From: Jeffrey Delapena
To: "Heidi Pozzo"; Rebecca Messinger
Cc: Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan: Tiered Distance
Date: Wednesday, September 23, 2026 12:51:00 PM

Hello Heidi,

Thank you for providing these comments and attachments. Confirming these have all been received and will be added to the Comprehensive Plan Index of Record.

Best,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

-----Original Message-----
From: Heidi Pozzo <hcpheidi@yahoo.com>
Sent: Wednesday, September 23, 2026 12:16 PM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Cc: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Comp Plan: Tiered Distance

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,

I've uploaded a memo called Tiered Distance and the exhibits (A-D) that go with it to the link you provided me for the Comp Plan Index of Record. These are big files, one in particular, for inclusion in the Comp Plan Index of Record.

Thank you,

Heidi

Date: May 17, 2026

Re: 174th Street Subdivision (PLD-2026-00002)

Before: Clark County Hearing Examiner

From: Heidi Pozzo

Subject: Response to Exhibit 100 — Failing Corridor Evaluation Memorandum, Tiered Distance/Radius

---

Introduction

On May 11, 2026, the applicant's engineer, Daniel Stumpf, PE (PLS Engineering), submitted Exhibit 100—a Failing Corridor Evaluation Memorandum—into the record. The memorandum identifies 22 corridors within the Vancouver Urban Growth Area that exceed the 0.90 volume-to-capacity (V/C) ratio standard under CCC 40.350.020(G)(1)(a), then draws one-mile and two-mile radial circles around each one to create the visual impression that enforcing the code would trigger a countywide moratorium on development.

This submission responds to Exhibit 100 and demonstrates the following:

First, the County's tiered study area structure creates geographic exemptions from the concurrency obligation that are inconsistent with the Growth Management Act (Section I).

Second, Exhibit 100's radial impact maps are misleading because they merge geographically distinct areas into a single blob, and because trip distribution is directional—not radial—as established by the very RTC regional model that Mr. Stumpf's own traffic impact study relies upon (Sections II–IV).

Third, the 22 failing corridors that Mr. Stumpf identifies are not evidence that the code is unworkable. They are evidence that the concurrency system is working exactly as intended—identifying areas where the County has approved development without investing in adequate infrastructure. This is why concurrency regulations exist (Sections VI–VII).

I. The Tiered Study Area Structure Does Not Comply with Concurrency Requirements

Mr. Stumpf's Exhibit 100 illustrates a structural deficiency in Clark County's concurrency system that I have raised in prior submissions in this proceeding (Exhibits 49, Section V). The County's concurrency code limits the required geographic scope of analysis based on distance thresholds that vary by project size (CCC 40.350.020(D)(5)):

- 50 or fewer new peak period trips: 1-mile analysis radius
- 51 to 250 new peak period trips: 2-mile analysis radius
- 251 or more new peak period trips: 3-mile analysis radius

CCC 40.350.020(E)(4) then provides that concurrency review "shall not be required" for facilities beyond those distances. This creates a geographic exemption from the concurrency obligation.

RCW 36.70A.070(6)(b) contains no such limitation. The statute requires jurisdictions to prohibit development approval if it causes the level of service on any locally owned transportation facility to decline below adopted standards. There is no distance threshold. There is no tiered structure. The obligation is absolute.

The Washington Court of Appeals in *City of Bellevue v. East Bellevue Community Municipal Corporation*, 119 Wn. App. 405 (2003), held that "under the clear and plain language of RCW 36.70A.070(6)(b), the City cannot create exemptions to its concurrency ordinance" and that "concurrency is not a goal, it is a requirement." (Exhibit A.) The County's tiered distance limitations do precisely this: they allow each individual development to be evaluated in isolation within an artificially limited radius, while the cumulative corridor-wide impacts from multiple developments are never fully captured in any single analysis.

The purpose of the concurrency system is not merely to approve or deny individual applications. It is to give the County visibility into where infrastructure is failing so that investment can be directed to the areas that need it. A geographic cutoff that prevents the County from seeing the full impact of residential development on the commercial areas those residents depend on defeats this purpose.

II. Exhibit 100's Radial Impact Maps Are Misleading

Mr. Stumpf's Figures 2 and 3 in Exhibit 100 illustrate the result of the tiered structure:

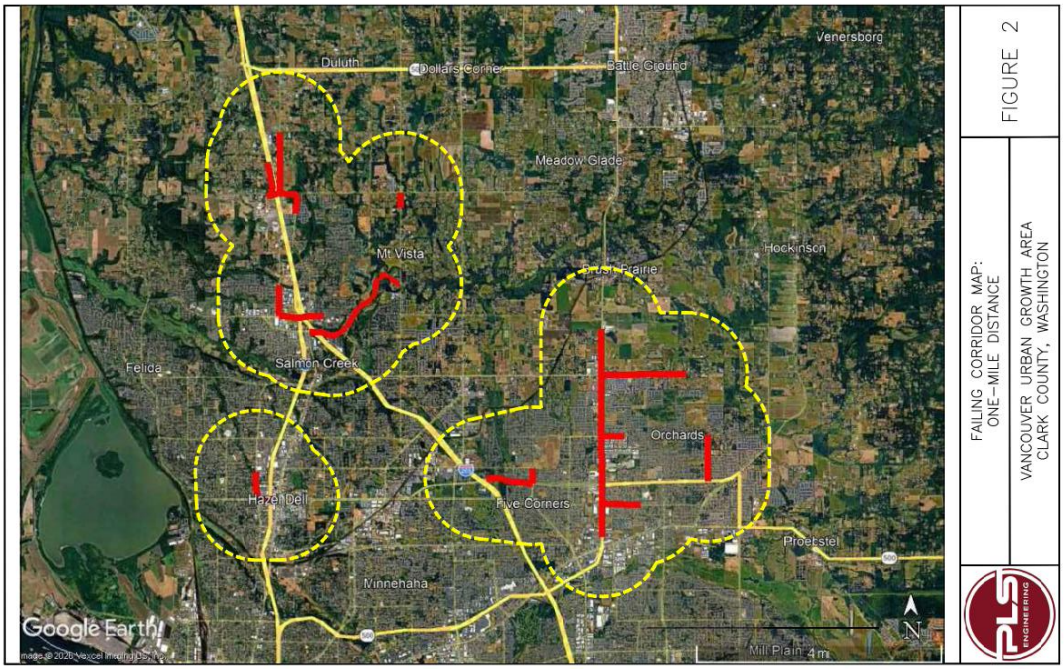


Exhibit 100, Figure 2: One-Mile Impact Distance from Failing Corridors

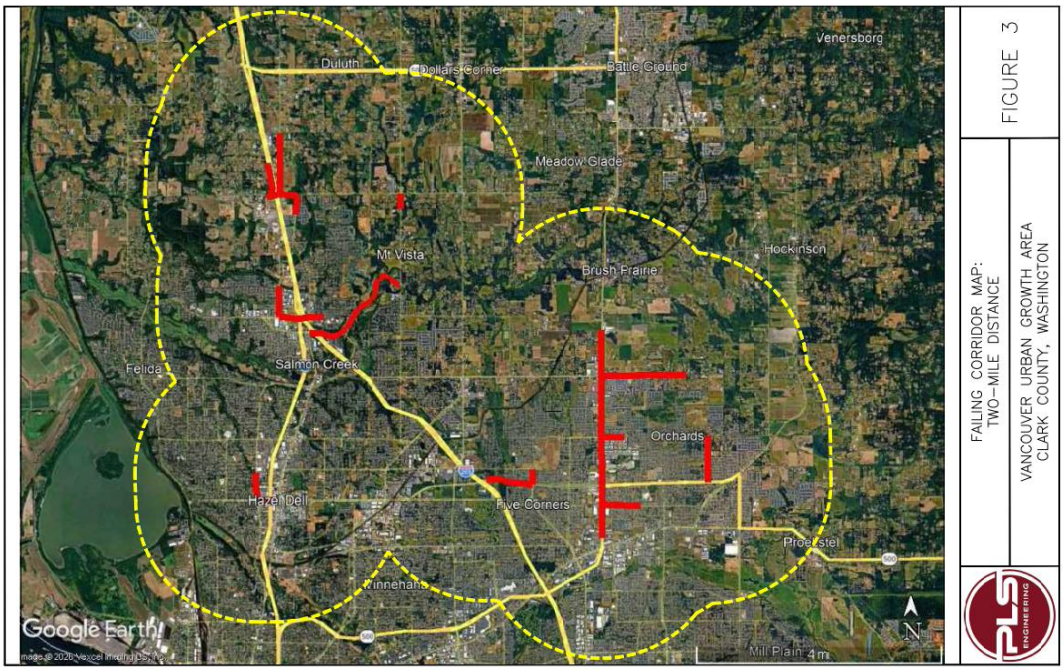


Exhibit 100, Figure 3: Two-Mile Impact Distance from Failing Corridors

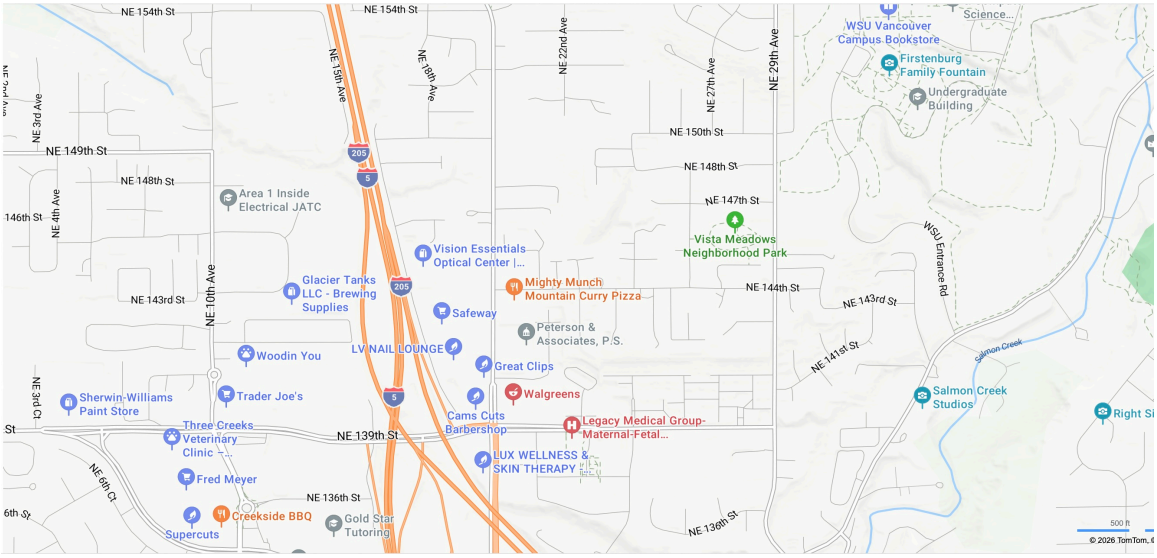
Mr. Stumpf's Figure 2 shows failing corridors concentrated in two distinct areas—the NE 179th Street/Salmon Creek corridor and the SR 503/east county area—with a single standalone road segment in Hazel Dell's commercial corridor near I-5. These are geographically separate areas with different road networks, different traffic patterns, and different development pressures.

Mr. Stumpf's two-mile impact map (Figure 3) draws radial circles around every failing corridor and merges them into a single continuous coverage area, creating the visual impression that the entire area is one unified problem. The circles merge areas that have no functional relationship in trip distribution terms. Developments in the 179th Street corridor generate trips that route toward I-5 and the Salmon Creek commercial area; they do not load traffic onto SR 503 or NE 119th Street. The two primary areas are failing independently, for different reasons, served by different road networks.

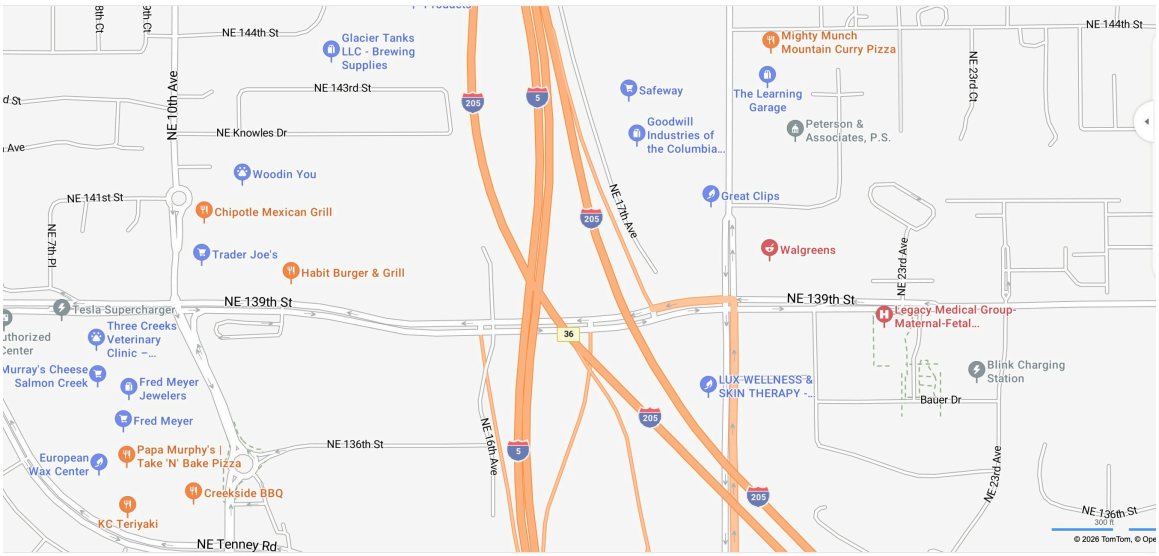
The 179th Street corridor and the Salmon Creek commercial area, by contrast, are functionally connected—and this connection is precisely why the tiered distance limitation matters. As I documented in Exhibit 49 (Section V), the 179th Street corridor contains extensive residential development but virtually no commercial services or employment opportunities. The corridor sits at the northern edge of the Vancouver

Urban Growth Area, surrounded by rural land to the north. Although the comprehensive plan designates commercial and mixed-use zoning around the I-5/179th Street interchange, that area has developed primarily as residential to date—in part because the inadequate infrastructure discourages commercial investment. The area to the north toward NE 199th Street remains largely undeveloped for the same reason.

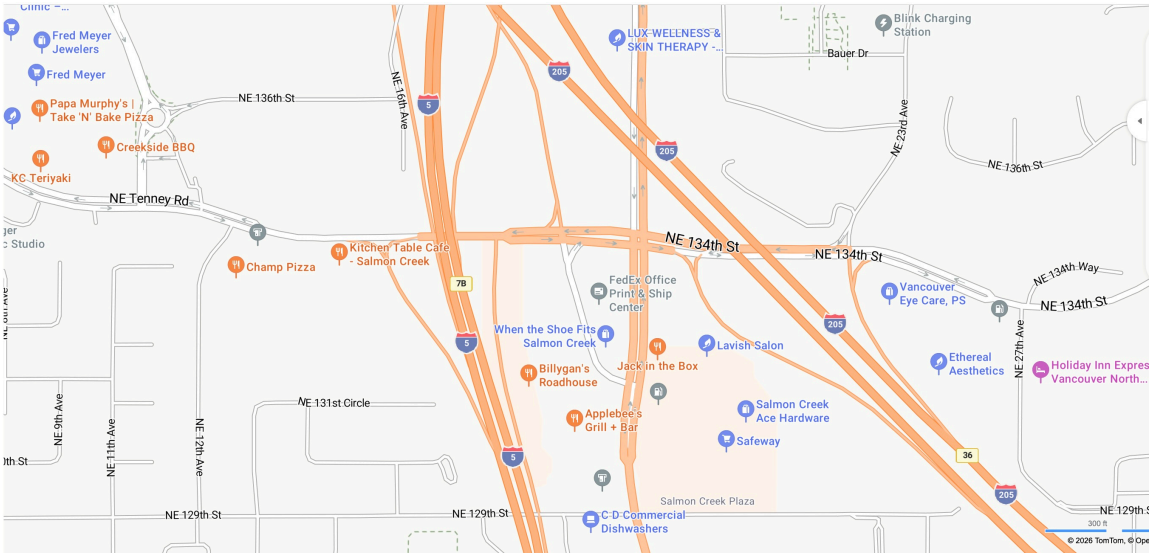
As a result, corridor residents must drive south to the Salmon Creek area for groceries, medical care, pharmacy, dining, and virtually every daily commercial need. The following maps illustrate the commercial destinations that 179th corridor residents depend on:



Salmon Creek Commercial Area — North: WSU Vancouver, Legacy Medical, Safeway, Trader Joe's, Fred Meyer, Walgreens



Salmon Creek Commercial Area — Central: I-5/I-205 interchange complex, retail and services

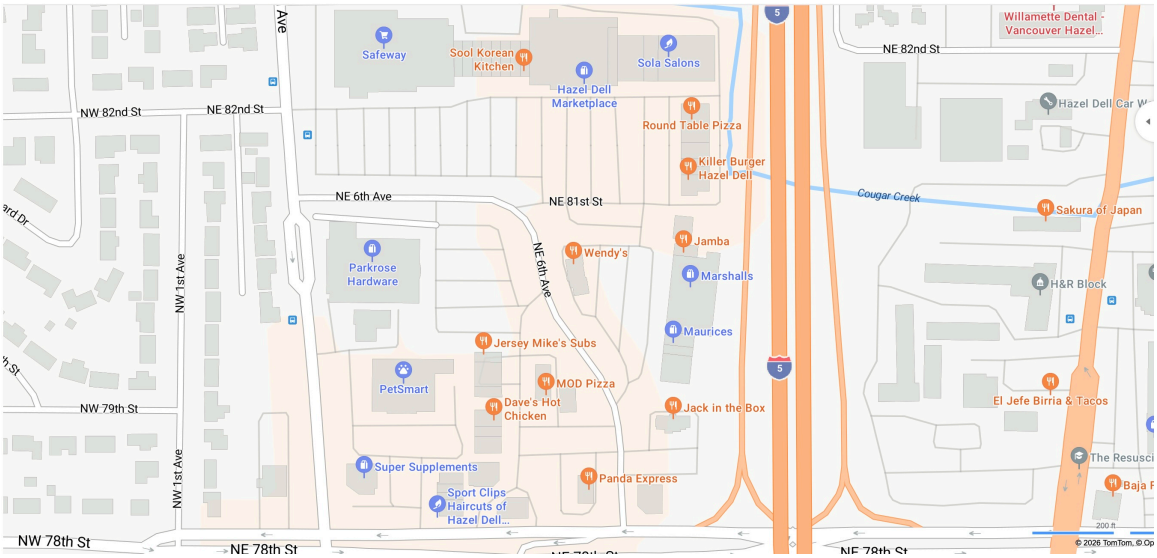


Salmon Creek Commercial Area — South: NE 134th Street (Exit 7B), Applebee's, Salmon Creek Plaza, Safeway, Ace Hardware

These three maps show a continuous commercial corridor stretching from WSU Vancouver and Legacy Salmon Creek Medical Center south through the I-5/I-205 interchange to NE 134th Street. This is where 179th corridor residents go for daily needs. The 174th Street Subdivision TIS (Exhibit 14) does analyze the NE 134th Street intersections at the southern edge of this commercial area, but the NE 139th Street intersections—the heart of the commercial strip where residents actually shop—show only 1–2 peak-hour trips and are excluded from analysis under CCC 40.350.020(G)(1)(c).

Most 179th corridor developments fall in the 1- or 2-mile study tier, meaning only the largest developments trigger a study radius that would reach these commercial destinations at all. The County should be monitoring the relationship between residential growth in the 179th corridor and traffic impacts on the Salmon Creek commercial area, and investing in infrastructure accordingly. Instead, the tiered structure ensures the County rarely sees the connection.

The Hazel Dell commercial area, by contrast, is a separate retail node serving a different community:



Hazel Dell Commercial Area: NE 78th Street near I-5 — Hazel Dell Marketplace, PetSmart, Marshalls

Hazel Dell is a standalone commercial district near NE 78th Street and I-5, separated from the Salmon Creek area by several miles. It serves the Hazel Dell residential community, not the 179th Street corridor. The failing road segment in this area is a localized commercial-area congestion problem unrelated to either of the two primary failure areas.

III. Trip Distribution Is Directional, Not Radial

The most fundamental flaw in Exhibit 100's radial mapping exercise is that it contradicts the methodology of the very model Mr. Stumpf used to prepare the traffic impact study for this application.

The 174th Street Subdivision TIS (Exhibit 14, contained within the application package at Exhibit 1) states that its trip distribution was "derived using the Southwest Washington Regional Transportation Council (RTC) transportation system model" through a "select zone analysis" of Transportation Analysis Zone #1983. (Exhibit 14, p. 11.) The RTC model is a standard four-step travel demand model. RTC describes the four steps on its website (Exhibit B) as follows:

Step 1 — Trip Generation: "Do I want or need to take a trip?" RTC states: "The first step in the modeling process forecasts the number and types of trips derived by activities from each transportation analysis zone. The projection is based on the number and demographic characteristics of households in each zone, as well as the amount and type of employment. Households are classified into 64 household types stratified by

household size, household income and the age of the head of household. Employment is categorized into nine types, ranging from service sector and retail, to finance and agriculture."

Step 2 — Trip Distribution: "Where do I want to go?" RTC states: "Next, the model predicts where the trips produced in the first step are destined. Each zone's availability of attractions—work, shopping, recreation and other activities—and the accessibility (access to auto networks and transit) from the zones where trips are produced determines where trips are likely to go."

Step 3 — Mode Choice: "How will I get there?" RTC states: "As in the real world, travelers in the model have many transportation mode choices, including walking, biking, driving alone or with others, and walking or driving to transit. For the model to forecast travel demand with a reasonable degree of confidence, it must account for why people make mode choice decisions." The model considers cost, travel time, auto availability, transit access, urban design, and socio-economic factors.

Step 4 — Trip Assignment: "What route should I take?" RTC states: "The model uses data from the previous three steps to simulate the way people will travel. For auto trips, the model assigns traffic to streets in specified time periods. The model assumes the availability of multiple routes between origins and destinations, accounting for congestion."

RTC further explains that the model is based on real travel behavior: "The model takes into consideration the real choices made by residents in our region. This information is collected from rigorous travel behavior surveys that provide data regarding people's travel choices. RTC's last survey, the 2009 Household Travel Survey, tracked 1,650 households to understand how factors such as age, income, children, car ownership, and transportation infrastructure characteristics affect the travel choices of Clark County residents."

This is the model Mr. Stumpf used for the 174th Street Subdivision TIS. It distributes trips based on where attractions are—work, shopping, recreation—and the accessibility of the road network. It assigns trips to actual streets, accounting for congestion and available routes. It is built on survey data tracking how Clark County residents actually travel. At no point in this process does the model draw a circle on a map. The result is directional percentages constrained by the real road network—which is exactly what Mr. Stumpf's TIS shows.

Exhibit 100's radial mapping contradicts every step of this model. Circles do not account for attractions, accessibility, route availability, or congestion. They treat every point within the radius as equally likely to be affected, regardless of whether the road network connects them or whether any trips would travel in that direction. Mr. Stumpf cannot rely

on the RTC model to distribute trips in his TIS and then abandon that model in favor of circles when it suits his argument.

IV. The Applicant's Own TIS Confirms Directional Distribution

The 174th Street Subdivision TIS (Exhibit 14, pp. 11–12) shows the following trip distribution, derived from the RTC model's select zone analysis of TAZ #1983:

- Northwest and west of the project site (approximately 42% of site trips): including 10% northbound on I-5, 21% southbound on I-5, 4% west on NE 199th Street, 2% north on NE 10th Avenue, 2% west on NE 179th Street, 2% south on NE 10th Avenue, and 1% south on NE 15th Avenue.

- North and east of the project site (approximately 16% of site trips): including 6% north on NE 72nd Avenue, 5% east on NE 199th Street, 4% east on NE 179th Street, and 1% north on NE 50th Avenue.

- South of the project site (approximately 42% of site trips): including 20% south on I-205, 9% south on NE 72nd Avenue, 5% west on NE Tenney Road, 4% south on NE 20th Avenue, 2% south on NE 50th Avenue, and 2% north on NE 23rd Avenue.

Zero percent of these trips are distributed to SR 503, NE 119th Street, NE 99th Street, NE 76th Street, or any other corridor in the SR 503/east county area. This pattern is consistent across every developer-commissioned traffic impact study in the corridor—including the Three Creeks East PUD TIS, Four Creeks North TIS, and Andersen Dental Office TIS, all prepared by Mr. Stumpf. Every study shows trips concentrated on the NE 179th Street corridor, the Salmon Creek commercial area, and I-5, with no trips distributed to the SR 503/east county corridors.

The RTC model produces these directional results because that is how people travel. Residents commute to workplaces, drive to nearby commercial centers, and access regional routes via the closest interchange. A two-mile radius drawn on a map has no relationship to how traffic actually moves through a road network.

V. Cross-Area Trips Are Already Captured in Background Volumes

To the extent that any trips cross between the separate geographic areas, those trips are not missing from the analysis. Developer-commissioned traffic impact studies begin with existing traffic counts that inherently include all trips currently using the road network, regardless of origin or destination. Background growth is then added through annual growth rates or in-process development trip generation. Any cross-area trips are already in the numbers. 174th Street Subdivision TIS (Exhibit 14, p. 16)

VI. Exhibit 100 Describes Exactly Why Concurrency Regulations Exist

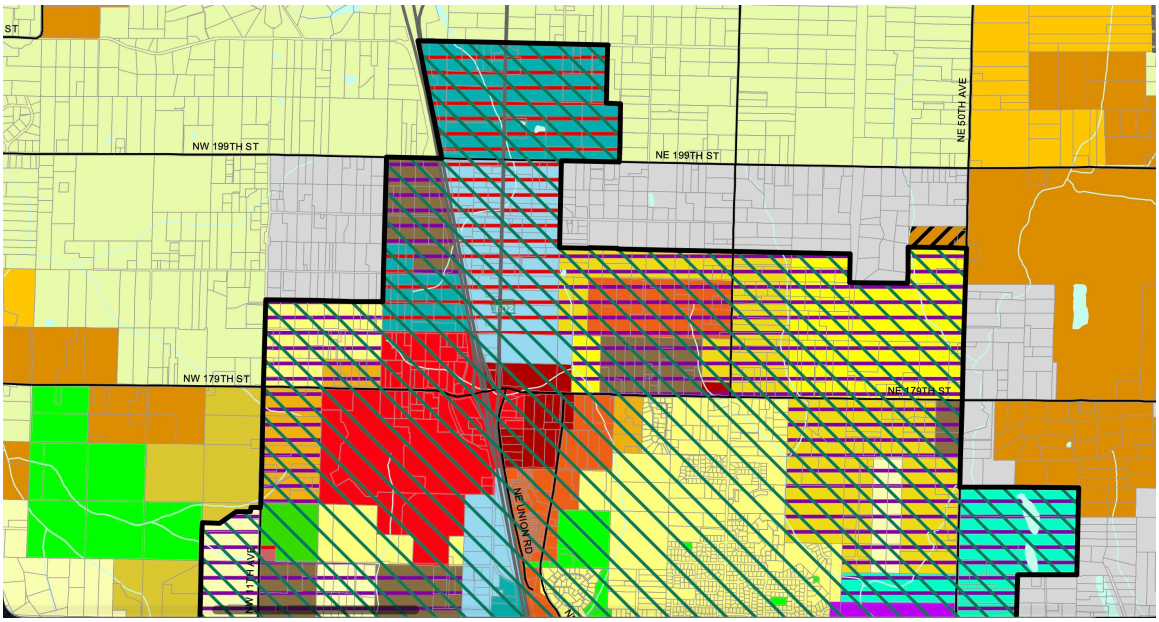
Exhibit 100 acknowledges that approximately 36 planned land use projects representing approximately 2,000 residential units may be affected by enforcement of CCC 40.350.020(G)(1)(a). Mr. Stumpf presents this as evidence that the code is unworkable. It is the opposite. It is evidence that the concurrency system is identifying exactly what it was designed to identify: areas where the pace of development has exceeded the capacity of the infrastructure to support it.

Mr. Stumpf surveyed 27 developer-commissioned traffic impact studies and identified 22 corridors exceeding the 0.90 V/C standard. The failing corridors include underinvested residential corridors where the County has approved development without building adequate roads, and congested commercial areas that absorb daily traffic from the residential areas they serve. This is precisely the pattern that concurrency monitoring is supposed to catch—so that the County can direct infrastructure investment where it is needed before approving additional development that will make the problem worse.

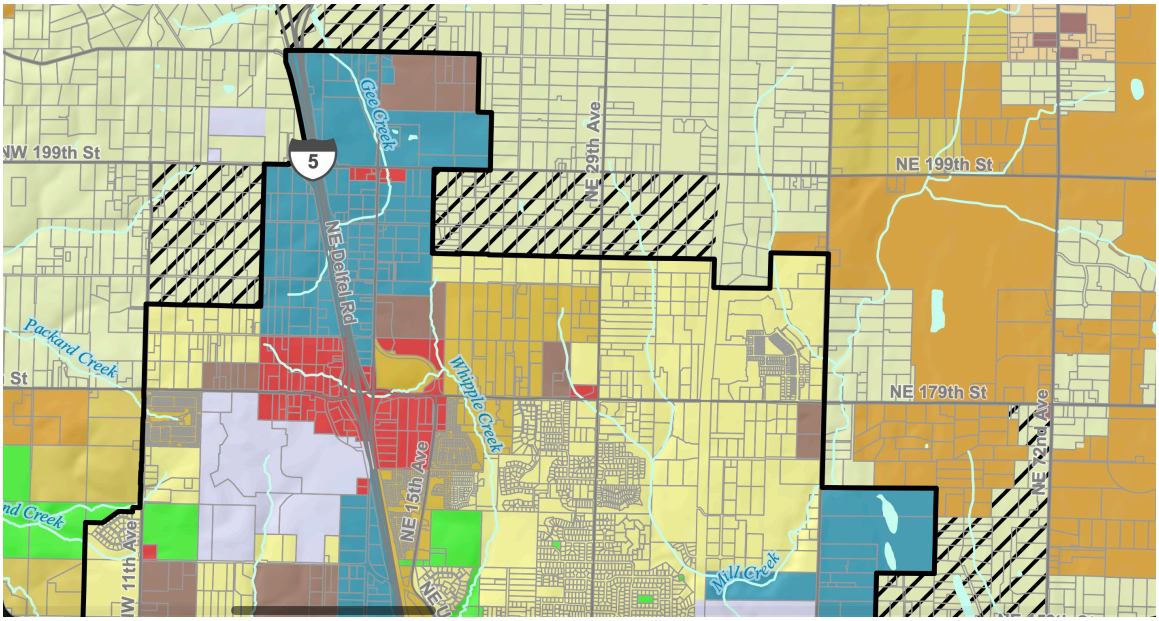
The comprehensive plan maps for the two primary failure areas tell this story directly. In 2007, both the 179th Street corridor and the SR 503/east county area carried Urban Holding overlays that restricted development pending infrastructure investment. The County subsequently removed those overlays, upzoned the land, and approved residential development at densities far exceeding what the existing road network was designed to serve—without completing the infrastructure improvements that were the condition for lifting the overlays.

The 174th Street Subdivision is located near the eastern edge of the Vancouver Urban Growth Area. From that point, the UGA boundary runs south along approximately NE 50th Avenue before extending east into the SR 503/east county area. Between the two areas, the UGA boundary narrows significantly, and the urban development that does exist is confined to the growth boundary. The failing corridors in the 179th Street/Salmon Creek area and the failing corridors in the SR 503/east county area are separated not only by different road networks and different trip distributions, but by the shape of the growth boundary itself, with significant amounts of rural land between.

NE 179th Street Corridor:

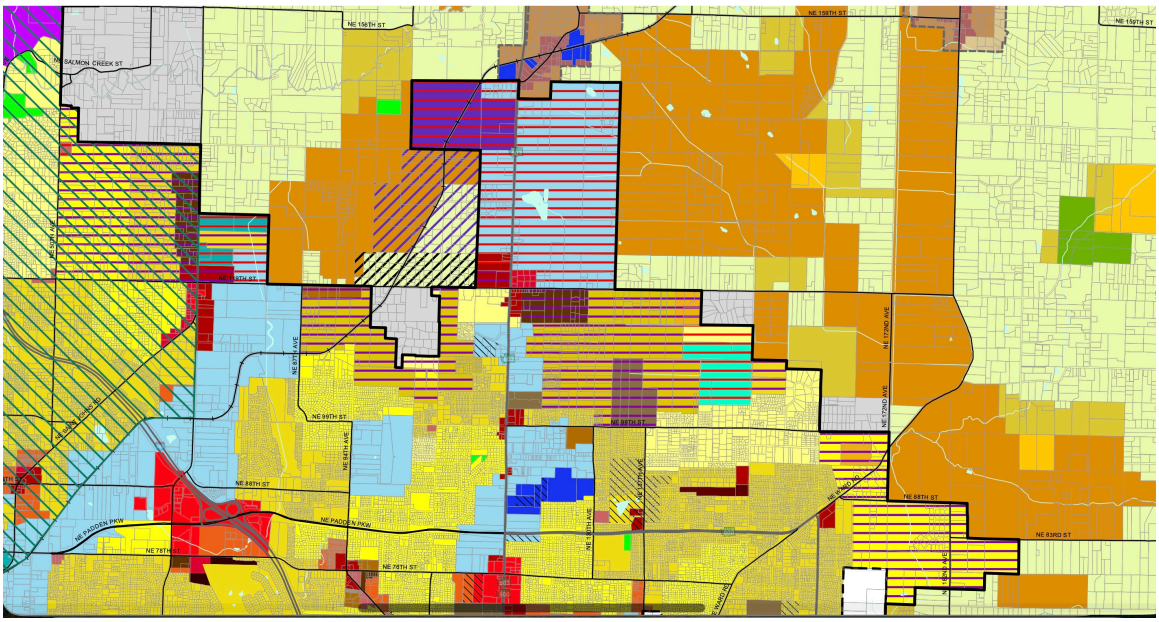


2007 Comprehensive Plan — NE 179th Street Corridor (Urban Holding overlay in place)

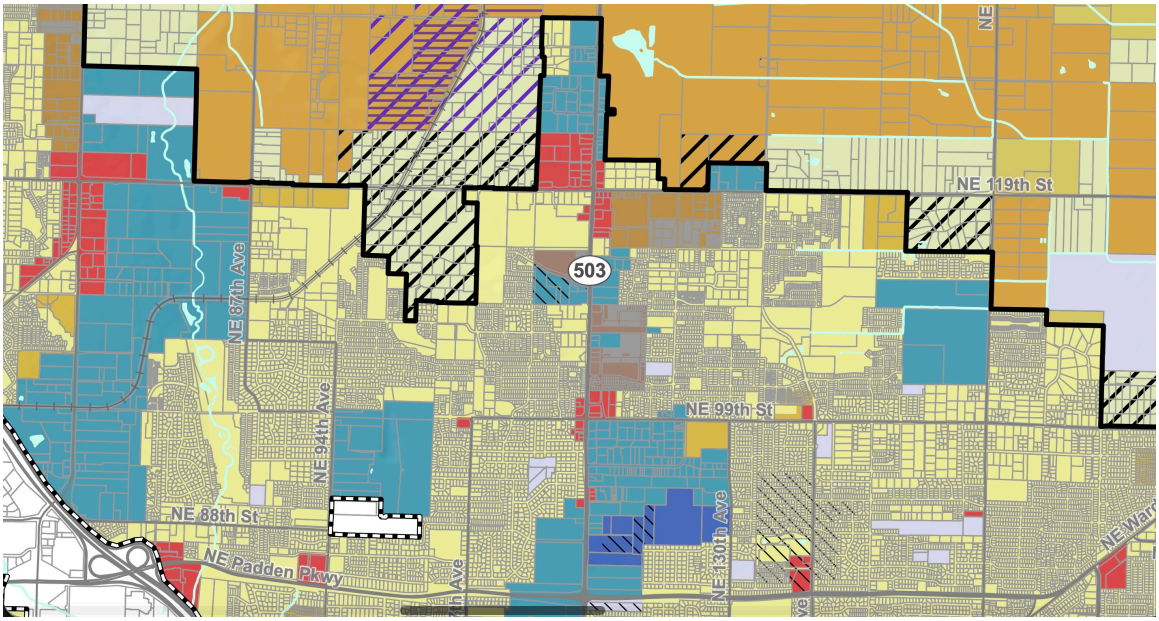


Current Comprehensive Plan — NE 179th Street Corridor (Urban Holding removed, residential density increased)

SR 503 / East County Area:



2007 Comprehensive Plan — SR 503 / East County Area (Urban Holding overlay in place)



Current Comprehensive Plan — SR 503 / East County Area (Urban Holding removed, residential density increased)

The before-and-after comparison is stark. The County removed development controls, increased allowable densities, and approved thousands of residential units—and the corridors serving those areas are now failing. Mr. Stumpf's 22 failing corridors are the direct and predictable result of the County's own land use decisions. The concurrency system is catching exactly the problem it was designed to catch. (Full comprehensive plan maps are submitted as Exhibits C and D.)

The Legislature created the concurrency requirement for this reason. When roads are failing, the appropriate response is to invest in infrastructure, not to argue that the standard identifying the failure should be abandoned. Mr. Stumpf's memorandum is, at its core, a request to stop looking at the problem. The Hearing Examiner should not grant that request.

VII. The Hearing Examiner Should Apply the Code as Written

Exhibit 100 is a policy argument directed at the wrong forum. If the applicant believes CCC 40.350.020(G)(1)(a) produces results he disagrees with, the remedy is a code amendment through the County Council's legislative process, not a request that the Hearing Examiner decline to apply the code as adopted.

Exhibit 100's suggestion that enforcing the code would create a countywide moratorium is not supported by the data in Exhibit 100 itself. The failing corridors are concentrated in two geographically distinct areas with a standalone commercial segment between them. Trip distribution is directional, not radial—as established by the RTC model that Mr. Stumpf's own TIS relies on. The two-mile circles that create the appearance of a countywide problem are a cartographic choice, not a transportation engineering analysis. Enforcing CCC 40.350.020(G)(1)(a) requires applying the standard corridor by corridor, development by development, using the directional trip distribution that the code already mandates. That is not a moratorium. It is the concurrency system working as intended.

I have documented in detail in prior submissions (Exhibit 49) the specific V/C failures, the intersection LOS override practice, and the concurrency methodology issues applicable to this development. The tiered distance limitation identified in Section I is a structural flaw in the County's concurrency code that the County Council needs to address. For purposes of this proceeding, the Hearing Examiner is asked to apply the V/C standard of CCC 40.350.020(G)(1)(a) as written and deny this application on the grounds that the corridors serving the proposed development exceed the adopted standard.

Exhibits

Record Exhibits Referenced

Exhibit 1: 174th Street Subdivision Application Package.

Exhibit 14: NE 174th Street Subdivision Transportation Impact Study, Daniel Stumpf, PE (Lancaster Mobley), December 4, 2025 (contained within Exhibit 1).

Exhibits 49: Heidi Pozzo, Public Comment on 174th Street Subdivision, March 7–8, 2026 (Section V: Excluded Intersections).

Exhibit 100: Failing Corridor Evaluation Memorandum, Daniel Stumpf, PE (PLS Engineering), May 11, 2026.

New Exhibits Submitted Herewith

Exhibit A: *City of Bellevue v. East Bellevue Community Municipal Corporation*, 119 Wn. App. 405 (2003).

Exhibit B: RTC Regional Travel Demand Model Overview (printout from https://rtc.wa.gov/data/travel-modeling/demand-model/).

Exhibit C: Clark County 2007 Comprehensive Plan Map. https://clark.wa.gov/sites/default/files/dept/files/community-planning/comprehensive-plan/2007%20Comp%20Plan/BOCC-AdoptZoning.pdf

Exhibit D: Clark County Current Comprehensive Plan Map. https://clark.wa.gov/sites/default/files/media/document/2024-06/comprehensiveplan_portrait_36x48.pdf

Respectfully submitted,

Heidi Pozzo

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

Exhibit A

81 P.3d 148 (2003)
119 Wash.App. 405

CITY OF BELLEVUE, a Washington municipal corporation, Appellant, v. EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION, a community municipal corporation, Respondent.

Nos. 49852-5-I, 50624-2-I.

Court of Appeals of Washington, Division 1.

December 15, 2003.

Elaine Louise Spencer, Graham & Dunn, PC, Seattle, WA, for Appellant City of Bellevue.

Carol Ann Morris, Law Office of Carol A. Morris, P.C., Seabeck, WA, for Respondent East Bellevue Community.

Sharon Sullivan Eckholm, Washington Attorney General, Olympia, WA, for Respondent Central Puget Soundgrowth Mgmt.

John Richard Aramburu, Seattle, WA, for Respondents Renay Bennett, Jan Benson.

BAKER, J.

The City of Bellevue challenges a Central Puget Sound Growth Management Hearings Board decision invalidating an ordinance which exempts shopping center redevelopment from certain Growth Management Act[1] (GMA) requirements. The City also seeks a writ of prohibition preventing the East Bellevue Community Municipal Corporation from bringing challenges to the City's actions before the hearings board when such actions fall outside the community corporation's limited legal powers.

Because the community does not have authority to bring suits challenging ordinances outside its service area, we grant the requested writ of prohibition. But because individual citizens have raised identical challenges to the ordinance, we address the Board's decision. We conclude that the GMA does not allow a city to circumvent its own statutorily required concurrency ordinance, and affirm the board's decision invalidating Bellevue's ordinance.

Writ of Prohibition

Bellevue first argues that the East Bellevue Community Municipal Corporation exceeded its power in mounting this appeal to the Board, and that the only appropriate remedy available is a writ of prohibition.

A writ of prohibition "arrests the proceedings of any tribunal, corporation, board or person, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person."[2] We have recognized that a writ of prohibition "may be invoked to prohibit judicial, legislative, executive, or administrative acts if the official or body to whom it is directed is acting in excess of its power."[3]

It is undisputed that the Growth Management Hearings Board had jurisdiction to hear the community's petition.[4] At issue is whether the community council had the authority to bring the appeal before the Board.

Chapter 35.14 RCW authorizes, but does not require, establishing community municipal corporations "when unincorporated areas are annexed to cities or towns in certain cases."[5] Citizens may establish such corporations in all or part of the annexed area, called a "service area," provided the service area meets certain minimum population standards.[6] Community municipal corporations are governed by a community council of five members, elected by

voters within the service area.[7] The chief powers of a community municipal corporation are to approve or disapprove within its service area specific land-use actions of the city that annexed the area. The actions the community may challenge are enumerated in the statute and include only disapproving the city's comprehensive plans, zoning ordinances, conditional use permits or special exceptions, variances, subdivision ordinances, subdivision plats, and planned unit developments within the community's service area.[8]

East Bellevue argues that chapter 35.14 RCW should be interpreted to allow the community council to challenge ordinances applying outside the service area, but indirectly affecting the service area. Although RCW 35.14.040 gives community councils final decision-making authority, it limits that authority. And the statute limits what ordinances and land use decisions the community municipal corporation may challenge. These are comprehensive plans, zoning ordinances, conditional use permits, special exceptions or variances, subdivision ordinances, subdivision plats, and planned unit developments.[9]

The only other powers granted by the statute are advisory in nature. Community municipal corporations are authorized to:

> (1) Make recommendations concerning any proposed comprehensive plan or other proposal which directly or indirectly affects the use of property or land within the service area;
>
> (2) Provide a forum for consideration of the conservation, improvement or development of property or land within the service area; and
>
> (3) Advise, consult, and cooperate with the legislative authority of the city on any local matters directly or indirectly affecting the service area.[[10]] Community municipal corporations "`have no inherent powers and possess only such powers as are expressly conferred by statute or implied as necessary in aid of those powers which have been expressly conferred.'"[11]

The only case addressing the scope of a community council's authority under RCW 35.14.040 is *City of Bellevue v. East Bellevue Community Council*.[12] In that case, the Supreme Court recognized that RCW 35.14.040 gave community councils final decision-making authority over subjects listed in RCW 35.14.040 applying to land, buildings, or structures within their geographic jurisdictions.[13] But the Supreme Court did not consider whether a council's power extended beyond the explicit scope of the ordinance.

Express language in the statute grants a community council only the power to reject land-use decisions applying to land buildings or structures within the council's service area. The sole other grant of power is the power to advise and consult with municipal corporations on other related matters. We conclude that East Bellevue cannot bring actions before the Board or in superior court that do not fall within its explicit grant of authority, and accordingly, we grant Bellevue's writ of prohibition.

We proceed to address Bellevue's challenge to the merits of the Board's decision because individual petitioners raised identical issues before the Board. Bellevue does not challenge these petitioners' standing.

Bellevue's Ordinance

The Legislature enacted the GMA to minimize threats that uncoordinated and unplanned growth pose to the environment, economic development, and public welfare.[14] The GMA requires communities to coordinate comprehensive land use planning, and counties to adopt comprehensive land use plans and development regulations in accordance with the GMA.[15] The Legislature granted wide latitude to local governments to customize their comprehensive plans according to local growth patterns, resources, and needs.[16] The GMA's goals include encouraging development in areas with adequate existing facilities, reducing sprawl, preserving open spaces and the environment, and encouraging economic development that is consistent with adopted comprehensive plans.[17]

The GMA requires cities planning under the Act to include within their comprehensive plans a transportation element that, among other things, specifies "level of service" (LOS) standards for local streets and roads.[18] Under the GMA, each city determines its own acceptable level of traffic congestion. Bellevue has established its LOS standards, with different maximum levels throughout the city.[19]

A level of service standard measures the degree of intersection saturation, expressed as the ratio of the peak traffic volume at the intersection to the capacity of the intersection to handle traffic.[20] The volume-to-capacity ratio measures whether or not the physical geometry of the roadway provides sufficient capacity for the number of vehicles. A volume-to-capacity ratio of 1.0 or higher means that the intersection is handling traffic that exceeds capacity at peak hours.[21]

The GMA requires that cities prohibit development that causes a decline in level of service below adopted standards. Such an action-forcing ordinance is known as a concurrency ordinance because its purpose is to assure that development permits are denied unless there is concurrent provision for transportation impacts:

> [L]ocal jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.[[22]]

Under a typical concurrency ordinance, any development beyond a very low density threshold can only proceed if the developer can show that required public services, primary transportation, and utilities are or will soon be available.[23]

Chapter 14.10 of the Bellevue City Code contains Bellevue's "concurrency ordinance" required by RCW 36.70A.070(6)(b).[24] In the ordinance, the City exempts certain types of projects from its concurrency requirements.[25] In 2001, the City enacted Ordinance 5308 adding a ninth exemption for neighborhood shopping center redevelopment projects.[26] The City justified this exemption on the grounds that these projects would decrease traffic and provide a broad array of necessary goods and services.

Bellevue appeals the Board's decision invalidating the exemption. It argues that the general goals found in RCW 36.70A.020 allow a local municipality to exempt certain developments from the concurrency requirements found in RCW 36.70A.070(6)(b).

When reviewing an administrative decision, this court sits in the same position as the superior court. With respect to issues of law, we apply a de novo standard, giving substantial weight to the Board's interpretation of the statute it administers.[27] While we accord deference to an agency interpretation of the law where the agency has specialized expertise in dealing with such issues, we are not bound by the agency's conclusions of law.[28] But the burden of showing that the Board erroneously interpreted the law lies on the party who asserts that an error was made.

The GMA mandates that comprehensive plans adopted pursuant to the GMA must include a transportation element that establishes LOS standards for all locally owned arterials and transit routes.[29] Local governments must then take the necessary steps to bring existing streets and transportation facilities into compliance with the LOS they have established.[30] The statute does not allow for exceptions. In fact, if the local jurisdiction cannot meet the financial requirements necessary to bring the street into compliance, language in the statute requires that the comprehensive plan outline how funds will be raised, or how the municipality will meet its level of service requirement.[31]

Bellevue argues that the concurrency requirement cannot trump all other goals of the GMA. The portion of the GMA that Bellevue infers might conflict with imposing a concurrency requirement for neighborhood shopping centers is found in RCW 36.70A.070(2).[32] But concurrency is not a goal, it is a requirement. Moreover, we do not agree that invalidating Bellevue's exemption would lead to a conflict between provisions of the GMA. Rather, concurrency is one of several factors that must be satisfied in order to allow development.[33] Under the clear and plain language of RCW

36.70A.070(6)(b), the City cannot create exemptions to its concurrency ordinance.

The City argues that the record before the Board showed that the redevelopment projects would reduce traffic, not increase it, and that the Board was required to give deference to the City's findings. The City cites to its ordinance and the accompanying testimony as support. The City explains that its findings clearly show that the exemption was justified because the projects will actually reduce overall traffic and that "only limitations in the city's models caused it to appear to increase congestion." A city cannot create exemptions to its LOS because it claims that its traffic model is inadequate. If a city is unable to properly measure traffic impacts from a development proposal for compliance with the GMA, the city can alter the methodology it uses to calculate traffic volume. And, if a proposed development project violates the city's adopted LOS, the city has a variety of options available to it. These may include changing the relevant LOS, modifying traffic patterns so as to reduce nonresident commuter traffic, thus reducing traffic congestion, or creatively addressing traffic mitigation expenses. But a city cannot simply exempt the proposal from compliance with traffic standards it has adopted pursuant to the GMA.

We affirm the Board's conclusion that the ordinance failed to conform to the GMA's concurrency requirements, and is therefore invalid.

AFFIRMED IN PART REVERSED IN PART.

COLEMAN and APPELWICK, JJ., concur.

[1] Ch. 36.70A RCW.

[2] RCW 7.16.290.

[3] *Brower v. Charles*, 82 Wash.App. 53, 57, 914 P.2d 1202 (1996) (citing *Winsor v. Bridges*, 24 Wash. 540, 543, 64 P. 780 (1901).)

[4] RCW 36.70A.280. The statute requires that the Board hear and determine petitions filed by the state, county, city, or a person. The statute defines person as an "individual, partnership, corporation, association ... or public or private organization." RCW 36.70A.280.

[5] 17 William B. Stoebuck, *Washington Practice: Real Estate: Property Law* § 4.6 (1995).

[6] 17 William B. Stoebuck, *supra,* § 4.6. Before allowing a community municipal corporation, RCW 35.14.010 requires that (1) the service area would be eligible for incorporation as a city or town; or (2) the service area has at least three hundred inhabitants and ten percent of the population of the annexing city or town; or (3) the service area has a minimum population of one thousand inhabitants.

[7] RCW 35.14.020.

[8] RCW 35.14.040.

[9] RCW 35.14.040.

[10] RCW 35.14.050.

[11] *Sammamish Cmty. Council*, 108 Wash.App. at 49, 29 P.3d 728 (quoting 2A Eugene McQuillin, *The Law of Municipal Corporations* § 10.03, at 299 (Dennis Jensen & Gail A. O'Gradney eds., 3d ed. rev. vol.1996) (footnote omitted)).

[12] 138 Wash.2d 937, 983 P.2d 602 (1999).

[13] *East Bellevue*, 138 Wash.2d at 940, 983 P.2d 602.

[14] RCW 36.70A.010.

[15] RCW 36.70A.040.

[16] RCW 36.70A.010-901.

[17] *See* RCW 36.70A.020.

[18] RCW 36.70A.070(6)(a)(iii)(B).

[19] The maximum traffic allowed in downtown Bellevue is .950 of the road's capacity, while the East Bellevue area's LOS is .850 of capacity. Bellevue City Code 14.10.030.

[20] *Sammamish Cmty. Council v. City of Bellevue*, 108 Wash.App. 46, 50, 29 P.3d 728 (2001), *rev. denied,* 145 Wash.2d 1037, 43 P.3d 21 (2002).

[21] *Montlake Cmty. Club v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 110 Wash.App. 731, 735, 43 P.3d 57 (2002).

[22] RCW 36.70A.070(6)(b).

[23] *See, e.g.,* ch. 14.10 Bellevue City Code.

[24] Bellevue City Code 14.10.005. This section provides:

The purpose of this chapter is to set forth specific standards providing for city compliance with the concurrency requirements of the state Growth Management Act (GMA) and for consistency between city and countywide planning policies under the GMA. GMA requires that adequate street capacity be provided concurrently with development to handle the increased traffic projected to result from growth and development in the city and region. Responding to the changing framework of the future of transportation, these standards ensure compliance through the inclusion of:

A. Roadway standards that balance congestion management with land use objectives;

B. Mobility management areas with long-range objectives and shorter-term standards tailored to each area's characteristics and needs;

C. Level-of-service standards for each mobility management area, to include: reflection of availability of other mobility options; adjustment of levels of service where appropriate; interim standards for specific areas until completion of interlocal negotiations; consideration of trips crossing mobility management area boundaries; use of area-average method of evaluating roadway system adequacy, and use of an averaged two-hour p.m. peak period representing extended high trip volume periods.

Bellevue City Code 14.10.005.

[25] The statute previously included exemptions for public transportation facilities, public parks, private not-for-profit social services, public libraries, hospitals, publicly funded education facilities, affordable housing, and non-profit child care facilities. *See* Bellevue City Code 14.10.020.

[26] Bellevue City Code 14.20.020.

[27] *King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wash.2d 543, 553, 14 P.3d 133 (2000).

[28] *City of Redmond v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 136 Wash.2d 38, 46, 959 P.2d 1091 (1998).

[29] RCW 36.70A.070(6)(a)(iii).

[30] RCW 36.70A.070(6)(a)(iii)(D).

[31] RCW 36.70A.070(6)(a)(iv)(C).

[32] This portion of the mandatory comprehensive plan elements requires:

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

RCW 36.70A.070(2).

[33] *See* RCW 36.70A.070.

Save trees - read court opinions online on Google Scholar.

Exhibit B

DEMAND MODEL



Data and Tools

Overview
Regional Census Data
Mapping Data
Portal Data Archive
Traffic Counts
Travel Modeling
Services Overview
Demand Model

Regional Travel Demand Model Overview

To understand how people will make trips, modelers look at the reasons why people travel. The model takes into consideration the real choices made by residents in our region. This information is collected from rigorous travel behavior surveys that provide data regarding people's travel choices. RTC's last survey, the 2009 Household Travel Survey, tracked 1,650 households to understand how factors such as age, income, children, car ownership, and transportation infrastructure characteristics affect the travel choices of Clark County residents.

Data input into the transportation model includes population and employment, both for existing conditions and the forecast year. Future population and employment assumptions are developed to be consistent with local comprehensive plans. Transportation networks, including roadways and transit routes, for existing conditions and the forecast year also serve as major data inputs.

In the model, our region is divided into over 1,000 discrete geographic areas called transportation analysis zones. Census data, land characteristics, economic factors, land capacity and land availability



Questions?

Mark Harrington,
RTC
564-397-5207

Downloads

Data Request Form

measurements are used to develop land use forecasts that project the number of future households and jobs located in each zone.

RTC uses a standard four-step modeling process for travel demand forecasting. This four-step process consists of the following parts:

Trip Generation

"Do I want or need to take a trip?"

The first step in the modeling process forecasts the number and types of trips derived by activities from each transportation analysis zone. The projection is based on the number and demographic characteristics of households in each zone, as well as the amount and type of employment.

Households are classified into 64 household types stratified by household size, household income and the age of the head of household. Employment is categorized into nine types, ranging from service sector and retail, to finance and agriculture. Using behaviors identified in the Household Travel Behavior Study, the model forecasts the likelihood of households to make certain types of trips based on household type and employment mixes in each zone. Trip types are classified as work, shopping, recreation, college, school, and other.

Trip Distribution

Mode Choice

Trip Assignment

Regional Transportation Council
P.O. Box 1366
Vancouver, Washington 98666-1366

CONTACT

Español • Росси́йский • 中文

About RTC

RTC's Mission is

To encourage and promote the development of a balanced, safe, efficient, and affordable regional transportation system to meet the mobility needs of people and

Disclosures

- Agency Calendar
- Press Releases
- Title VI
- Americans with Disabilities Act (ADA)
- Public Participation
- Language/Translation

DEMAND MODEL



Data and Tools

Overview
Regional Census Data
Mapping Data
Portal Data Archive
Traffic Counts
Travel Modeling
Services Overview
Demand Model

Regional Travel Demand Model Overview

To understand how people will make trips, modelers look at the reasons why people travel. The model takes into consideration the real choices made by residents in our region. This information is collected from rigorous travel behavior surveys that provide data regarding people's travel choices. RTC's last survey, the 2009 Household Travel Survey, tracked 1,650 households to understand how factors such as age, income, children, car ownership, and transportation infrastructure characteristics affect the travel choices of Clark County residents.

Data input into the transportation model includes population and employment, both for existing conditions and the forecast year. Future population and employment assumptions are developed to be consistent with local comprehensive plans. Transportation networks, including roadways and transit routes, for existing conditions and the forecast year also serve as major data inputs.

In the model, our region is divided into over 1,000 discrete geographic areas called transportation analysis zones. Census data, land characteristics, economic factors, land capacity and land availability



Questions?

Mark Harrington,
RTC
564-397-5207

Downloads

Data Request Form

measurements are used to develop land use forecasts that project the number of future households and jobs located in each zone.

RTC uses a standard four-step modeling process for travel demand forecasting. This four-step process consists of the following parts:

Trip Generation

Trip Distribution

"Where do I want to go?"

Next, the model predicts where the trips produced in the first step are destined. Each zone's availability of attractions— work, shopping, recreation and other activities—and the accessibility (access to auto networks and transit) from the zones where trips are produced determines where trips are likely to go.

Mode Choice

Trip Assignment

Regional Transportation Council
P.O. Box 1366
Vancouver, Washington 98666-1366

CONTACT

Español • Росси́йский • 中文 • Tiếng việt

About RTC

RTC's Mission is

To encourage and promote the development of a balanced, safe, efficient, and affordable regional transportation system to meet the mobility needs of people and goods, within and through this region, and minimize transportation-related air pollution.

Note: Many PDF & other documents open in a new browser tab, as do external links.

Disclosures

- Agency Calendar
- Press Releases
- Title VI
- Americans with Disabilities Act (ADA)
- Public Participation
- Language/Translation Assistance
- Privacy Notice
- Terms of Use

©1992-2025 Regional Transportation Council
All Rights Reserved

DEMAND MODEL



Data and Tools

Overview
Regional Census Data
Mapping Data
Portal Data Archive
Traffic Counts
Travel Modeling
Services Overview
Demand Model

Regional Travel Demand Model Overview

To understand how people will make trips, modelers look at the reasons why people travel. The model takes into consideration the real choices made by residents in our region. This information is collected from rigorous travel behavior surveys that provide data regarding people's travel choices. RTC's last survey, the 2009 Household Travel Survey, tracked 1,650 households to understand how factors such as age, income, children, car ownership, and transportation infrastructure characteristics affect the travel choices of Clark County residents.

Data input into the transportation model includes population and employment, both for existing conditions and the forecast year. Future population and employment assumptions are developed to be consistent with local comprehensive plans. Transportation networks, including roadways and transit routes, for existing conditions and the forecast year also serve as major data inputs.

In the model, our region is divided into over 1,000 discrete geographic areas called transportation analysis zones. Census data, land characteristics, economic factors, land capacity and land availability



Questions?

Mark Harrington,
RTC
564-397-5207

Downloads

Data Request Form

measurements are used to develop land use forecasts that project the number of future households and jobs located in each zone.

RTC uses a standard four-step modeling process for travel demand forecasting. This four-step process consists of the following parts:

Trip Generation

Trip Distribution

Mode Choice

"How will I get there?"

As in the real world, travelers in the model have many transportation mode choices, including walking, biking, driving alone or with others, and walking or driving to transit. For the model to forecast travel demand with a reasonable degree of confidence, it must account for why people make mode choice decisions.

The model considers the following factors when determining mode choice:

- Cost - What are the expenses of operating and maintaining a car? Are there parking expenses? How much does transit cost? Are there tolls?
- Travel time - Is it faster to drive, take transit, walk or bike?
- Auto availability - Do I have access to a car?
- Transit access - Can I get to transit easily?
- Urban design - Am I in a high-density, mixed-use area where I'm more likely to walk or bike?
- Socio-economic relationships - What is my household income? Are there as many cars as employed people in my household?

Trip Assignment

DEMAND MODEL



Data and Tools

Overview
Regional Census Data
Mapping Data
Portal Data Archive
Traffic Counts
Travel Modeling
Services Overview
Demand Model

Regional Travel Demand Model Overview

To understand how people will make trips, modelers look at the reasons why people travel. The model takes into consideration the real choices made by residents in our region. This information is collected from rigorous travel behavior surveys that provide data regarding people's travel choices. RTC's last survey, the 2009 Household Travel Survey, tracked 1,650 households to understand how factors such as age, income, children, car ownership, and transportation infrastructure characteristics affect the travel choices of Clark County residents.

Data input into the transportation model includes population and employment, both for existing conditions and the forecast year. Future population and employment assumptions are developed to be consistent with local comprehensive plans. Transportation networks, including roadways and transit routes, for existing conditions and the forecast year also serve as major data inputs.

In the model, our region is divided into over 1,000 discrete geographic areas called transportation analysis zones. Census data, land characteristics, economic factors, land capacity and land availability



Questions?

Mark Harrington,
RTC
564-397-5207

Downloads

Data Request Form

measurements are used to develop land use forecasts that project the number of future households and jobs located in each zone.

RTC uses a standard four-step modeling process for travel demand forecasting. This four-step process consists of the following parts:

Trip Generation

Trip Distribution

Mode Choice

Trip Assignment

"What route should I take?"

The model uses data from the previous three steps to simulate the way people will travel. For auto trips, the model assigns traffic to streets in specified time periods. The model assumes the availability of multiple routes between origins and destinations, accounting for congestion. To forecast the transit trips route, the model considers the time segments of the journey - including the time walking to a transit stop; the wait time at transit stops/transfers; and the time spent traveling in a transit vehicle.

Regional Transportation Council
P.O. Box 1366
Vancouver, Washington 98666-1366

CONTACT

Español • Росси́йский • 中文 • Tiếng việt

About RTC

RTC's Mission is

To encourage and promote the development of a balanced, safe, efficient, and affordable regional transportation system to meet the mobility needs of people and goods, within and through this region, and minimize transportation-related air pollution.

Note: Many PDF & other documents open in a new browser tab, as do external links.

Disclosures

- Agency Calendar
- Press Releases
- Title VI
- Americans with Disabilities Act (ADA)
- Public Participation
- Language/Translation Assistance
- Privacy Notice
- Terms of Use

©1992-2025 Regional Transportation Council
All Rights Reserved

Exhibit C

Clark County, Washington
County/UGA Zoning Map

Zoning

- R1-20
- R1-15
- R1-10
- R1-7.5
- R1-6
- R1-5
- R-12
- R-16
- R-18
- R-22
- R-30
- R-43
- OR-15
- OR-18
- OR-22
- OR-43
- Neighborhood commercial
- Highway commercial
- Limited commercial
- Community commercial
- Mixed use
- Office campus
- Business park
- Light industrial
- Heavy industrial
- Railroad industrial
- Schools/Public facilities
- University
- Airport
- Rural-5
- Rural-10
- Rural-20
- Rural centers - 1 ac minimum
- Rural centers - 2.5 ac minimum
- Rural comm.-inside rur.centers
- Rural comm.-outside rur.center
- Agriculture-20
- Agriculture/Wildlife
- Parks/Wildlife refuge
- Parks/Open space
- Forest tier II-40
- Forest tier I-80
- Mining lands
- Urban reserve-10

Zoning Overlay

- Urban Reserve - 10 (UR-10)
- Industrial Urban Reserve - 20
- Railroad Industrial Urban Reserve
- Urban Holding - 10 (UH-10)
- Urban Holding - 20 (UH-20)
- Urban Holding - 40 (UH-40)
- Airport Environs Overlay
- Surface Mining Overlay District
- Columbia River Gorge Scenic Area
- Three Creeks Planning and Development Overlay

- Urban Growth Boundary
- City Limits

Woodland
La Center
Yacolt
Ridgefield
Battle Ground
Vancouver
Camas
Washougal

Adopted by Ordinance Number 2007-09-13 on September 25, 2007.

Board of County Commissioners for Clark County, Washington

Steve Stuart, Chair

Betty Sue Morris

Mark Boldt

Attest:

Clerk to the Board

Effective Date: January 1, 2008

THIS DATA IS COMPILED FROM MANY SOURCES AND SCALES. CLARK COUNTY MAKES THIS INFORMATION AVAILABLE AS A SERVICE, AND ACCEPTS NO RESPONSIBILITY FOR ANY INACCURACY, ACTUAL OR IMPLIED.

proud past, promising future

CLARK COUNTY WASHINGTON

Department of Assessment and GIS

Project: Q:\Projects\conSrvs\CommDev\2012\DEIS_Alternatives\BOCC-AdoptComplan.mxd

N

0.6 0 2.4 Miles

See separate map for Columbia River Gorge National Scenic Area.

Exhibit D

County/UGA Comprehensive Plan

Clark County, Washington

KEY

Comprehensive Plan

URBAN
- Urban Low Density Residential
- Urban Medium Density Residential
- Urban High Density Residential
- Mixed Use
- Junction Plan
- Commercial
- Industrial
- Heavy Industrial
- Public Facility
- Bonneville Power Administration

CITY SPECIFIC
- Mixed use - Residential
- Mixed use - Employment
- Downtown
- Neighborhood Commercial
- Community Commercial
- General Commercial
- Regional Center
- Employment
- Employment Campus
- Light Industrial
- Single-Family_Low
- Single-Family_Medium
- Single-Family_High
- Multi-Family_Low
- Multi-Family_High
- Light industrial/Business park
- Park
- Open space/Green space
- Town Center
- City Center
- Office Park/Business Park

RURAL/RESOURCE
- Rural-5
- Rural-10
- Rural-20
- Rural Center Residential
- Rural Commercial
- Rural Industrial
- Rural Industrial Land Bank
- Agriculture
- Agri-Wildlife
- Parks/Open Space
- Forest Tier 1
- Forest Tier 2
- Airport
- Water

CRGNSA
- Gorge Residential 5
- Gorge Residential 10
- Gorge Small-scale Agriculture
- Gorge Large-scale Ag 40
- Gorge Large-scale Ag 80
- Gorge SMA Agriculture
- Gorge SMA Open Space
- Gorge SMA Federal Forest
- Gorge SMA Non-federal Forest
- Gorge Small Woodland 20
- Gorge Small Woodland 40
- Gorge Public Recreation

Comprehensive Plan Overlay
- Urban Reserve
- Urban Holding
- Railroad Industrial Urban Reserve
- Freight Rail Dependent Use
- Surface Mining
- Columbia River Gorge Scenic Area
- Rural Center Mixed Use

All Other Features
- Columbia River Gorge National Scenic Area (CRGNSA)
- Incorporated Area
- Urban Growth Area
- County Boundary

Woodland
La Center
Ridgefield
Yacolt
Battle Ground
Vancouver
Camas
Washougal
Lake Merwin
Yale Lake
Columbia River
Lake River
Vancouver Lake

Adopted by Ordinance Number 2016-06-12 on June 28th, 2016.
As amended by Ord. 2017-07-04 on July 11, 2017;
Ord. 2018-01-01 on January 9, 2018; Ord 2019-02-02 on Feb 12, 2019;
Ord. 2019-11-16 on November 12, 2019; Ord. 2020-02-02
on February 18, 2020; Ord. 2022-07-01 on July 19, 2022; Ord. 2023-08-02
on August 15, 2023

Board of County Councilors for Clark County, Washington

Karen Dill Bowerman, Chair

Glen Yung, District 1

Michelle Belkot, District 2

Gary Medvigy, District 4

Sue Marshall, District 5

Attest:

Clerk to the Board

CLARK COUNTY, WASHINGTON

N

NOTE: *Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.*

0 1 2 3 4 Miles

Printed on: Jun 04, 2024
Project: \\olympusgis\Projects\storefront\Quick_Maps\ProjectFiles\Comprehensive_Plan_County.aprx