From: Jeffrey Delapena
To: "Heidi Pozzo"
Cc: Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan Index of Record: 2014-08-09 Concurrency Ordinance
Date: Tuesday, September 8, 2026 8:18:00 AM

Good day, Heidi,

Thank you for submitting comments related to the 2025 Comprehensive Plan Update.

These comments will be added to the Index of Record.

Best regards,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

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-----Original Message-----
From: Heidi Pozzo <hcpheidi@yahoo.com>
Sent: Monday, September 7, 2026 3:37 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: 2014-08-09 Concurrency Ordinance

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 Ordinance 2014-08-09, the adoption of the concurrency ordinance for inclusion in the Comp Plan Index of Record.

Thank you,

Heidi

* 7 0 2 3 0 2 *

ORDINANCE NO. 2014-08-09

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

WHEREAS, the concurrency standards for transportation facilities set forth in CCC Section 40.350.020 measure level of service according to travel speeds along a corridor; and

WHEREAS, replacing that methodology with a volume-to-capacity measure would provide a simplified and more understandable approach for calculating level of service; and

WHEREAS, the Board finds that the proposed new standard should foster job creation; and

WHEREAS, the Board finds that adoption of the proposed revision to the level of service standard would be in the best interests for the health, safety, and welfare of communities in Clark County;

WHEREAS, because the change in the concurrency standards will impact traffic impact fee (TIF) rates, the new concurrency standards will go into effect the same time the revised Capital Facilities Plan (CFP) is adopted on November 4, 2014 or on the later date that the revised CFP is adopted;

WHEREAS, the Planning Commission held a duly advertised hearing on July 17, 2014 and voted unanimously to forward the recommended concurrency standards and Capital Facilities Plan changes to the Board of County Commissioners;

WHEREAS, the Board held a duly advertised public hearing on August 19, 2014 to review the recommendation of the Planning Commission that the standard for transportation concurrency should be revised as proposed; Now, Therefore,

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

Section 1. Amendatory. Section 1 of Ordinance 1990-04-47, most recently amended by Section 16 of 2012-12-14, and codified as CCC Section 40.350.020, are amended to read as follows:

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 Section 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 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. ~~Within the designated transportation corridors,~~ 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 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.

(Amended: Ord. 2010-08-06)

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

~~3~~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

43. 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~~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.

(Amended: Ord. 2006-09-05)

Section 2. Effective date. This ordinance shall take effect on November 4, 2014, or on the later date of the adoption of the revised Capital Facilities Plan.

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.

ADOPTED this 19th day of August, 2014.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, WASHINGTON

Attest:

Rebecca Tilton
Clerk to the Board

By Tom Mielke
Tom Mielke, Chair

Approved as to Form Only:
ANTHONY F. GOLIK
Prosecuting Attorney

By _____
David Madore, Commissioner

By Christine Cook
Christine Cook
Sr. Deputy Prosecuting Attorney

By _____
Ed Barnes, Commissioner