From: Jeffrey Delapena
To: Heidi Pozzo; Rebecca Messinger
Cc: Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan Index: WSDOT
Date: Thursday, September 24, 2026 7:56:00 AM

Hello Heidi,

Thank you for providing this comment and attachment. 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 5:45 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 Index: WSDOT

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 my memo on ability to include WSDOT facilities as in place for concurrency testing. Please include in the Comp Plan Index of Record.

Thank you,

Heidi

June 4, 2026

Clark County Hearing Examiner Joe Turner
Clark County Community Development
1300 Franklin Street
Vancouver, WA 98666

Re: NE 174th Street Subdivision, PLD-2026-00002
Response Period Submission: WSDOT Interchange Jurisdiction and the County's Obligation to Protect State Facilities

Dear Hearing Examiner Turner:

This submission addresses the jurisdictional treatment of the I-5/NE 179th Street interchange in this proceeding. It responds to statements in Exhibit 141 (County Response to Exhibit 59, May 21, 2026, David Jardin and Craig Kathol), Exhibit 140 (Reissued Concurrency Staff Report, May 21, 2026), and the 174th Street Subdivision TIS (Exhibit 1, Application Package, December 4, 2025, Daniel Stumpf PE, Lancaster Mobley).

The record presents a contradiction: the applicant's traffic engineer acknowledges WSDOT jurisdiction over the I-5 ramp terminals and quotes the statute establishing WSDOT's authority to set level of service standards, then assumes the ramp terminals defer to Clark County standards instead. County staff disclaim authority over WSDOT facilities when asked about interchange performance, then credit the unbuilt WSDOT interchange to override corridor concurrency failures. The result is that no applicable standard is actually enforced at the interchange.

The I-5/NE 179th Street interchange fails under every applicable standard: WSDOT's adopted LOS D, the County's own corridor V/C ≤ 0.90 threshold, and the existing signalized configuration that is already at the breaking point before this project adds a single trip. WSDOT told the County in 2018 that the interchange lacks adequate capacity for any additional development until the improvements are completed. The improvements have not been completed. The County's jurisdictional contradiction—disclaiming authority over WSDOT facilities while crediting those same unbuilt facilities to approve development—means there is no basis in the record for a finding that appropriate provisions are made for streets or roads as required by RCW 58.17.110. This application should be denied.

1. The Adopted Standard

WSDOT retains authority over level of service standards at I-5 ramp terminals under RCW 47.06.140(2). The standard applicable to the I-5/NE 179th Street interchange is LOS D for highways of statewide significance (HSS) in urban areas within Clark County.

This standard is documented in the Kittelson & Associates NE 29th Avenue Subdivision TIA (June 2022, submitted herewith as Exhibit A), a developer-commissioned traffic study for a project in the same corridor:

> *"Per WSDOT direction, LOS D is the standard used for the I-5 ramp terminals at NW 179th Street because this area is designated 'urban' and I-5 has an HSS designation."*

Kittelson cited RCW 47.06.140(2) (WSDOT authority over HSS LOS standards), RCW 47.80.030(1)(c) (regional LOS standards jointly developed by RTPOs and WSDOT), and the Southwest Washington Regional Transportation Council table: LOS D for HSS urban facilities. LOS D corresponds to a maximum delay of approximately 55 seconds.

2. The Applicant's Traffic Engineer Acknowledged the Standard, Then Assumed It Away

The 174th Street Subdivision TIS (Exhibit 1), prepared by Daniel Stumpf PE of Lancaster Mobley, quotes the same statute on page 28 under "Performance Standards":

> *"The I-5 ramp intersections along NE 179th Street and the intersection of NE 134th Street at NE 23rd Avenue/I-205 Northbound Off-Ramp operate under the jurisdiction of WSDOT. According to the Revised Code of Washington (RCW) 47.06.140(2):*
>
> *The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance…"*

Immediately following the RCW quotation, the TIS states:

> *"Consistent with other transportation studies conducted in the nearby vicinity, it was assumed the I-5 and I-205 ramp intersections along NE 179th Street and NE 134th Street* ***would defer to Clark County mobility standards.****"*

The justification for replacing WSDOT's LOS D standard with the County's 240-second delay threshold is that other developer-commissioned studies did the same thing. There is no WSDOT direction authorizing this deferral. There is no interlocal agreement. The only citation is to the practice of other traffic engineers working for other developers in the same corridor.

The effect: the interchange passes concurrency under a 240-second standard that would fail under the WSDOT LOS D standard that the TIS itself acknowledges applies.

3. County Staff Disclaimed Authority Over WSDOT Facilities

In Exhibit 141 (May 21, 2026), David Jardin and Craig Kathol responded to questions about the interchange raised in Exhibit 59. Their response appears on both page 2 (response to Issue 1) and page 5 (response to Issue 6):

> *"It should be noted that the I-5 ramps and areas near the interchange are under WSDOT jurisdiction and* ***the county has no standing to require improvements on their facilities.*** *Therefore, by code CCC 40.350.020(B)(2) the county can require LOS to be analyzed for county review, but* ***the county can only make recommendations to WSDOT, the county cannot require improvements to WSDOT infrastructure.*** *WSDOT must make that finding and condition."*

If the County has "no standing" to require improvements on WSDOT facilities, then the County also cannot credit those same unbuilt WSDOT improvements in its concurrency analysis to approve this subdivision.

4. Yet Staff Credited the Unbuilt WSDOT Interchange to Approve This Subdivision

The Reissued Concurrency Staff Report (Exhibit 140, May 21, 2026), signed by David Jardin on the same day as Exhibit 141, states on page 5:

> *"Staff reviewed the LOS and volumes reported at the intersections used in the corridor evaluation and found that, in the 2028 buildout horizon,* ***the roundabout controlled intersections of NE 179th Street/NE Delfel Road, NE 179th Street and the I-5 SB off/on ramps, NE 179th Street/I-5 NB on/off ramp, NE 179th Street/NE 15th Avenue are anticipated to operate at a LOS D or better.****"*
>
> *"…staff believes that the reported v/c ratio over the NE 179th Street, NE 10th Avenue, and NE 15th Avenue corridors* ***do not represent roadway deficiencies, rather corridor mobility facilitated with good intersection LOS.*** *Therefore, staff concludes that no further analysis is required."*

The "good intersection LOS" that overrides the corridor V/C failures depends entirely on the unbuilt WSDOT roundabouts at the ramp terminals—the same facilities over which the County, by its own admission in Exhibit 141, has "no standing to require improvements."

5. Under the Existing Configuration, the Interchange Catastrophically Fails

The Highlands at Whipple Creek TIS (Charbonneau Engineering, August 2022) modeled the I-5 ramp terminals under the existing signal configuration rather than crediting the unbuilt WSDOT roundabouts. Results under 2024 PM background conditions:

> I-5 NB Off-Ramp/NE 10th Avenue at NE 179th Street: LOS D, delay 48–49 seconds, V/C 0.98.

This is the existing condition—already at the edge of the WSDOT LOS D threshold before any of the corridor subdivisions add trips.

Even when the unbuilt roundabouts are credited, the 174th Street Subdivision TIS (Exhibit 1) itself shows the interchange failing at the approach level under 2028 PM background conditions:

> I-5 NB Ramps south approach: V/C 1.126, LOS F, delay 69.8 seconds, 95th-percentile queue 1,516 feet.

The south approach—the I-5 northbound off-ramp traffic merging onto NE 179th Street—fails catastrophically even with the $86.5 million interchange reconstruction assumed complete. The 1,516-foot queue extends nearly a third of a mile back toward the I-5 mainline, creating an interstate safety hazard. The overall intersection reports LOS C only because the volume-weighted average across all approaches dilutes the failing one.

6. WSDOT Said Not to Develop Until the Interchange Is Built

WSDOT's November 7, 2018 letter from Michael A. Williams, Planning Manager, to Oliver Orjiako, Clark County Community Development Director, addressed the proposal to remove the urban holding overlay (CPZ2018-00021):

> *"The existing interchange lacks adequate capacity for any additional development that would use it as a connection to the road network until those improvements are completed. The development of the parcels in question will add a significant number of new vehicular trips to the existing interchange and further degrade the safety and capacity."*

WSDOT supported the staff recommendation of denial.

The County removed the urban holding overlay in 2019. The interchange has not been built. Construction is now projected for 2028–2031. Nothing has been constructed.

7. The County Has an Affirmative Obligation Not to Degrade State Facilities

Exhibit 141's claim that the County has "no standing" to require WSDOT improvements does not relieve the County of its obligations under state law. The GMA and its implementing regulations impose affirmative duties on the County regarding state-owned transportation facilities.

RCW 36.70A.070(6)(a)(ii) requires the transportation element of the comprehensive plan to include "estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities."

This requires the County to assess and disclose the traffic impacts its land use decisions impose on state facilities. The County's own land use decisions—lifting urban holding on

approximately 2,220 acres, approving subdivisions that collectively add thousands of daily trips to the interchange—are the decisions whose impacts the statute requires the County to assess.

WAC 365-196-430(2)(b)(vii) goes further. It requires the County to adopt comprehensive plan policies that "preserve the functionality of state highways within the local jurisdiction such as policies to provide an adequate local network of streets, paths, and transit service so that local short-range trips do not require single-occupant vehicle travel on the state highway system."

"Preserve the functionality" is an affirmative obligation. Continuing to approve development that the facility owner has said will degrade the interchange—and that the developer-commissioned studies confirm is degrading the interchange—is the opposite of preserving its functionality.

The WSDOT Land Use Concurrency Folio (May 2007, submitted herewith as Exhibit B) ties these provisions together. WSDOT's own policy document acknowledged that the HSS concurrency exemption in RCW 36.70A.070(6)(b) creates a governance gap where local governments can approve development that degrades state highways without any concurrency check. WSDOT identified this as a policy problem and identified three tools local governments should use: SEPA review, interlocal agreements, and WAC 365-196-430(2)(b)(vii) comprehensive plan policies. The County is not using any of them.

The Folio cited *BACC v. Clark County* (04-2-0038c, WWGMHB, November 23, 2005)—a case about Clark County specifically—for the proposition that concurrency guarantees "truth in planning": "local governments must disclose the amount and quality of the services they will provide, how and where they will be provided, how much they will cost, and how they will be funded."

The County has not disclosed that the interchange it relied upon to justify lifting urban holding is years behind schedule, that the existing interchange is at or beyond the adopted WSDOT LOS D standard, and that the six-year financial commitment window from the 2019 urban holding removal has expired without any construction.

Staff cannot simultaneously invoke WSDOT jurisdiction to disclaim responsibility for interchange performance (Exhibit 141) while ignoring the County's own statutory obligation to preserve the functionality of that same facility. The statute does not say the County can approve development that degrades state highways because it has "no standing" to build them. It says the County must adopt and implement policies that preserve their functionality—which means, at minimum, not approving development that WSDOT itself has said the interchange cannot support.

8. The Legal Framework

The I-5/NE 179th Street interchange is subject to overlapping legal requirements, none of which are satisfied in this proceeding:

GMA concurrency (RCW 36.70A.070(6)(b)) applies to the locally owned NE 179th Street corridor segments, which fail at V/C exceeding 0.90 in the developer-commissioned traffic

studies. The intersection LOS override used to dismiss those failures has no code basis, as the Hearing Examiner stated on the record at the April 23, 2026 hearing.

WSDOT LOS D standard (RCW 47.06.140(2)) applies to the I-5 ramp terminals. The developer-commissioned SIDRA 9 results show the NB ramp south approach at V/C 1.126, LOS F, delay 69.8 seconds, and 1,516-foot queue under PM background 2028 conditions—failing WSDOT's LOS D standard even with the unbuilt roundabouts credited. Under the existing signalized configuration, the interchange is at V/C 0.98 / LOS D—one trip from failure.

County obligation to protect state facilities (RCW 36.70A.070(6)(a)(ii) and WAC 365-196-430(2)(b)(vii)) requires the County to assess the impact of its land use decisions on state-owned transportation facilities and to adopt policies that preserve their functionality. WSDOT's November 2018 letter, the developer-commissioned studies, and the WSDOT Concurrency Folio all establish that the County is approving development that degrades a state facility it is obligated to protect.

Subdivision approval (RCW 58.17.110) requires a written finding that appropriate provisions are made for streets or roads, without any jurisdictional limitation. The Hearing Examiner cannot make that finding when the primary road system serving the corridor is demonstrably inadequate by every applicable standard.

Conclusion

The I-5/NE 179th Street interchange is the primary connection between this corridor and the regional highway network. Every applicable standard—WSDOT's adopted LOS D, the County's corridor V/C ≤ 0.90, and the existing signalized configuration—shows the interchange is at or beyond capacity before this project adds a single trip.

The applicant's own traffic engineer quoted the statute establishing WSDOT's authority over the interchange, then assumed it away with no authorization. County staff disclaimed authority over WSDOT facilities in Exhibit 141, then credited those same unbuilt WSDOT facilities to approve this subdivision in Exhibit 140—signed the same day, by the same manager. WSDOT told the County in November 2018 that the interchange lacks adequate capacity for any additional development until the improvements are completed. Seven years later, nothing has been constructed.

The County cannot disclaim jurisdiction when the LOS standard matters and claim credit for the improvement when the concurrency approval matters. That is not concurrency management. That is the absence of it.

RCW 58.17.110 requires a written finding that appropriate provisions are made for streets or roads. There is no basis in this record for that finding. This application should be denied.

Exhibits Submitted with This Submission

Exhibit A — NE 29th Avenue Subdivision Transportation Impact Analysis, Kittelson & Associates, June 2022 (pages 9–10). Documents WSDOT LOS D standard for I-5 ramp terminals at NE 179th Street based on direct WSDOT direction under the HSS urban designation framework.

Exhibit B — Concurrency, Land Use and the State Transportation System, Washington State Department of Transportation, May 2007 (WSDOT Land Use Concurrency Folio). Documents the governance gap created by the HSS concurrency exemption and the tools WSDOT identified for local governments to protect state highway functionality.

Respectfully submitted,

Heidi Pozzo
Party of Record
Mailing address: 13023 NE Highway 99, Ste. 7-298, Vancouver, WA 98686

Exhibit A

Unsignalized Intersections

Per CCC Section 40.350.020.G.1.c: *"All unsignalized intersections of regional significance in the unincorporated county shall achieve Level of Service (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. Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:*

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

(2) The worst movement on the failing approach is worsened by the proposed development. In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and any other relevant factors."

Level of service analyses for signalized and all-way stop controlled intersections in this report are based on the average control delay per vehicle entering the intersection. For two-way stop-controlled intersections, level of service is based on the intersection's ability to accommodate the most difficult, or critical, movement as overall intersection level of service is not defined by the *Highway Capacity Manual 6th Edition*.

WSDOT Operating Standards

The two signalized intersections along NE 219th Street (Intersection #1 & 2) and the I-5 ramp terminal intersections on NE 179th Street are operated and maintained by the Washington State Department of Transportation (WSDOT). WSDOT provides a table of LOS standards for state highways of statewide significance (HSS) based on Revised Code of Washington (RCW) 47.06.140(2). Regional transportation planning organizations (RTPOs) and WSDOT jointly develop and establish LOS standards for regionally significant state highways based on RCW 47.80.030(1)(c). Table 1 presents the WSDOT standards for state facilities in Clark County.

Table 1: WSDOT Level of Service Standards for Washington State Highways

Regional Organization/County	LOS for Non-HHS[1]		LOS for HSS[1]	
	Urban	Rural	Urban	Rural
(RTC) Southwest Washington Regional Transportation Council – MA/MP/RTPO	E	C	D	C

[1] HHS=Highway of Statewide Significance

Per WSDOT direction, LOS D is the standard used for the I-5 ramp terminals at NW 179th Street because this area is designated "urban" and I-5 has an HSS designation. NW 219th Street is classified as a Non-HSS facility and has both urban and rural segments in the vicinity of the study area per the State Functional Classification (STFC). From NE 10th Avenue (Milepoint-MP-2.05) to MP 3.56 the facility is classified as urban. From MP 3.56 to Battle Ground the classification is rural. The two WSDOT intersections along NE 219th Street are located within the urban edge along a non-HHS designation

highway and a LOS E standard therefore applies. Based on these classifications, Table 2 summarizes the WSDOT operating standards for intersections addressed in this study.

Table 2: WSDOT Level of Service Standards for Study Intersections

Intersection	Level of Service Standard
NE 10th Avenue/NE 219th Street (Intersection #1)	E
NE 29th Avenue/NE 219th Street (Intersection #2)	E
NE 179th Street/I-5 Southbound Ramp (Intersection #9)	D
NE 179th Street/I-5 Northbound Ramp (intersection #10 & 11 – future)	D

Note that the future traffic conditions analysis of the I-5 ramp terminals at NE 179th Street presented in this report assumes construction of modern roundabouts. For analysis purposes, it was assumed that WSDOT will require the overall roundabout LOS to be D or better and that each approach lane group should operate at a volume-to-capacity (V/C) ratio less than 0.90. The LOS D standard was also assumed to apply at the planned future roundabouts at NE Delfel Road South/N 179th Street (Intersection #7), NE 15th Avenue/NE 179th Street intersection (Intersection #13), NE 29th Avenue/NE 179th Street intersection (Intersection #14), and NE 50th Avenue/NE 179th Street intersection (Intersection #15).

3.2.3 Queuing Analyses

Queuing analyses presented in this report for unsignalized and signalized intersections were projected using Synchro and Sidra[2] software.

3.2.4 Turn Lane Needs

Turn lane requirement evaluations were based on turn lane criteria contained in the *WSDOT Design Manual* (Reference 4).

[2] Sidra was used for all roundabout analyses and at NE 10th Avenue/NE 149th Street (Intersection #20)

Exhibit B

Access Control on State Highways

While growth and development are usually good for the local economy, they may result in too many access points located too close together along a highway. This increases the likelihood of safety hazards and traffic congestion which reduces the level of service on the state highway. Reduced levels of service may then increase demand for transportation system improvements. Access management tempers this cycle by managing the traffic movements onto and off of the state system in order to minimize conflict and increase traffic flow. This contributes to the longevity of the highway by preserving its safety and capacity. Typical access management techniques include minimum spacing between signalized intersections and driveways, dedicated turning lanes, roundabouts, and median treatments.

In Washington, state highways are classified as either limited access or managed access. The basic policy for limited access highways was established in 1951 and is based on the purchase of access property rights from the owners of property abutting the highway.[18] There are three levels of control for limited access with progressive restrictions. WSDOT controls approaches to limited access routes, with the exception of Interstate approaches which must be approved by the Federal Highway Administration.

The second type of access regulation, managed access, was enacted in 1991 to address the portion of the state transportation system that is not limited access.[19] Managed access regulation is based upon the premise that the access rights of a property owner are subordinate to the public's right and interest in a safe and efficient highway system. An abutting property owner has a right to reasonable access to a state highway, but may not have the right of a particular means of access.[20] Therefore, access may be restricted if reasonable access can be provided to another public road which abuts the property. There are five levels of control for managed access highways. Managed-access highways in unincorporated areas require a state-issued access permit. However, cities are the permitting authority for managed access routes within their boundaries. State statute requires city permitting standards to meet or exceed WSDOT's standards.[21]

Coordinated state and local transportation planning, the environmental mitigation of the traffic impacts of local land use decisions on the state highway system, and access control all help protect the safety and capacity of the state transportation system and reduce or delay the need for additional transportation investments.

18. RCW 47.52
19. RCW 47.50.010(2)
20. RCW 47.50.010(3)
21. RCW 47.50.030(3)

WHAT IS ACCESS?

Access is the ability to enter or leave a public street or highway from an abutting property or another public street or highway.



ACCESS CONTROL....

- Reduces crashes as much as 50%
- Increases road capacity by 23% to 45%
- Reduces travel time and delay as much as 40% to 60%

Access Regulation- A Balancing Act Between Access & Mobility. WSDOT. 2005.

WSDOT controls access to state highways to:

- increase the highway's capacity
- reduce traffic accidents
- mitigate environmental degradation
- promote sound economic growth
- promote growth management goals
- reduce highway maintenance costs
- lengthen the highway's effective life
- shorten emergency vehicle response time

RCW 47.50.010(1)(c)

SUMMARY OF STATUTORY REFERENCES

GMA	RCW 36.70A
SEPA	RCW 43.21C
RTPO	RCW 47.80
Access	RCW 47.50, 47.52

For More Information

Washington State Department of Transportation

WSDOT Transportation Planning Office:

Karena Houser
Transportation Planner
(360) 705-7876
HouserK@wsdot.wa.gov

Eric C. Phillips, AICP
Regional Coordination
Branch Manager
(360) 705-7967
PhilliE@wsdot.wa.gov

Elizabeth Robbins
Transportation Planning
Manager
(360) 705-7371
RobbinS@wsdot.wa.gov

www.wsdot.wa.gov/planning

WSDOT Access & Hearings Office:

Barb De Ste. Croix, P.E.
Access & Hearings Engineer
(360) 705-7251
DestecB@wsdot.wa.gov

www.wsdot.wa.gov/eesc/design/access

Washington State Department of Transportation

Concurrency, Land Use, and the State Transportation System

May, 2007



In Washington, the responsibility for land use planning and regulation resides with local governments. While local land use choices directly affect the capacity and safety of the state transportation system, the role of the Washington State Department of Transportation (WSDOT) in local land use is largely advisory. WSDOT encourages local governments to preserve the public's investment in the state transportation system and delay the need for costly improvements by adopting transportation-efficient land use policies, mitigating development impacts on the state system, and practicing appropriate access control.

The Growth Management Act

Most cities and counties plan under the Growth Management Act (GMA), adopted by the Washington State Legislature in 1990. The GMA is a state policy framework for local comprehensive planning and land use regulation. The GMA identifies 14 statewide planning goals and prescribes a process and certain minimum requirements for the adoption and update of land use plans and development regulations by local governments.

The GMA emphasizes local discretion over state control. Local land use plans and regulations do not require state approval, with the exception of Shoreline Master Programs. The GMA does require local governments to submit proposed land use plans and regulations to state agencies for review. During review, WSDOT can encourage good local land use decisions by providing technical assistance, written comment, or oral testimony to cities and counties. Local governments are not required to take action based on agency comments. However, state agencies or other parties with standing can appeal a locally adopted plan or regulation to one of three regional growth management hearings boards.

WHO PLANS UNDER THE GMA?

Currently, 29 counties and 218 cities, representing 95% of the state's population, fully plan under the GMA. The remaining 10 counties and 63 cities plan for resource lands and critical areas only.

The GMA Concurrency Goal

Under the GMA, concurrency is one of 14 goals local governments must consider in land use planning. The concurrency goal is intended to ensure public facilities and services (such as sewer, water, roads, parks and schools) are adequate to serve new development at the time of occupancy without decreasing service levels below locally established minimum standards.[1] The concurrency goal does not apply to state highways.[2]

To address the concurrency goal, local governments must craft a capital facilities plan that lists all public facilities and services, establishes minimum standards for their performance,[3] connects them to a clear and specific funding strategy,[4] and identifies those that are necessary to support development. Public facilities and services necessary to support development must be regulated by a concurrency or adequacy mechanism that triggers a policy or regulatory reassessment if the minimum standard is not met.[5]

"What the GMA's concurrency principle guarantees is "truth in planning." That is: local governments must disclose the amount and quality of the services they will provide, how and where they will be provided, how much they will cost, and how they will be funded."

BACC. v. Clark County, 04-2-0038c, WWGMHB (2005).

1. RCW 36.70A.020(12)
2. *The Building Association of Clark County et al. v. Clark County and the State of Washington, Office of Financial Management.* 04-2-0038c, WWGMHB (November 23, 2005).
3. *McVittie, et al. v. Snohomish County,* 99-3-0016c, CPSGMHB (February 9, 2000).
4. *Taxpayers for Responsible Govt. v. City of Oak Harbor,* 96-2-0002, WWGMHB (July 16, 1996).
5. *McVittie, et al. v. Snohomish County,* 99-3-0016c, CPSGMHB (February 9, 2000).

The Transportation Concurrency Requirement

The GMA also defines a specific transportation concurrency requirement. First, local governments must set level of service (LOS) standards, or minimum benchmarks of performance, for transportation facilities and services. Once the LOS standard is established, the local government must adopt an ordinance to deny proposed developments if they cause the LOS on a locally-owned transportation facility to decline below the adopted standard, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development.[6] Concurrent with development means improvements or strategies are in place at the time of development, or a financial commitment has been made to complete them within six years. Local governments may accommodate development impacts by changing the phasing or timing of new development, improving transportation facilities or services to serve the new development, reducing the LOS standard, or revising their land use policies.

A common misconception is that concurrency guarantees some uniform minimum level of governmental services. The state has not specified any such minimums. Local governments have the authority and responsibility to provide acceptable levels of service for their communities resulting in a wide variety of methodologies and standards. This discretion is constrained by the growth management hearings board finding that local governments cannot avoid the concurrency requirement entirely by manipulating the standards to allow uncontrolled development despite identified deficiencies.[7] Neither can local governments avoid the concurrency requirement by crafting exemptions of any kind.[8]

LOS measures may be based on:

- traffic volume compared to facility capacity
- travel time
- multiple variables (e.g. distance traveled, road conditions, safety hazards)

LOS may be measured at:

- an intersection
- a road segment
- a traffic corridor
- a traffic zone

HOW IS LOS REPORTED?

LOS standards are often translated from numeric values to letter grades, with an "A" representing freely flowing traffic and an "F" indicating traffic at a standstill.

Concurrency and State-Owned Transportation Facilities

When initially enacted, the GMA transportation concurrency requirement was silent on whether or not local governments were required to enforce the transportation concurrency requirement on state-owned transportation facilities within their boundaries. The ensuing confusion and inconsistency led the 1998 Washington State Legislature to amend the GMA. This amendment, referred to as the "Level of Service" bill, required the Transportation Commission to designate and the Legislature to adopt a list of Highways of Statewide Significance (HSS). Approximately half of the state's highways are designated to be of statewide significance. The bill specifically exempted HSS from the concurrency requirement, except in Island and San Juan counties. The Legislature did not specifically address concurrency for state-owned transportation facilities that are not of statewide significance.

HSS routes include:

- the interstate highway system
- interregional state principal arterials
- major ferry routes

Non-HSS routes include:

- collector routes
- principal arterials that are not inter-regional
- minor ferry routes

Local Planning and State-Owned Transportation Facilities

The 1998 Level of Service bill also required local governments to do some additional planning for state-owned transportation facilities in their comprehensive plans, including:

- inventorying the state-owned facilities within their boundaries,
- estimating the traffic impacts to state-owned facilities resulting from their land use assumptions,
- listing the state transportation system improvements needed to meet demand, and
- identifying the adopted LOS standards for state-owned highways and ferry routes.[9]

Level of service standards for highways and ferry routes of statewide significance are adopted by WSDOT, in consultation with local governments.[10] Level of service standards for other state-owned facilities are jointly set by WSDOT and the Regional Transportation Planning Organizations (RTPOs). RTPOs are voluntary associations of local governments authorized by the GMA to coordinate transportation planning on a regional level.



6. RCW 36.70A.070(6)
7. *Eugene Butler et al. v. Lewis County,* 99-2-0027c, WWGMHB (June 20, 2000).
8. *Bennett et al. v. City of Bellevue,* 49852-5-I, 119 Wn. App. 405 (December 15, 2003).
9. RCW 36.70A.070(6)
10. RCW 47.06.140

Regional Coordination of Planning

The GMA requires local governments with common borders or related regional issues to ensure their plans are coordinated and consistent.[11] Regional coordination and consistency are implemented primarily through county-wide planning policies. A county and the cities within it must all agree on the county-wide planning policies, which provide procedural and substantive direction to the comprehensive plans of each jurisdiction.

Additionally, the GMA defines several specific regional transportation planning requirements. Local governments must:

- coordinate level of service standards within the region,
- assess the impacts of their transportation and land use policies on the transportation systems of adjacent jurisdictions, and
- describe their other intergovernmental coordination efforts.[12]

Finally, the transportation elements of local comprehensive plans and county-wide planning policies related to transportation must be certified by an RTPO to ensure regional consistency.[13] The certification is based on the consistency of the local policies with the RTPO's adopted regional transportation plan as well as the general conformity of the local policies with GMA requirements.[14]

Other Ways WSDOT Influences Local Land Use

In addition to its advisory role under the GMA, WSDOT can influence local land use through environmental review under the State Environmental Policy Act (SEPA) and access control.

The State Environmental Policy Act

The primary purpose of the 1971 State Environmental Policy Act is to determine whether a proposed state or local government action would result in significant adverse environmental impacts, to identify reasonable measures to mitigate those impacts, and to determine whether those measures are sufficient.[15] Additionally, SEPA gives state and local governments the substantive authority to act on the basis of the impacts disclosed[16] by denying or imposing conditions on government actions.[17]

All local government actions (with limited exemptions) are subject to SEPA, including the adoption and amendment of comprehensive plans and development regulations and the approval of private development permits. One of the environmental impacts that must be addressed during the SEPA review process is traffic. This provides WSDOT with an opportunity to voice concerns regarding the impact of local plans, regulations, and development approvals on the state transportation system. WSDOT can request that local governments abandon, alter, or mitigate their land use policies or regulations to avoid or minimize their adverse impacts on state highways. Likewise, WSDOT can ask local governments to deny or condition a development permit to prevent or mitigate specific adverse impacts to state highways. Local governments must consider WSDOT's SEPA requests, but are not required to comply with them.

County-Wide Planning Policies must:

- meet a legitimate regional objective
- provide substantive direction only to comprehensive plans and not to implementing regulations or other exercises of land use power
- be consistent with other relevant provisions in the GMA

City of Snoqualmie v. King County, 92-3-0004, CPSGMHB (June 1, 1993).

WSDOT WORKS WITH REGIONS

WSDOT coordinates the activities of the 14 RTPOs that cover 38 of the 39 counties in Washington. WSDOT participates in the regional planning process through the RTPOs in order to ensure statewide consistency.



SEPA MITIGATION = SAFETY & MOBILITY

The goal of WSDOT's SEPA review process is to ensure the state highway system remains safe and has the capacity to move people and goods efficiently.

11. RCW 36.70A.100
12. RCW 36.70A.070(6)(a)
13. RCW 47.80.023
14. RCW 47.80.023(3)
15. RCW 43.21C.060
16. *The Polygon Corporation v. The City of Seattle, et al.,* 44536, Supreme Court of Washington (May 18, 1978)
17. RCW 43.21C.060