agenda. Blom seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Blom, Quiring voted aye. Motion carried.

Chris Cook, Prosecuting Attorney's office, passed out the ordinance and presented. Further discussion ensued.

ACTION: Moved by Blom to **APPROVE** ordinance 2017-04-14. Stewart seconded the motion. Further discussion ensued.

MB	Aye
JO	Aye
JS	Aye
JB	Aye
EQ	Nay

Motion carried.

ACTION: Moved by Olson to **APPROVE** consent agenda as presented. Blom seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Blom, Quiring voted aye. Motion carried.

SEPARATE BUSINESS

Oliver Orjiako, Community Planning Director spoke on separate business item #1. Further discussion ensued. Marnie Allen, Assistant Superintendent, Educational Service District 112, joined the discussion.

ACTION: Moved by Olson to **APPROVE** separate business item #1. Blom seconded the motion. Chair Marc Boldt and Councilors Olson and Blom voted aye. Councilors Stewart and Quiring voted nay. Motion carried.

Alan Melnick, Public Health Director / Public Health Officer spoke on separate business item #2 and #3. Further discussion ensued. Jeff Harbison, Public Health joined the discussion.

ACTION: Moved by Blom to **APPROVE** separate business items #2 and #3. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Blom, and Quiring voted aye. Motion carried.

Heath Henderson Public Works Director spoke on separate business items #4 and #5. Further discussion ensued. Dean Boening, Clean Water, joined the discussion. Further discussion ensued.

ACTION: Moved by Stewart to **APPROVE** separate business items #4 and #5. Quiring seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Blom, and Quiring voted aye. Motion carried.

OPEN PUBLIC COMMENT

1. Bruce Barnes
2. Barb Cabe, Truman Neighborhood Association
3. David Benedicktus
4. Debbie Nelson
5. Richard Landis

Chris Horne, Deputy Prosecuting Attorney joined the discussion.

6. Carol Levanen, Clark County Citizens United
7. Susan Rasmussen, Clark County Citizens United

Boldt inquired about the GMA appeal. Cook responded.

PUBLIC HEARING: TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM

To consider amendments to Clark County Code 40.350.020 – Transportation Concurrency Management System. Clark County proposes to revise its existing Concurrency Standards to remove certain exemptions

Matt Hermen, Community Planning, presented. David Jardin, Public Works joined the discussion. Further discussion ensued. Horne joined the discussion.

PUBLIC COMMENT REGARDING PUBLIC HEARING: TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM

1. Carol Levanen, Clark County Citizens United

Further Board discussion ensued.

ACTION: Moved by Blom to **APPROVE** Ordinance 2017-04-13. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Blom, and Quiring voted aye. Motion carried.

COUNCILOR COMMUNICATIONS

Blom spoke about a recent organized bike ride him and Councilor Olson went on.

Stewart spoke about the bike ride and the importance of the Councilors going on it. She also spoke about learning about bike safety and visibility on those rainy days.

Boldt spoke about a recent car auction he went to at the Fairgrounds.

Hearing adjourned

2:00 PM PUBLIC BID OPENINGS

Present at bid opening: Rebecca Tilton, Board of County Councilors Office; Priscilla Ricci and Beth Balogh, General Services-Purchasing Department.

CRP 370922

NE 10th Avenue Plantings (NE 154th Street – NE 164th)

Held a public hearing for CRP 370922 – NE 10th Avenue Plantings (NE 154th Street – NE 164th). Priscilla Ricci, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award CRP 370922 recommendations to the County Manager on May 2, 2017.

BOARD OF COUNTY COUNCILORS

Marc Boldt, Chair

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

CLARK COUNTY, WASHINGTON 1844

ATTEST:

Rebecca Tilton, Clerk of the Council

jc

Please Note: The Board of Councilors' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Councilors' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times (www.cvtv.org).

Exhibit K

ORDINANCE NO. 2017-04-13

An ordinance concerning concurrency standards and amending Clark County Code (CCC) Section 40.350.020 Transportation Concurrency Management System.

WHEREAS, the Council finds and concludes that Clark County code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated; and

WHEREAS, recent amendments applied to intersections may not achieve that goal; and,

WHEREAS, developments may be approved, through exemptions in the Road Standards, even though served by roads that have failed to demonstrate acceptable levels of service; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Board to adopt an interim zoning ordinance without holding a public hearing, provided, a duly-noticed public hearing is held within 60 days of adoption; and

WHEREAS, the Board approved Ordinance 2016-10-11 on October 26, 2016 extending the interim zoning ordinance for 6 months to further the public health, safety, and welfare; and,

WHEREAS, Ordinance 2016-10-11 directed staff to proceed with the evaluation, receipt of public comment, and scheduling proceedings with the Development and Engineering Advisory Board and Planning Commission; and,

WHEREAS, on January 27, 2017, Clark County Department of Community Planning submitted the required sixty day notification of intent to adopt these provisions to the State Department of Commerce and other state agencies. The Washington State Department of Transportation provided comments; and,

WHEREAS, on March 1, 2017, Clark County published legal notice of the Clark County Planning Commission public hearing to be held on March 16, 2017; and,

WHEREAS, on March 2, 2017, Clark County Department of Community Planning published a SEPA determination of non-significance (DNS), and by the end of the comment period, no person provided comments regarding the DNS to the county; and,

WHEREAS, on March 2, 2017, the Development and Engineering Advisory Board deliberated and developed its recommendation to the Board; and

WHEREAS, on March 2, 2017, the Clark County Planning Commission held a work session concerning the code amendment at a public meeting, and on March 16, 2017, held a public hearing at which it took public testimony. At that hearing, the Planning Commission deliberated and developed its recommendation to the Board; and,

WHEREAS, on April 10, 2017, Clark County published legal notice that the Board would hold a public hearing on April 25, 2017 to consider the code amendment; and,

WHEREAS, on April 25, 2017, the Board held a public hearing at which it took public testimony and considered the Planning Commission's recommendations; now, therefore,

IT IS HEREBY ORDERED, RESOLVED by the Board Of County Councilors Of Clark County, State Of Washington, as follows:

Section 1. Findings. The Board hereby adopts as findings and conclusions those facts and conclusions contained in the recitals above.

Section 2. Amendatory. Sec. 1 (Ex. A) of Ord. 2000-10-03, as most recently amended by Ordinance 2014-08-09 and codified as 40.350.020, are each amended and extended to read:

40.350.020 Transportation Concurrency Management System

A. Purpose.

This section implements the requirements in RCW 36.70A.070 that counties:

1. Establish level of service standards for arterial and transit routes; and

2. Ensure that such standards are met or reasonably funded before new development is approved.

B. Applicability.

This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

1. Any county roadway with a comprehensive plan functional classification of arterial or collector; or

2. Any state highway of regional significance.

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

1. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D)(7), or the requirement for a study has been waived by the Public Works Director.

2. A transportation impact study shall include, at a minimum, an analysis of the following elements:

a. Trip generation, modal split, distribution, and assignment for the proposed development; and

b. An analysis of the projected impact of the proposed development upon the current operating level and safety of affected transportation corridors and intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.

3. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

4. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C). The traffic counts shall reflect representative traffic conditions on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.

5. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located at least the following distances from the proposed development (as measured by straight-line distance):

a. Fifty (50) or less new peak period trips at development site: one (1) mile;

b. Fifty-one (51) to two hundred fifty (250) new peak period trips at development site: two (2) miles;

c. Two hundred fifty-one (251) or more new peak period trips at development site: three (3) miles.

6. The Public Works Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works Director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

7. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.

8. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.

2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and 40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.

3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation

corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).

4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance further away than the distances identified in Section 40.350.020(D)(5).

5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

6. Appeals to the determination of the Public Works Director with respect to concurrency shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be appealed as Type II procedures. For applications reviewed as Type III procedures, the Public Works Director's determination shall be treated as a recommendation to the review authority.

F. Determination of Operating Levels.

The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

1. The existing traffic levels on the roadways and intersections;

2. Any mitigation measures proposed by the applicant.

a. For site plans, mitigation measures shall be completed and/or implemented prior to occupancy or commencement of the use.

b. For land divisions, mitigation measures shall be completed and/or implemented prior to:

(1) Final plat approval; or

(2) Issuance of the first building permit for any newly recorded lot, provided:

(a) The improvements are secured by a performance bond or financial guarantees acceptable to the county prior to final plat.

(b) Construction plans shall be approved, and any needed right-of-way for the mitigation improvements have been obtained prior to final plat approval.

(c) Model home" building permits issued subject to the requirements of Section 40.260.175 do not require bonding or right-of-way acquisition necessary for transportation concurrency mitigation measures.

3. Any mitigation measures conditioned to other approved developments which will be completed and/or implemented prior to occupancy of the proposed development;

4. The traffic impacts of the proposed development on the affected transportation corridors and intersections;

5. The traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections;

6. Any improvements being implemented as part of the county's transportation improvement program that are reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application;

7. Any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter;

8. Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Public Works Director determines could have an impact on the operating level of the transportation corridors or intersections;

9. Any other factors that the Public Works Director has determined could have an impact on the operating level of the transportation corridors or intersections.

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:

a. The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining the capacity for roadways built-out to county standards, the capacity shall be based on the factors described in Table 40.350.020-1, Roadway Capacities. For roadways not fully built-out to county standards, the capacity shall be determined based on the current

roadway condition. For roadways with lane widths twelve (12) feet and greater, and with paved shoulder widths two (2) feet and greater, the lane capacity shall be eight hundred (800) vehicles per hour. For roadways with lane widths between eleven (11) and twelve (12) feet and with paved shoulder widths two (2) feet and greater, the lane capacity shall be seven hundred (700) vehicles per hour. For roadways with lane widths less than eleven (11) feet, the lane capacity shall be six hundred (600) vehicles per hour.

Table 40.350.020-1 Roadway Capacities

Roadway Type			County Designation	Single Direction Capacity/Hour
Urban	Arterials	Parkway	Pa-4b	2000
		Principal	Pr-4cb	1800
		Minor, 4-lane	M-4cb	1800
		Minor, 2-lane	M-2cb	900
	Collector	Urban	C-2cb	900
		Urban	C-2	800
		Urban	C-2b	800
Rural	Arterial		RA	800
	Collector	Major	R-2	800
		Minor	Rm-2	800

b. Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less).

c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. ~~The signalization~~ Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and,

~~(2) The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic period; and~~

(2)~~(3). That same~~ The worst movement~~,~~ on the failing approach is worsened by the proposed development. In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and any other relevant factors.

d. The LOS standards identified in this subsection shall be applied during peak period traffic conditions, as defined by the responsible official and published in the administrative manual.

2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).

3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the board.

4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50;

2. Fire/police stations;

3. Public transit facilities;

4. Neighborhood parks.

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such development applications shall be required to submit a concurrency survey for review by the Public Works Director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Public Works Director. The concurrency survey shall indicate, at a minimum:

a. The type and location of the development;

b. An identification of all affected transportation corridors and intersections of regional significance;

c. The specific reason the development is exempt from the provisions of this section;

d. An estimate of the projected total peak period trips that will be generated by the development; and

e. An estimate of the date of occupancy of the development.

3. The Public Works Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works Director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).

2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:

a. Withdrawn by the applicant;

b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or

c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

K. Capacity Reservation for Development Agreements.

The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.

2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

M. Deferral of Reserved Capacity.

If reserved trips from a development agreement (Section 40.350.020(K)) are not scheduled to be utilized for at least five (5) years, the board by administrative resolution may direct that all or a portion of such out-year trips be excluded in concurrency testing of other project applications where anticipated transportation improvement projects, whether or not deemed reasonably funded, are expected to increase capacity on the impacted corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When deferring use of reserved trips, the reserved trips will remain vested with the original party to the developer agreement and will be available for use by that party consistent with any conditions in the development agreement.

N. Establishment of Administrative Manual.

1. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

2. The Public Works Director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by Section 40.350.020(D).

3. The Public Works Director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in Sections 40.350.020(N)(1) and (N)(2).

4. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

5. The provisions of the administrative manual shall be consistent with and implement the provisions of this section. To the extent the provisions of the manual are inconsistent with the provisions of this section, the provisions of this section shall control.

O. Mitigated Level of Service for Master Planned Developments.

Mitigated level of service standards may be established, for master planned industrial, university or office uses, which the review authority finds:

1. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;

2. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

3. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

P. Application of SEPA to the Director's Determinations.

Any determination made by the Public Works Director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

Section 3. Instructions to the clerk.

The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.
2. Transmit a copy of this ordinance to the State Department of Commerce within ten days of its adoption
3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290
4. Transmit a copy of this ordinance to Code Publishing, Inc. to update the electronic version of the Clark County Code.

Section 4. Note to Code Reviser. Sections 1 and 3 are not subject to codification.

BALANCE OF PAGE BLANK.

ADOPTED this 25th day of April, 2017.

BOARD OF COUNTY COUNCILORS
FOR CLARK COUNTY, WASHINGTON

Attest:

Rebecca Tilton
Clerk to the Board

Marc Boldt, Chair

Approved as to Form Only
ANTHONY GOLIK
Prosecuting Attorney

By
Christine M. Cook
Deputy Prosecuting Attorney

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

CLARK COUNTY, WASHINGTON 1844

Exhibit L

Clark County Planning Commission
Steve Morasch, Chair
Ron Barca, Vice Chair
Robin Grimwade
Bill Wright
Karl Johnson
Richard Bender
Matt Swindell

CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, MARCH 16, 2017

Public Services Center
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, Washington

6:30 p.m.

CALL TO ORDER & ROLL CALL

MORASCH: All right. Well, good evening, and welcome to the March 16, 2017, Planning Commission hearing. I'll call the hearing to order.

Can we get a roll call, please.

BENDER: HERE
GRIMWADE: HERE
JOHNSON: HERE
SWINDELL: HERE
BARCA: HERE
WRIGHT: HERE
MORASCH: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for March 16, 2017

MORASCH: All right. Moving on to approval of the agenda and approval of the minutes. Do we have any corrections to either the agenda or the minutes? If not, I'd take a motion to approve.

JOHNSON: Make a motion to approve the agenda for March 16th.

BENDER: Second.

MORASCH: It's been moved and seconded to approve the agenda. All in favor?

EVERYBODY: AYE

MORASCH: Opposed?

B. Approval of Minutes for November 17, 2016

MORASCH: All right. And the minutes?

BARCA: Motion to approve.

JOHNSON: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? All right. We have approved our agenda and our minutes.

C. Communications from the Public

MORASCH: We move on to communications from the public. Is there anyone in the audience who wants to speak on something not on our printed agenda, now is the time to come forward? All right. Seeing no one coming forward, we will then move on to our one public hearing item for this evening, the Clark County Code, Section 40.350.020, Transportation Concurrency Management System Amendments. And I will turn it over to Matt Hermen.

PUBLIC HEARING ITEMS

A. Clark County Code 40.350.020 Transportation Concurrency Management System

Clark County proposes to revise its existing Concurrency Standards to remove certain exemptions.
Staff Contact: Matt Hermen (360)397-2280, Ext. 4343
Email: matt.Hermen@Clark.wa.gov

HERMEN: Good evening, Planning Commission. My name is Matt Hermen. I'm a planner with the Community Planning Department of Clark County.

Today in front of you, you have proposed amendments to the concurrency code. These

amendments are preceded by an emergency ordinance from the Board 2016-08-12. And then an interim ordinance, 2016-10-11 that gave us a work program of six months to take this code through the public process.

As part of this public hearing, we've also filed a 60-day review with the Department of Commerce that notifies them of development regulation amendments, as well as the necessary SEPA checklist and environmental determination. Along with that SEPA, we have not received any comments. We did receive the one comment on the 60-day review from the Washington Department of Transportation, and that's in your packet on the Tab No. 6.

On the March 2nd work session that we held with you, we had heard basically two different concerns. Regarding those concerns, we've revised the staff report that was in front of you on March 2nd, and the revised staff report is in your packet in Tab No. 3 and it's recognized by the subject (Amended) in parenthesis. The proposed code is in front of you today.

The concerns that we heard at the March 2nd work session were, No. 1, regarding the subjectivity of the word "worsened" in the second, which was the last the No. 3rd determination. We strengthened that by mentioning what specific criteria established worsened. So that wording is: "In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and other relevant factors." We hope that bookends the subjectivity and strengthens our determination of whether an approach is worsened or not.

The second concern we heard was regarding what the actual level-of-service is in regards to the first three sentences of this section. To give some background on that, I've spoken to our engineers in Public Works and specifically our level-of-service is Level-of-Service E as it stands for unsignalized intersections. That's when warrants aren't met. When warrants are met and the signal needs to occur, that signal is required to be a Level-of-Service D. So installing a signal that allows capacity for expanded growth is the intention of that.

Regarding the sentence after that on intersection control of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the County to meet the level-of-service standards, that has to do specifically with the warrants that are involved when an engineer looks at whether an intersection is failing or not. And there is nine separate warrants that could be met; any of those could be met to warrant a signal. They involve such things -- actually, I have those, Sonja, could you click on the next slide.

These are the following warrants that you'll see in front of you that establish whether a signal can go in, and this isn't inclusive. This could be any one of the nine. So an eight-hour vehicular movement, a four-hour vehicular movement, a peak hour congestion, pedestrian volume, school crossing, so on and so forth. So in determining whether those warrants are met, the sentence that's in the code adds a level of Public Works direction to find out whether a

signal is really needed or it can be mitigated. So, for instance, if a peak hour warrant is met, it's not necessarily a favorable thing to add a signal only for an hour of congestion that still limits traffic for .3 hours after that.

So that's the intention of - and, Sonja, could you go back to the previous slide - so that's the intention of the third sentence that allows the Public Works Director to decide on if all mitigation for that intersection has been exhausted and a signal is necessary or if other systems need to be in place to warrant that signal.

So with that, we have revised the staff report and are proposing the language in front of you today.

MORASCH: All right. Thank you. And has DEAB looked at the revised language?

HERMEN: Yes. I have sent the revised language out to DEAB and have not received any comments from DEAB.

MORASCH: Okay. Any questions from the Planning Commissioner -- Commission to staff? David, I saw you sitting up. Did you have comments you wanted to make or are you just here for questions?

JARDIN: I'm just here for questions.

MORASCH: All right. Well, I haven't heard any questions at this point. I'll open it up to the public.

PUBLIC TESTIMONY

Do we have a sign-in sheet? Is there anyone from the public that would like to come down and talk on this matter? All right. No one from the public.

RETURN TO PLANNING COMMISSION

MORASCH: So with that, I will close the public hearing and turn it back over to the Planning Commission for any further questions they may have of staff or deliberations. I don't hear any.

BARCA: Well, so let me bring this up as what we had at the work session before. So I believe as was clarified by staff, our standard for these types of unsignalized intersections is a Level-of-Service E, but should we have that level-of-service degrade, we're saying that it shall be at the discretion of the Public Works Director and we're not obligated to bring it back up to the Level-of-Service E, so we can go into Level-of-Service F.

But we're looking down here then and saying proposed development shall not be required to mitigate their impacts unless, and then if we go to the new wording as 2, the worst movement - which we still don't necessarily define by quantitative values - on the failing approach is worsened by the proposed development. We're going to continue to say the Public Works Director shall consider whether to mitigate or not.

JOHNSON: Is trip volume and delay not quantitative values?

HOLLEY: What? I didn't hear you.

JOHNSON: Is trip volume and delay not those values you're looking at?

BARCA: It says they'll be considered, but they could be worsened and we're still not saying just the fact that they're worsened and there's not a particular value that says if it's 10 percent or 30 percent, this is something for us to consider. So I guess I'm really wondering, what does 2 do that we don't actually just see in Section C already? The proposed development is under the same scrutiny that the failing intersection is already under. Am I missing something on this?

HERMEN: So level of C -- Level-of-Service E is our standard for unsignalized intersections. Developments that impact that and have it fail below Level-of-Service E are required to bring it up to Level-of-Service E.

SCHAFER: E or D.

HERMEN: E or D, any one of the greater, greater than -- greater than E, not F.

The intersection control, whether an intersection is becomes signalized or a roundabout gets installed or other intersection control gets added, that's at the discretion of the Public Works Director not having it fail below the Level-of-Service E.

BARCA: Okay. So if -- if we have allowed the intersection to fall below the standard and then somebody wants to do a development, then we're saying automatically that we would want them to bring it back up to a level-of-service of E or D if it's a intersection of - what was it? - regional significance. So if we've let it go to an F but they want to do a proposal, then we're saying they have to bring it up to that standard.

JARDIN: So just a little bit of clarification. So a development if the intersection of regional significance is at a Level-of-Service F just by growth in the area, no fault of any specific development, it just --

BARCA: Over time it gets crowded.

JARDIN: Right. It gets crowded.

BARCA: Okay. Sure.

JARDIN: So now that regionally significant intersection is at a Level-of-Service F. With a specific delay time, we find out what the failing approach is through a traffic study that's performed by the -- by the development and their traffic engineer, so we find out what existing conditions are. It's a Level-of-Service F with a delay of 53 seconds. Now, the development is added on top of that, still a Level-of-Service F, but the delay has gone from 53 seconds to now 60 seconds.

So to mitigate the impacts of their development, the clarification here is that what we would require of that development is to construct enough mitigation to bring that intersection delay time back to predevelopment, where it was. So typically what we've seen is proposals or volunteer letters to maybe add some asphalt to create a dedicated right-turn lane or a dedicated left-turn lane, some type of mitigation like that.

And what that does is it mitigates the impact of that specific development that is now adding to this failing approach that increased the delay, added that trip to the -- to the failing approach, and then ultimately the failing movement that caused that increase in delay. And now with whatever mitigation that is, lane add, some widening or whatever, the development has offset its own impacts to predevelopment levels-of-service.

So when you do those lane widenings, typically you add some capacity back into -- into the approach. So it could still be a Level-of-Service F, but instead of the lane add bringing it back to a 53-second delay, now it's maybe a 49-second delay there, so they've added a little bit of capacity back by improving the delay just a little bit, but they've offset their own impacts on that intersection.

HERMEN: We also used the concurrency code as our threshold for evaluating capital projects in our capital facilities plan. So should an intersection fall in a Level-of-Service F, not by development but just by background traffic, it is identified and put on our capital facilities plan for improvement.

BARCA: Okay. But I kind of believe David answered the question and what I was looking for is any amount of worsening if they're at that Level-of-Service F is going to trigger some mitigation, but they don't have to bring it back up to the County standard of an E --

JARDIN: That's correct.

BARCA: -- they only have to mitigate the impact that they create. So if it was a 54-second delay and now we can document by the additional trips, it's going to go to a 60-second delay, we're only asking for mitigation adequate enough to mitigate the 6-second differential.

JARDIN: That's correct. That is correct. That creates or that identifies -- or I don't know how to put that. That helps us to be able to show the nexus. All we're asking for is the mitigation of your own impacts on that intersection, and that's all we would ask of any developer to do on any regionally significant or not regionally significant intersection that they've impacted in some way is to perform enough mitigation to offset their own impact.

BARCA: Anybody else got anything?

MORASCH: Anybody else have any other questions or response to the answers we got from Ron's questions?

WRIGHT: I just think we, with the clarifications and the little bit of rewording, it looks -- it looks as good as these things can look. It's clear. It's in plain English and it gives the Public Works Director the clear authority to define the mitigation that's appropriate, because many times signalization is not -- not the overall good for the intersection, if you just have trouble with one or two movements. So I think we're there.

MORASCH: All right. Any other comments? Well, then I would take a motion.

GRIMWADE: I'll move. I'll **MOVE** the staff's recommendation.

JOHNSON: I'll **second.**

MORASCH: It's been moved and seconded to approve the staff recommendation. Any further discussion on the motion? All right. Can we get a roll call, please.

ROLL CALL VOTE

WRIGHT: AYE
BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
SWINDELL: AYE
BARCA: AYE
MORASCH: AYE

MORASCH: All right. Well, the motion carries. Thank you, gentlemen.

JARDIN: Thank you.

HERMEN: Thank you.

MORASCH: That is the last public hearing item on our agenda tonight. Is there any old or new business?

OLD BUSINESS

None.

NEW BUSINESS

MORASCH: All right. Well, welcome, Matt, our other new Planning Commissioner. Exciting hearing tonight.

SWINDELL: Yes, very.

ADJOURNMENT

MORASCH: Looking forward to see you at our next hearing. And I guess with that, we will adjourn. Thank you very much for coming.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:
https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes

Proceedings can be viewed on CVTV on the following web page link:
http://www.cvtv.org/

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