From: Jeffrey Delapena
To: Heidi Pozzo; Rebecca Messinger
Cc: Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan Index: Clark County does not have a functioning concurrency system
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 5:57 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: Clark County does not have a functioning concurrency system

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 and Rebecca,

Please find attached my memo for inclusion in the Comp Plan that the County does not have a functioning concurrency system.

Thank you,

Heidi

Clark County Does Not Have an Operating Transportation Concurrency System

Submitted for inclusion in the index of record

Clark County Comprehensive Growth Management Plan — 2025–2045 Periodic Update

Re: Transportation Element — transportation concurrency

To: Clark County Council and Community Planning

From: Heidi Pozzo

Date: September 23, 2026

RCW 36.70A.070(6)(b) requires local jurisdictions to 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, unless improvements or strategies are made concurrent with the development. Clark County has adopted the ordinance, CCC 40.350.020, but does not enforce it. Subsections (E), (F), (G) and (N) of that section are not operating as the code requires.

The discussion below uses the 174th Street Subdivision (PLD-2026-00002) to illustrate these issues. The same issues apply to other developments, and those are addressed in the documents listed at the end of this submission and in supplemental analysis to be submitted separately.

Executive summary

Concurrency exists so that roads are in place when homes are occupied. The statute requires improvements to be in place at the time of development, or financially committed for completion within six years. The County's 2011 administrative manual requires mitigation to be operational before final plat or first occupancy. The ordinances amending CCC 40.350.020 between 2014 and 2017 recite that the code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated (Sections 5 and 8).

In practice, concurrency has become a way to divide road costs between the public and developers rather than a test of whether the roads can carry the traffic. The 2014 amendment reduced the projects the County was required to build. The urban holding overlay in the NE 179th Street area was lifted on a financing plan, with no design, right-of-way or construction schedule. Public Works has described the six-year commitment as a rolling period that restarts with each decision. Seven years after the Council vote, the corridor has interim turn lanes at NE 50th Avenue and one roundabout under

construction. The segment reconstruction projects are estimated to start in 2029, and the I-5 interchange has moved from 2028 to 2031. The failing corridors are concentrated in the two areas where urban holding was lifted: NE 179th Street and Salmon Creek, and SR-503 (Sections 1, 5, 9 and 11).

In the record documented here, the code sections that make concurrency a test are not being applied:

- (G)(1)(a) sets a maximum volume-to-capacity ratio of 0.90. Segments above it are approved by reference to intersection performance, a practice the County has used for years without citing any code provision. (F)(9) was first cited for it on May 21, 2026, after the Hearing Examiner asked for the code basis. Concurrency findings approving at least fourteen developments between June 2023 and August 2026 cleared segments above 0.90 this way, including ratios of 1.24 and 1.334. Daniel Stumpf, PE, the 174th Street Subdivision applicant's engineer, lists 27 traffic studies from September 2018 to March 2026 that report segments above 0.90 (Sections 4 and 9).
- Where intersection performance cannot clear a segment, capacity figures for fully built roads are applied to roads not built to their classification, in place of the code's current-condition values (Section 6).
- (E)(2) and (F)(5) require applications on the same corridors to be tested in order, against all approved and in-process development. Instead, each applicant's consultant proposes its own background, and concurrent studies on the same corridor leave each other out (Section 7).
- (F)(6) limits improvement credit to projects scheduled for completion within six years. The credit is being applied to a WSDOT project the County cannot require (Section 11).
- (G)(2) and (N) require an adopted, published methodology. The most recent adopted manual dates from 2011 and describes a different test (Sections 2 and 8).
- (G)(3) requires Council to review corridor operating levels annually. The County has no record of such a review in six years (Section 3).

The result is approval by default: developments are approved on segments above 0.90. I am not aware of any application in these corridors denied on the corridor standard (Section 12).

The plan now before the Council carries the same standards forward on the premise that the concurrency program enforces them. Its own analysis does not test the corridors where the standard is failing. Appendix A states that it may not be possible to

maintain the adopted corridor standards, against a funding shortfall of about thirty-seven percent. RCW 36.70A.070(3)(e) requires the land use element to be reassessed in that situation. The plan does not do so (Section 13).

The legal framework and the question this submission raises

The Growth Management Act imposes two obligations on a county for transportation concurrency, and they are different obligations. RCW 36.70A.070(6)(a)(iii)(B) requires the transportation element to adopt level of service standards for locally owned arterials and transit routes, to serve as a gauge to judge the performance of the system. RCW 36.70A.070(6)(b) requires the county to adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned facility to decline below the standards adopted in the transportation element, unless improvements or strategies to accommodate the impacts are made concurrent with the development. For purposes of that subsection, concurrent with the development means that the improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete them within six years.

Adoption is not the difficulty here. CCC 40.350.020 exists, (G)(1)(a) sets the corridor ratio at 0.90, and (E)(3) makes the subsection (G) standards the approval gate. This submission concerns enforcement: whether the County enforces that ordinance as RCW 36.70A.070(6)(b) requires, and what follows from the answer for the plan now before the Council.

Several further provisions bear on that question, and each is addressed by a section of this submission. RCW 36.70A.070(6)(a)(iii)(D) requires the transportation element to include specific actions and requirements for bringing into compliance facilities that are below an adopted level of service standard. RCW 36.70A.070(6)(a)(iv)(C) requires, where probable funding falls short of the identified needs of the transportation system, a discussion of how additional funding will be raised or how land use assumptions will be reassessed to ensure that level of service standards will be met. RCW 36.70A.070(3)(d) requires a six-year capital facilities plan that finances capital facilities within projected funding capacities and clearly identifies the sources of public money. RCW 36.70A.070(3)(e) requires a reassessment of the land use element if probable funding falls short of meeting existing needs, and requires that the land use element, the capital facilities plan element and the financing plan within it be coordinated and consistent. RCW 36.70A.070(6)(c) requires the transportation element and the county's six-year transportation improvement program to be consistent. And the opening paragraph of RCW 36.70A.070 requires the comprehensive plan to be an internally consistent document, with all elements consistent with the future land use map.

The sections that follow are organized against those requirements. Sections 2, 3, 4, 8, 9, 10 and 12 go to enforcement under (6)(b): the methodology required to be adopted and published under CCC 40.350.020(N) has not been updated since 2011; the annual Council review required by (G)(3) has produced no records in six years; the 0.90 standard is set aside by a long-standing practice, first tied to a code provision on May 21, 2026, after a Hearing Examiner asked where it was; that citation has since become standard report language on other corridors; and no application has been denied on the corridor standard. Sections 1 and 11 go to the definition of concurrent: the improvements credited to open this corridor were not built within six years, are credited again from each new decision date, and include a project belonging to another agency. Sections 6 and 7 go to the two sides of the ratio the standard is measured by. Section 13 goes to the plan itself: to (3)(d), (3)(e), (6)(a)(iii)(D), (6)(a)(iv)(C), (6)(c) and internal consistency.

The question is whether the County, as of this adoption, has in force and in operation the ordinance that RCW 36.70A.070(6)(b) requires it to adopt and enforce, and whether a plan that relies on that ordinance to serve its land use assumptions is internally consistent and supported by the record.

1. The urban holding decision was a financing decision, and seven years later one intersection is finished.

On August 20, 2019, following a duly noticed public hearing, Council adopted Resolution 2019-08-05. The resolution selected public financing option number eight, “which will require future Council action to implement,” and approved development agreements with four developers — Holt, Killian, Wollam and Hinton — the infrastructure financing portions of which would become effective only upon the Council’s “future adoption of an ordinance finding that the relevant localized critical links and intersection improvements are reasonably funded, and amending the Comprehensive Plan to remove the urban holding overlay.” The resolution made no reasonably-funded finding. It deferred that finding.

The finding came on February 18, 2020, in Ordinance 2020-02-02. Its recitals, adopted as findings under Section 1, state that “council determined that the actions provided for in Resolution 2019-08-05 Exhibit B meet the criteria for reasonably funding the localized critical links and intersection improvements necessary to maintain concurrency in the NE 179th St. area and fulfills the requirements to remove the urban holding overlay.” The same ordinance removed the overlay from the remaining urban holding area near the interchange. The overlay came off on the strength of that finding and nothing else.

The ordinance itemizes what the finding rested on: Exhibit B's financing plan number eight, a set of tax, fee, surcharge and grant measures totaling $66.5 million. The components are revenue measures, not construction commitments or completion dates.

What Council approved was a financing plan. What did not exist at that point was engineering. At the July 11, 2018 work session the phased improvement cost was presented as $20.6 million for NE 179th Street from the I-5 northbound ramp to NE 15th Avenue, a figure the presentation states excludes right-of-way costs. That analysis was narrower than the area the overlay came off. The County's own later account of the work session, in its August 20, 2019 hearing presentation, states that it studied the transportation improvements needed for only the four development proposals, not the entire urban holding area; the 2018 presentation's development summary lists PM peak trips for those four projects alone. Design of the corridor segment projects did not begin until spring 2022, more than two years after the overlay came off. The corridor-wide plan that put these projects into a network was not started until 2021 and not adopted until July 2023, and the Community Planning Director was reported that month as saying the time for master planning would have been prior to the lifting of the urban holding.

On February 21, 2019, asked by a Planning Commissioner whether a construction management plan was in place for the timing of these improvements, the attorney appearing for the development interests answered that in the technical sense the answer was no — that they were nowhere near that point, "nor do we have to be" — because the standard in the comprehensive plan and the Growth Management Act is whether something is reasonably funded within a six-year period.

In a letter dated November 7, 2018 to the Community Planning Director, on a proposal to remove the overlay from approximately 143 acres east of the interchange (CPZ2018-00021), WSDOT's Southwest Region Planning Manager wrote that the $50 million the Legislature allocated in 2016 would not be available until the 2023-25 biennium, that the interchange improvements were not anticipated to be operationally functional until 2028, and that the existing interchange lacked adequate capacity for any additional development using it until those improvements were completed. It put the County-identified corridor improvements at roughly $12 million against about $2.9 million in accelerated impact fees the applicant had offered, leaving a shortfall of about $9 million with no identified funding source. Its conclusion was that both sets of improvements should be in place or fully funded before the overlay was removed, and that WSDOT supported the staff recommendation of denial for that proposal.

At the July 12, 2023 Council Time meeting, the Public Works Director addressed the six-year premise directly. I have listened to the County's recording of that meeting, during the Public Works presentation on the 179th Street corridor. Speaking of the

corridor projects as he first encountered them, and of his predecessors discussing completing them in six years, he said, verbatim: “I don’t know of anyone who had done projects like these that thought that was possible.” The overlay was removed on that premise.

This matters because the standard is not funding alone. RCW 36.70A.070(6)(b) requires that improvements be in place at the time of development, or that a financial commitment be in place to complete them within six years. CCC 40.350.020(F)(6) credits improvements that are reasonably funded and scheduled for completion of construction within six years. Both pair the money with a completion date. In 2019 the County had assembled the money. It had no design, no right-of-way, no adopted corridor plan, and — on its own Director’s later account — no schedule anyone experienced in this work believed.

Public Works issued a one-time Transportation Concurrency flyer explaining that the six-year period restarts with each development. It maps the County projects in this corridor with an estimated start-of-construction year for each. That list is the County’s own account of where the corridor stands: NE 50th Avenue completed in 2024; NE 29th Avenue in 2025; NE 15th to NE 26th Avenue in 2028; and the Delfel Road realignment, NE 179th Street from I-5 to NE 15th Avenue, NE 15th Avenue, and the I-5 interchange all in 2029. The flyer notes the years are estimates subject to change.

Council voted in 2019 to lift the overlay on a finding that the improvements were reasonably funded; the ordinance followed on February 18, 2020. The two segment reconstruction projects that would rebuild NE 179th Street itself are posted to begin construction in 2029, and the County’s project pages currently show construction in winter and fall of that year. If those estimates hold, roughly twelve years will separate the removal of the overlay from the completion of a single mile of the road whose inadequate capacity the overlay existed to manage. In recent years, corridor segments have been above the adopted standard and development has been approved on them anyway.

The one item marked complete is not the improvement the County says that intersection needs: what was built at NE 50th Avenue in late 2024 was a pair of left-turn lanes, which the County describes as an interim project until a roundabout is warranted. The roundabout is the fix. It has not been built and does not appear on the published corridor list at all. The NE 29th Avenue roundabout began construction in August 2025 and runs through spring 2027, at a budget of $23.2 million. The I-5 interchange is a WSDOT project the County cannot compel. And the segment of NE 179th Street between NE 29th and NE 50th Avenue — the segment carrying the corridor’s newest subdivisions — does not appear on the list and is not reasonably funded.

2. The most recent adopted administrative manual dates from 2011 and describes a test the code no longer uses.

CCC 40.350.020(G)(2) provides that the LOS standards "shall be applied and interpreted as stated in the administrative manual." CCC 40.350.020(N)(1) and (N)(2) require the Public Works Director to establish and adopt the methodology and criteria used to evaluate the operating level for each corridor and intersection of regional significance. (N)(3) requires the Director to publish and regularly update that manual. (N)(4) requires the most recent version to be available for public inspection.

On July 14, 2026, in response to public records request P057715-071426, Clark County Public Works responded that the 2011 Administrative Manual was the last one finalized and published, that a diligent and good-faith search located no responsive records, and that there have been no updates to the concurrency manual since 2011. The manual itself is dated March 2011 and was produced by the Traffic Engineering Section Manager on April 30, 2026, transmitted internally as the outdated version of the Concurrency Administrative Manual. No later version has been adopted. Under (G)(2) the 2011 manual remains the document by which the standards are to be applied and interpreted.

The 2011 manual, the most recent adopted version, does not describe the methodology the County now applies. It has no corridor volume-to-capacity methodology at all. Its corridor test is a travel-speed test: it directs that travel speeds be rounded to the nearest 1 mph when making a corridor operating level determination, describes developments that cause a corridor to fall below travel speed standards as failing concurrency, and provides that if a development degrades travel speed below the standard the applicant will be contacted to identify mitigation.

It also contains none of the practices the County now relies on. It treats intersection and corridor performance as separate tests, with no provision permitting intersection level of service to resolve a corridor failure. It requires that mitigation restore the intersection or corridor to an acceptable level of service, not merely avoid making it worse. It limits the six-year improvement credit to a future County project. And it states plainly what happens when a development fails: staff will recommend denial.

The practical consequence is that the methodology used to decide whether a development may be approved is not written down anywhere the public can read it. Concurrency staff reports state a conclusion without describing the method — what is evaluated, and at what point intersection performance is treated as sufficient to accept a corridor above 0.90. Those reports are not published on the County website; a resident who wants one has to know to request the land use file or ask for the report directly.

3. Council has not received the corridor report the code requires in at least six years, and has been told there is no problem.

CCC 40.350.020(G)(3) provides that the LOS standards and the operating levels for each transportation corridor and intersection of regional significance "shall be evaluated and reviewed on an annual basis by Council." That review is the mechanism through which the elected body receives the corridor picture. CCC 40.350.020(G)(4) supplies what follows from it, including Council authority to enact moratoria and interim controls under RCW 36.70A.390.

The review is designed to work ahead of the problem, not to report it afterward. Public Works told the Council at its March 13, 2019 work session that capital facilities plan projects are identified through concurrency, and the TIP Project Evaluation System presented to the Development and Engineering Advisory Board on April 13, 2017 scores candidate projects against a concurrency criterion citing CCC 40.350.020. An annual statement of how each corridor is operating is what tells the Council which corridors are approaching the standard while there is still time to program improvements against them. Without it, the six-year program is assembled without the input that identifies where the system is failing — and RCW 36.70A.070(6)(a)(iii)(D), which requires the transportation element to include specific actions for facilities below the adopted standard, asks for actions on corridors that have not been reported.

On August 21, 2026 I asked the County Council office for the last three reviews required under (G)(3), and asked the County to confirm if no reviews had taken place in the last six years. The request was forwarded to Public Works on August 24 and answered the same day, public records request P058751-082126: Clark County Public Works has no records responsive to the request, and concurrency staff indicated that a search resulted in no known responsive records.

What has not reached Council is specific. In the six years covered by the County's response, Council has not been shown the operating levels of the corridors — the segments, their ratios, and which of them are above the standard — which is what the annual review exists to produce. The conditions documented in the developer-commissioned traffic studies filed across this corridor, with segments above 0.90 and intersections at LOS F before any project trips are added, have not been placed before Council in the form the code contemplates.

What has reached Council is the assurance that there is no problem. On June 5, 2026 the Deputy County Manager wrote to all five Councilors, for informational purposes, to provide background on the concurrency conversation. The email states that some comments suggested staff were overriding or ignoring code requirements, that staff clarify this is not the case, and that using intersection information is explicitly allowed by code under CCC 40.350.020(F)(9). It attaches the staff letters filed in the 174th Street

record. It contains no corridor operating levels, identifies no failing segment, and reports no corridor condition. It is an account of the method, not the review the code requires.

Residents have supplied what the reporting mechanism has not. I have brought failing corridor ratios to Council this year, in correspondence and in public comment, and other residents have done the same. The code does not leave that to residents. Subsection (G)(3) assigns the duty to the County, on a fixed annual cycle, for every corridor of regional significance, so that the elected body receives the corridor picture as a matter of course rather than as a matter of who shows up. Council has not been given the corridor operating levels the code requires, and on June 5, 2026 it was told that staff are not overriding the code.

4. Corridors above 0.90 are approved, and the code authority for doing so was produced only after it was questioned.

CCC 40.350.020(G)(1)(a) sets the standard: the maximum volume-to-capacity ratio for each roadway segment shall not exceed 0.90, measured independently for each direction of travel. CCC 40.350.020(E)(3) is the gate: the Public Works Director issues a concurrency approval where the development's impacts do not cause the operating levels for corridors, signalized intersections, and unsignalized intersections to fall below the standards in (G).

The 174th Street Subdivision (PLD-2026-00002) shows how this works, because the same report was issued twice, weeks apart, with the same underlying traffic study.

Five segments fail in that study's 2028 PM peak, at Table 8: NE 179th Street from NE Delfel Road to I-5 at 1.047; NE 179th Street from I-5 to NE 15th Avenue at 1.149; NE 10th Avenue from NE 199th to NE 194th Street at 1.003; NE 10th Avenue from NE 189th to NE 179th Street at 1.334; and NE 15th Avenue from NE 179th to NE 174th Street at 0.979. These are not marginal. A ratio of 1.334 describes a road carrying a third more traffic than the capacity figure being used for it — and, as Section 6 explains, that capacity figure is itself generous.

The April 8, 2026 concurrency staff report (Exhibit 52, at 4) identified the segments on NE 179th Street, NE 10th Avenue and NE 15th Avenue exceeding 0.9 in the 2028 buildout horizon, and set them aside in a single sentence: because the bounding intersections meet standards, staff believed the reported v/c did not represent roadway deficiencies, but rather corridor mobility facilitated with good intersection LOS. It cited no code provision for that step, did not mention (F)(9), the Public Works Director or the Highway Capacity Manual, and described the bounding intersections as signalized, though the traffic study models them as roundabouts in 2028.

That language was boilerplate rather than analysis of this corridor. The same paragraph appears in the concurrency findings for Four Creeks North (December 24, 2025) and for Three Creeks East and Kozy Manor Estates (both January 7, 2026) — different applicants, studies by different firms, unrelated developments, with only the street names changed, and carrying the same signalized-intersection error. The 174th Street Subdivision is not an isolated case. My submission Compliance Without a Standard traces the same language through fourteen concurrency findings from June 2023 to August 2026, each clearing segments above 0.90 by reference to intersection performance.

At the April 23, 2026 public hearing, the Hearing Examiner asked concurrency staff, beginning at time mark 1:47:36, how the code gets from the 0.90 segment cap to a pass based on the level of service of intersections at either end, given that (G)(1)(a) says nothing about intersections. Staff was unable to give a direct answer and asked to take the question to the County's transportation manager during the open record.

The answer arrived on May 21, 2026, the last day of the open record, in four filings: Exhibit 136, the Traffic Engineering Section Manager's letter attributing the practice to a 2010 direction from the then Transportation Division Manager and Public Works Director under (F)(9); Exhibit 135, the Transportation Division Manager's letter on how roadway capacity should be measured, addressed in Section 6; Exhibit 141, the County's response asking the Examiner to consider those methodologies; and Exhibit 140, the reissued concurrency report, now recommending approval.

The failing segments did not change. The same five appear in both reports, in the same order, in the same sentence, cleared by the same phrase — a phrase that appears nowhere in the Clark County Code. What changed is the authority underneath it. The reissued report opens with (F)(9), describes (G) as establishing baseline service levels under ideal conditions, lists the Highway Capacity Manual capacity influences that appear in Exhibit 136, adds that corridor thresholds may appear exceeded even when intersections operate acceptably because higher volumes indicate efficient throughput, and re-describes the bounding intersections as roundabout controlled. CCC 40.350.020 was not amended between the two reports.

The before and after corridor sections are reproduced in full in Compliance Without a Standard, filed in this record on September 13, 2026. Two findings from it bear directly on this section. The language has continued to harden: by July 8, 2026 the findings state that staff "performed an evaluation outside of the code's prescriptive measures on corridor capacity in compliance with CCC 40.350.020(F)(9)," and by August 31, 2026 they state that these factors "may be considered and applied in lieu of the code-prescribed threshold values when determining compliance with, or acceptable levels of

service under, CCC 40.350.020(G).” In the County’s own words, the practice replaces the code’s threshold values.

And the findings contain no numbers. Not one of the fourteen states the volume, the capacity, or the resulting ratio for a single segment. No roadway classification is cited to Table 40.350.020-1, no directional volume is given though the code requires the ratio be measured independently for each direction, and no computed ratio appears. It was not always so: Legacy Village II reported 1.13 on NE 134th Street westbound in June 2023, and Salmon Creek Terrace reported 1.03, 0.99 and 1.24 in March 2024. After June 2024 the values disappear. A segment at 1.24 is thirty-eight percent above the maximum, and it was cleared on the same sentence that clears a segment at 0.91.

The reasoning is attributed throughout to an officer who does not appear on the filings. The reissued report states that in accordance with (F)(9) the Director acknowledges the factors, and that corridor throughput together with acceptable bounding intersection performance allow the Public Works Director and supporting staff to create an affirmative finding of compliance. Exhibit 136 traces the practice to a direction given in 2010 by the then Transportation Division Manager and Public Works Director. The Director signed none of it; Exhibit 135 is signed by Steve Gallup, Transportation Division Manager; Exhibit 136 and the reissued report are signed by David Jardin, Traffic Engineering Section Manager. Nor did the County place anything in the record establishing that a Director ever authorized the practice. The Examiner asked the question on April 23, the record was held open roughly four weeks, and the County filed four documents on the last day of it. None is a writing by a Public Works Director, and none attaches a memorandum, directive, resolution or ordinance. Exhibit 136 identifies the two officials by title rather than name, gives no date beyond the year, and does not say what form the direction took.

I asked the County for that authorization directly. Public records request P058816-082526 sought the Public Works Director’s authorization for the practice under CCC 40.350.020. The County responded on September 1, 2026 with a single record: Delegation 25DEL-DevEngRev-Kaler, which delegates authority to a named engineer under CCC 40.540.080(A), CCC 40.540.070(B), CCC 40.520.040(F), and CCC 40.550.010 — construction plan review and road modifications. It does not reference CCC 40.350.020 anywhere. It does not name either of the officials who signed the concurrency filings. And the Public Works Director is not the granting authority on it; the County Engineer grants and the Director approves. The County confirmed that no additional responsive records were known.

The delegation the County did produce is still informative. It shows that the County has a formal written system for moving decision authority, and what that system requires: the delegation must be in writing, the authority delegated must be expressly

enumerated, no authority beyond what is expressly granted may be assumed, sub-delegation is prohibited, the delegation attaches to the named individual rather than the position, and the scope is limited to authority that exists within the current laws and regulations of the county. The form even withholds one code section, CCC 40.350.030(B), as non-delegable — so the County plainly knows how to say that a particular authority stays with the officer the code assigns it to.

CCC 40.350.020 assigns its determinations to the Public Works Director throughout. The County used its written delegation system for construction plans and road modifications. It has produced no equivalent instrument for concurrency, and the last of those rules is the one that reaches past the signature question: a delegation can only move authority that already exists. If (F)(9) does not confer the authority, no instrument could have conveyed it.

That is a problem under the code and not merely a problem of proof. An unwritten instruction, never published and never available for inspection, is not an adoption under (N)(1), and it does not become one by being described in a letter written after the Hearing Examiner asked for the code basis. Under (N)(5), even a methodology written into the manual would yield to the section where the two conflict.

Two things follow. First, the justification postdates the question. Neither concurrency staff report issued before May 21 cites (F)(9); the April report cites no code provision at all for the step it takes. (F)(9) appears for the first time on May 21, after a Hearing Examiner asked on the record where the authority was, and it arrived together with a change in the described control type of the intersections it depends on. That is not a settled reading of the code.

Second, (F)(9) cannot carry the weight placed on it. Subsection F is titled Determination of Operating Levels and supplies the inputs; (G) supplies the standards. The same sentence of (G)(1)(a) says so, directing that in calculating the ratio the volume shall be determined based on the factors described in Section 40.350.020(F), and then fixing the capacity value itself. A factor considered under (F)(9) enters the calculation before the ratio is computed; it cannot move the threshold the ratio is then tested against. Nor are the three standards in subsection G interchangeable: the corridor standard is volumetric, while the signalized and unsignalized standards are temporal, measured in cycle lengths and seconds of delay. Substituting an intersection delay result for a corridor ratio is not a lenient application of the corridor standard but the substitution of a different standard in different units. Nothing in subsection F says a standard in subsection G may be disregarded.

The full legal analysis of CCC 40.350.020(F)(9) is already in the record in two documents. Bryan Telegin’s response comments of June 4, 2026 (Exhibit 154), which I

submitted to this record on September 3, 2026, map subsection F factor by factor onto the standards each input serves. My own supplemental submission analyzing Exhibit 136 and (F)(9) sets out why the practice is absent from the code, contradicts what staff presented in 2014, rests on no documentation from a Public Works Director that the County has produced, and was not codified through the three legislative proceedings that addressed concurrency methodology in that period. I do not repeat either here.

After the April 23 hearing, parties on the development side sent six communications to County staff and Council between April 24 and May 13, 2026: from the applicant's attorney, a second attorney (two letters to Council), a corridor developer, an engineering firm, and the Building Industry Association. Only one, Exhibit 100, was filed in the proceeding, and it describes the override as a practice applied over the past one to two decades, not as something the code requires. None of the communications argued that CCC 40.350.020 already authorized the practice. Five asked for a code change, by interim amendment under RCW 36.70A.390 or by emergency ordinance. On June 3, 2026 a Councilor placed an interim concurrency ordinance on the Council agenda and then pulled it. Work sessions on the concurrency code were later scheduled, then cancelled when the 174th Street Subdivision appeal was filed. The six communications are attached as Exhibits A through F to my response of June 4, 2026 on the override methodology and timeline, submitted to this record. The parties relying on the practice did not defend it as authorized by the existing code. They asked for a code that would authorize it.

Both versions of the report also state that the reported v/c should be used as an indicator that the roadway segments should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made. Approving a 100-lot subdivision on those segments is such a decision. No further analysis was performed.

5. The ordinances that produced this code contain no override, and the County's own method for fixing a provision that is not working is to amend the code.

The practice has no source in the ordinances that produced this code, and the legislative record describes the opposite arrangement. Before 2014 the County measured corridor performance by travel speed, and intersection delay was an input to that measure. When the 2014 amendment replaced travel speed with volume to capacity, the Board was told that intersection impact would be accounted for inside the roadway capacity values, and that the intersection standards carried forward were a safety net beneath the corridor test — catching a failing intersection on a corridor that passes, not the reverse. The June 5, 2014 Planning Commission presentation listed the corridor ratio as the level-of-service measurement and the intersection standards as additional and protective. The only worked example shown was a passing corridor; staff

has since acknowledged that no example of an exceeding corridor was presented and called that a mistake made at the time.

The 2014 amendment also made the two tests independent. It struck the language that had tied the signalized intersection standard to designated corridors, so that after 2014 intersection standards apply county-wide regardless of whether the intersection sits on a corridor, and (G)(1)(a) became its own measurement of every collector and arterial segment in each direction. Staff's own filing concedes that structure, stating that each subsection of Section G represents a different element of the county road network with individual levels of service established for each.

When a volume-to-capacity provision did produce unintended results, the County corrected it by ordinance. The 2010 exemption at (G)(1)(c) was allowing large developments to escape mitigation at failing unsignalized intersections. Staff took that problem to the Council in public in October 2016, and the remedy ran through emergency Ordinance 2016-08-12, extension by Ordinance 2016-10-11, advisory board and Planning Commission review, SEPA notice, a Council hearing, and permanent amendment by Ordinance 2017-04-13. Through both rounds the corridor standard in (G)(1)(a) was reprinted unchanged. The County's documented method for fixing a concurrency provision that is not working is to change the code, and it did not write an intersection override into (G)(1)(a) on either occasion.

The 2014 change also reduced what the County was obliged to build, and staff said so in public. At the August 20, 2019 hearing, the County planner explained that the corridor level of service had been based on a time delay and "was reduced to the volume to capacity ratio," and that "when the concurrency standard was amended, that reduced the number of projects that we are required to build based on that State law of concurrency." Ordinance 2014-08-09 states the purpose in its own finding: that the Board finds the proposed new standard should foster job creation. The same period removed $152 million of projects from the Mt. Vista traffic impact fee district, reduced the Capital Facilities Plan from roughly $760 million to $532 million, and cut the traffic impact fee rate from $764 to $536 per trip. The detail is set out in my Failing Corridors Analysis of May 17, 2026, submitted to this record, which also responds to Exhibit 100.

The Council also recited in each of those three ordinances that the code attempts to delay development in areas served by roads failing concurrency until the condition can be improved or mitigated. Two outcomes are contemplated. There is no third by which a failing road is reclassified as not deficient. And the March 16, 2017 staff report told the Planning Commission that transportation is the only area of concurrency that specifies denial of development if LOS standards cannot be met.

Supplemental analysis of the 2014 and 2016 code updates will be provided separately.

6. Where the override could not do the work, the capacity number was changed instead.

The override clears a failing segment by pointing to the intersections that bound it. That argument is unavailable where a bounding intersection is itself failing. On NE 179th Street between NE 29th Avenue and NE 50th Avenue, it is: the same record shows NE 179th Street at NE 50th Avenue operating at LOS F with 78 seconds of delay in the 2028 buildout year.

On that segment the capacity figure was changed instead. The developer-commissioned study for the 174th Street Subdivision states in its narrative at pages 18–19 that the widening of this segment is estimated to occur post-2030, and excludes both that widening and the NE 50th Avenue roundabout from its 2028 analysis assumptions. Table 8 of the same study then evaluates the segment against a capacity of 1,800 vehicles per hour — the Pr-4cb capacity that exists only after the widening the narrative says will not be there. The same study applied the code's reduced-capacity provision to NE 174th Street, at 600 vehicles per hour because its lanes are under eleven feet. The provision was known to the engineer and applied to one road and not the other.

Against the reported 832 vehicles per hour in the PM peak, the 1,800 vph figure yields 0.462 and the segment passes. Under CCC 40.350.020(G)(1)(a) the capacity for a roadway not fully built out is set by current condition: 800 vehicles per hour per lane for lanes of twelve feet or more with paved shoulders of two feet or more, 700 for lanes between eleven and twelve feet with those shoulders, and 600 for lanes under eleven feet. This segment has no paved shoulders, so the 800 and 700 tiers do not apply to it. The applicable figure is 600, which produces a ratio of 1.387 — more than fifty percent above the threshold. At the other two tiers the ratios would be 1.040 and 1.189. The segment fails under every code tier, and it does not appear among the failing segments listed in either Exhibit 52 or Exhibit 140, because the study used the higher number and staff accepted it. CCC 40.350.020(F)(6) does not authorize the higher number: it permits crediting planned capacity only where the improvement is reasonably funded and scheduled for completion within six years, and this widening is not reasonably funded. The 174th Street study separately estimates it post-2030.

There is also a physical reason the override's premise does not hold on this corridor. The stated rationale is that operational problems surface first at intersections, so acceptable intersection performance indicates an adequate corridor. That reasoning assumes intersections meter traffic. Roundabouts do not — they pass vehicles continuously. The segment between NE 29th Avenue and NE 50th Avenue is bounded on the west by a roundabout at NE 29th Avenue and on the east by the failing all-way stop at NE 50th Avenue. A roundabout operating at good level of service is not evidence that the segment downstream of it functions; it is part of the reason that

segment fills up. That is precisely why CCC 40.350.020(G) sets a segment standard that intersection performance does not satisfy.

Exhibit 135 offers a justification for the higher capacity figure. Filed on the last day of the open record, the Transportation Division Manager's letter argues that capacity should be evaluated on current roadway condition — which is the code's own instruction — but supplies a different number for it: that the existing cross-section closely reflects near-ideal base conditions for two-lane roadways, that shoulder width is the only notable deviation, and that after applying Highway Capacity Manual adjustment factors the resulting lane capacities remain close to a base saturation flow rate of 1,700 passenger cars per hour per lane. The letter does not show the work. It gives no lane widths, no shoulder widths, no heavy-vehicle percentages, no grades and no adjustment factors, though the HCM methodology it invokes requires downward adjustment for narrow lanes and absent shoulders. WAC 196-27A-020(1)(e) requires that documents prepared by a licensed professional engineer include all material facts and sufficient information to support the conclusions stated. Roughly 1,700 corresponds to no value in Table 40.350.020-1, appears in no administrative manual, and appears in no concurrency staff report issued before May 21, 2026. A capacity methodology introduced by letter on the final day of an open record, which describes the adopted code values as an understatement of true performance, is a proposal to amend the code. It is not an application of it.

Staff's Exhibit 141 response asserts that concurrency staff evaluated the applicant's reported volumes against the "existing road segment volume identified in CCC 40.350.020(G)(1)(a)," and concluded that the corridors provide operational capacity. Neither Exhibit 52 nor Exhibit 140 contains that analysis, states the capacity value used, or reports a result for this segment. The record contains staff's conclusion but not the analysis behind it. Nor is the convention particular to this application: Exhibit 100's own Table 1 reports NE/NW 179th Street at the Pr-4cb classification capacity of 1,800 vehicles per hour across the studies it surveyed, and where the built road is narrower than its classification, using the classification capacity yields a lower ratio than the code's current-condition tiers would.

The full capacity analysis — the tier-by-tier calculation, the shoulder condition that limits this segment to the 600 vph tier, the selective application of (G)(1)(a) within the same study, and the response to the Highway Capacity Manual argument in Exhibit 135 — is set out in Issue 3 of my written testimony of April 22, 2026 and in my response to Exhibit 135 of June 4, 2026, both submitted to this record.

7. The volume side of the ratio is incomplete as well.

CCC 40.350.020(E)(2) requires that concurrency determinations for multiple applications impacting the same corridors be tested chronologically by fully complete date. CCC 40.350.020(F)(5) makes the traffic impacts of other approved developments not yet fully built out a mandatory input. Together those provisions are what prevents a queue of applications from each being measured against a network that ignores the others.

Those provisions were not followed here. The scoping memorandum for the 174th Street Subdivision study, dated June 24, 2025, asked the County to provide in-process development data, listed twenty-three developments the applicant's firm already held data for, and asked whether any should be removed or added. The list carried into the completed study is that list of twenty-three. It omits Kozy Manor Estates, Four Creeks North and Three Creeks East, each determined fully complete before this application — on March 5, July 14 and August 25, 2025 respectively, against this application's concurrency vesting date of January 26, 2026. The County explained the omission by reference to the scoping timeline and, for Kozy Manor, by a fifty-peak-hour-trip threshold that appears nowhere in (E)(2) or (F)(5). The omission runs the other way as well: none of those studies accounts for the 174th Street Subdivision. Issue 5 of my written testimony of April 22, 2026, submitted to this record, sets out the dates, the code analysis and an illustrative cumulative calculation for the NE 29th to NE 50th segment.

The County's response is reproduced in the study's own appendix. On July 8, 2025 the Transportation Concurrency Engineer wrote to the applicant's engineer that he had reviewed the scoping memorandum and agreed with its findings, that all intersections discussed should be retained, and that he saw no additional in-process projects. The response confirms the applicant's list; it does not supply one. Exhibit 141 describes the same exchange as the County sending in-process data to the applicant's engineer. The email transmits no list and identifies no development. That distinction is the whole question: a County-maintained ledger applied to an application is not the same thing as County concurrence in a list the applicant assembled.

The Towhee Creek record shows the same sequence, with the County taking a more active part. The scoping memorandum of October 27, 2025 proposed a scope and asked the County to identify in-process developments to be added and any that could be removed. The Concurrency Engineer replied on November 17 that he generally agreed, added five regionally significant intersections, and agreed with all of the applicant's in-process data; four hours later he wrote again to remove one development. The mechanism runs the same way in both files: the applicant's engineer proposes the study area, the in-process list and which intersections need not be analyzed, and the County concurs with adjustments. Where the resulting study reports corridor ratios

above 0.90, it also supplies the reasons those ratios should not require mitigation. At no point does a corridor analysis performed by the County appear.

The code and both manuals describe a different design, set out in Section 8: a County-maintained ledger in which each application's trips are booked at the fully complete determination, and (E)(2) tests applications in that order. The County still describes that system to applicants in the present tense, telling them concurrency is first come, first serve and that vesting is a reservation in the concurrency line that can be lost. A ledger of that kind is kept by the party that has all the entries. What the record shows is the applicant's consultant proposing a list drawn from the projects its own firm happens to hold data for, and asking the County to confirm or supplement it — which produces exactly the result the ledger exists to prevent.

One illustration is two studies dated two days apart. The Salmon Creek Apartments Traffic Impact Analysis, dated December 2, 2025, states that Clark County staff identified four pipeline projects for its study area, and that the pipeline and background growth assumptions were reviewed and approved by County staff during scoping. The 174th Street Subdivision study, dated December 4, 2025, carries twenty-three. Both were scoped by the County, both use a 2028 horizon year, and their study areas meet at NE Delfel Road. Nothing in the record explains the difference.

The clearest demonstration is what happens when studies for co-pending applications on the same corridor are compared against one another. Thirty-three approved or in-process corridor developments appear in the 2028 background of at least one of the three studies prepared for Towhee Creek, Salmon Creek Apartments and Northridge. The Towhee Creek study counts twenty-four of them. The Salmon Creek Apartments study counts four. The Northridge study counts four, and reclassifies two more as built out and therefore removed from the in-process list. Each of the latter two omits twenty-nine of the thirty-three. Three studies, one corridor, three different backgrounds.

The difference decides the outcome. The Towhee Creek and Northridge studies were prepared by the same firm four months apart, and both analyze NE 179th Street between NE Delfel Road and NE 15th Avenue. Both classify that segment Pr-4cb and both apply a capacity of 1,800 vehicles per hour. The Towhee Creek study, dated December 30, 2025, reports a PM peak volume-to-capacity ratio of 1.009 on that segment — a failure. The Northridge study, dated April 20, 2026, reports 0.787 on the same segment — a pass. The road did not change, the classification did not change, and the capacity figure did not change. What changed was which developments were loaded into the background.

The built-out reclassifications compound it, and they do not track construction. The 179th Street Commercial Center is carried as in process in the Three Creeks East study

of June 2025, the Andersen Dental study of October 2025 and the Towhee Creek study of December 2025. In the Northridge study of April 2026 it is carried as one hundred percent built out and removed from the in-process background. That development has not been built and has not been through development review; the only work I have observed on the site is recent tree removal. Its trips are reserved under a development agreement associated with the lifting of urban holding on this corridor, which is why the earlier studies carry it. Trails at Whipple Creek is carried at roughly twenty percent complete in the June and October 2025 studies, fifty-five percent in December 2025, and one hundred percent built out in April 2026; my observation of the site is that lots remain for sale. Each step subtracts trips from the background of the study that takes it.

Removing a development from the in-process list rests on the premise that its trips already appear in the existing traffic counts. Where the development is not built, or is built and not occupied, the trips are in neither place. On this corridor that describes the 179th Street Commercial Center; the DSHS behavioral health facility at NE 50th Avenue, which was built and has never been occupied; Salmon Creek Memory Care, which opened recently and is not fully occupied; and the South Ridge apartment buildings on NE 179th Street, which were still advertising available units as of August 2026.

The code does not provide for this. CCC 40.350.020(E)(2) contemplates a single queue tested in order, and CCC 40.350.020(J)(1) contemplates a single ledger of encumbered capacity. Both presuppose one answer to the question of what is already in the system. What the record shows is that the answer is settled separately in each application, by the party preparing that application’s study, and that the same segment of the same road can pass or fail depending on which application is being reviewed.

8. The 2011 manual describes a program the County is not running.

CCC 40.350.020(G)(2) provides that the level of service standards shall be applied and interpreted as stated in the administrative manual. The 2011 manual is the most recent adopted version, so it is the document the code designates for saying how the standards are applied. Its travel-speed corridor methodology was superseded by the 2014 amendment and I do not rely on it. But most of what the manual describes is not methodology. It is the architecture of the program, and on each element the record shows something different.

Who performs the corridor analysis. The manual states that corridors are generally analyzed by the County, with a condition of approval reimbursing the County for the expense, and describes two computerized concurrency models running Traffix to account for previously approved developments and background growth (Bates 000423, 000430). In the record before the Council the corridor volume-to-capacity tables are

prepared by the applicant's traffic consultant and adopted by staff, on a scope the consultant proposed and the County confirmed. I am not aware of a corridor analysis in this corridor performed by the County.

Where reserved capacity is tracked. Under the manual the trips identified for a development are reserved in the County's concurrency database at the fully complete determination, and no advance reservation may be made before the concurrency test (Bates 000422, 000423). What the record shows is an in-process list proposed by the applicant's consultant, with concurrent applications on the same corridors omitting one another, as Section 7 describes.

Corridor and intersection are separate tests, and failure has a consequence. The manual states that developments causing an intersection to exceed delay standards or a corridor to fall below the corridor standard fail concurrency (Bates 000423) — stated in the alternative, so failing either is a failure. It contains no provision for clearing a failing corridor by reference to the intersections that bound it. And it states three times what follows from failure: the development must be denied or the developer elects to add capacity (Bates 000422); a failing development is denied or the developer mitigates (Bates 000423); and where no mitigation is identified to remedy the failing level of service, staff will recommend denial (Bates 000423).

What mitigation must accomplish. The manual requires the applicant to substantiate that mitigation will remedy the problem and restore the intersection or corridor to an acceptable level of service, and requires staff to verify restoration (Bates 000423). Restore — not improve, and not merely avoid worsening. In the NW 9th Avenue report, a comparison of background to buildout conditions stands in for the standard itself. The code has no pre-development baseline to mitigate toward. CCC 40.350.020(E)(3) permits a concurrency approval only where the development's impacts do not cause operating levels to fall below the subsection (G) standards, so an application tested against a network built by earlier approvals should encounter a compliant one. A failing background condition is not a starting point; it is the record of approvals issued on corridors already past the standard. Measuring mitigation against that condition makes each failure the floor for the next.

The code keeps the two things separate. CCC 40.350.020(E)(5) governs whether the Director accepts mitigation an applicant volunteers, asking whether operating levels will not further deteriorate. Approval of the development is governed by (E)(3), which measures the resulting operating level against the standards in (G). Not further deteriorating is the threshold for accepting an offer of mitigation; it is not a substitute standard for approving a development.

When mitigation must be built, and what may be credited. The manual ties completion to the development: mitigation should be operational at first occupancy for commercial development, or before final plat approval for a residential subdivision (Bates 000429). That is not a six-year planning horizon and not a rolling one. On the six-year credit the manual states the limit twice, and both times the same way: capacity from a future improvement counts if the project is reasonably funded and if the future County project is scheduled for completion of construction within six years (Bates 000422, 000427). The improvement carrying the most weight in clearing this corridor is a WSDOT project.

The problem is not only that the manual is outdated. It is that nothing replaced it. CCC 40.350.020(G)(2) makes the manual the operative interpretive document, and CCC 40.350.020(N)(5) provides that where the manual is inconsistent with the section, the section controls. Between those two provisions there is no room for a methodology that appears in neither.

9. The failures are concentrated where urban holding was lifted without the infrastructure, and the applicant's own engineer catalogued them.

The scale of what this override covers is documented in the 174th Street record, by the applicant's side. The Failing Corridor Evaluation Memorandum prepared by Daniel Stumpf, PE of PLS Engineering, dated May 11, 2026 (Exhibit 100), surveyed 27 traffic studies prepared throughout Clark County between September 2018 and March 2026. Table 1 of that memorandum lists regionally significant corridor segments within the Vancouver UGA exceeding the 0.90 standard, with reported ratios running from 0.906 to 1.338.

They are not scattered. They cluster in two areas, and both are areas where the County removed an urban holding overlay without the infrastructure investment the removal assumed: the NE 179th Street and Salmon Creek area, and the SR-503 corridor in the east county. Figure 1 of the memorandum shows the same concentration. The pattern is not a countywide failure of the road network. It is what follows from lifting urban holding on the strength of a financing determination and then approving development against improvements that were not built.

The memorandum describes the override as settled County practice. It quotes both halves of the boilerplate — that staff apply the 0.90 ratio as an indicator that segments should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made, and that so long as the bounding intersections operate acceptably a reported ratio above 0.90 does not represent roadway deficiencies, rather corridor mobility facilitated with good intersection LOS. It states that this practice and interpretation of 40.350.020.G.1.a has

been applied by the County over the past one to two decades as part of the land use review process.

Then it states the consequence. Assuming a literal interpretation of 40.350.020.G.1.a were applied to these corridors, the memorandum says, “a de facto moratorium would go into effect that would immediately preclude approval of any land use development that shows an impact to a failing corridor.”

That is the applicant's engineer, in writing, describing what the standard the Council adopted does when it is applied as written. The memorandum also describes its survey as limited. Table 1 is a minimum, not a complete count.

Three things follow from that document. Corridors in the areas where urban holding was lifted have been failing the adopted standard for years. The County has known it. And the reason those failures have not produced denials is the override — which, on the applicant’s own account, is what stands between the code as adopted and a halt to development approvals on those corridors.

10. The (F)(9) citation has since become standard report language on other corridors, and the language has hardened.

The (F)(9) citation was not confined to the 174th Street record. On May 21, 2026 — the same day Exhibits 135, 136, 140 and 141 were filed in the 174th Street record — the same concurrency engineer prepared the concurrency report for Heartwood North (PLD-2025-00114), a subdivision on a different corridor, NE 119th Street and NE 99th Street near SR-503, with a different traffic engineer and before a different Hearing Examiner. That report carries the new (F)(9) citation for the override and the capacity reasoning from Exhibit 135. Neither had been adopted through the Planning Commission or the County Council. Both appear as standard report language on the day they were first filed in a hearing. Heartwood North had been named in two of the development-side communications — the April 29 engineering submission and the May 13 Building Industry Association letter — as a project at risk from corridor v/c failures, and therefore as a project the development community said required a code change to proceed. The sequence is set out in my response of June 4, 2026 on the override methodology and timeline, submitted to this record.

The pattern continued. The concurrency staff report for the NW 9th Avenue Subdivision (PLD-2025-00021), issued August 7, 2026 and signed August 14, 2026, applies the same override to a different corridor in a different part of the county — NE 78th Street between NE Hazel Dell Avenue and NE Highway 99, which the applicant's traffic study reports at 0.95 eastbound in the 2028 PM peak hour. The report carries the same (F)(9) paragraph, the same list of HCM capacity influences, the same description of (G) as establishing baseline service levels under ideal conditions, and the same throughput

explanation that appeared for the first time in the reissued 174th Street report three months earlier.

It also says two things the May report did not. It describes its own method as outside the code, in the language quoted in Section 4, while twice calling the code's capacity values prescriptive — acknowledging the standard is prescriptive, evaluating outside it, and calling the result compliance. And it states the override as a source of authority rather than an observation: corridor throughput together with acceptable bounding intersection LOS, the report says, "allow the Public Works Director and supporting staff to create an affirmative finding of compliance with CCC 40.350.020(G)(1)(a) and Table 40.350.020-1." The override is no longer offered as a reason the failing ratio does not matter. It is asserted to produce compliance with the provision it displaces.

The report states that NE 78th Street is classified Pr-4cb and is built out to its ultimate width between the two intersections, with two lanes in each direction. There is no planned widening to credit under (F)(6), because the road is already built. No mitigation was required and none was volunteered. The segment simply exceeds 0.90 at buildout, permanently, and the development was approved.

That segment was already on the list. NE 78th Street between Hazel Dell Avenue and NE Highway 99 appears in Table 1 of Exhibit 100, classified Pr-4cb at 1,800 vehicles per hour, with reported ratios of 0.906 to 1.02 and exceedances marked in both the AM and PM peak hours. The NW 9th Avenue report reports only a PM eastbound exceedance and clears it. The segment was identified as failing three months before that report issued, in a memorandum filed in the 174th Street proceeding.

The clearance rests on the eastbound approach delays at the two bounding intersections. The same study shows the southbound approach at Hazel Dell Avenue at LOS F, with a left-turn movement over capacity at a volume-to-capacity ratio of 1.140. The segment also contains a shopping center signal, the I-5 ramp terminal and the off-ramp merge, none of them analyzed. Clark County Public Works describes this segment as one where signal spacing can cause backups onto the freeway off-ramp. My submission NE 78th Street — A Failing Segment, Approved, in this record, sets out the full analysis.

The report also relies on a comparison rather than the standard. Staff compared the 2028 background scenario to the buildout scenario at the two bounding intersections, found the delay and level of service identical, and concluded that the development would not materially add to the v/c ratio along the segment. That is a no-worsening test. CCC 40.350.020(G)(1)(a) does not contain one — the ratio either exceeds 0.90 or it does not. The code's only path turning on whether operating levels will further

deteriorate is (E)(5), which is a discretionary allowance for mitigation volunteered by the applicant rather than a restatement of the standard. None was volunteered here.

The report recites a methodology it does not perform. It states that the Highway Capacity Manual applies adjustment factors reflecting real-world influences on roadway capacity, and lists five: lane width, shoulders, heavy vehicle volumes, grades, and the number and spacing of intersections and driveway accesses. Not one is applied. No lane width, shoulder condition, heavy vehicle percentage, grade or access spacing appears anywhere in the report, no adjustment factor is stated, and no adjusted capacity is computed. What the report performs is a reading of two intersection approach delays and a comparison of background to buildout conditions.

That matters for a reason the code makes explicit. CCC 40.350.020(D)(3) requires that a transportation impact study be prepared by or under the supervision of a registered professional engineer in the state of Washington. The applicant's study satisfies that requirement. The code imposes no comparable requirement on the County's review, and the record shows why that matters here. The review does not accept or reject the applicant's study on its own terms. It performs a second engineering analysis — a judgment about roadway capacity under Highway Capacity Manual adjustment factors, and an opinion that a corridor above the adopted ratio is nonetheless operating adequately because of intersection throughput — and that second analysis is what displaces the study's own reported corridor result.

The documents show who performed it. The concurrency reports for NW 9th Avenue and Heartwood North, among many issued since May 21, 2026, are signed by the Traffic Engineering Section Manager, David Jardin, who carries no professional designation on any document in this record. A search of the Washington Department of Licensing professional license database on September 7, 2026, by last name alone and with no county and no license status filter, returned no professional engineer license for Jardin. The same database returned an active Engineer in Training credential for the concurrency engineer, Craig A Kathol, No. 35616. Craig Kathol prepares the concurrency reports and David Jardin signs them. Before Kathol joined the County, Jardin prepared them.

Under RCW 18.43.130(2), the work of an unlicensed employee is excepted from the registration requirement only where the work does not include final design or decisions and is performed under the direct responsibility, checking and supervision of a person holding a certificate of registration. A concurrency determination under CCC 40.350.020(E)(3) is a decision, and the corridor analysis that supports it is engineering work. None of these reports identifies a professional engineer who checked or supervised it.

The result is that in each of these files, a corridor failure reported in a study prepared under a professional engineer's supervision was set aside by an engineering judgment that no professional engineer made or checked.

11. The six-year improvement credit does not work the way it is being used.

CCC 40.350.020(F)(6) allows the County to credit improvements that are reasonably funded and scheduled for completion of construction within six years "of the final date for a decision upon the development application." Because the clock runs from each application's own decision date, every new application opens a new six-year window against the same unbuilt improvements.

The Public Works Transportation Concurrency flyer states this as County policy. Under the heading that concurrency is not a static timeframe but a rolling six-year period, the flyer offers this example: it does not mean that if an area's urban holding was lifted in 2020, all road improvements throughout the corridor must be completed by 2026. The six-year requirement, it says, is a rolling six years based on the pace and scale of development and on where and when models indicate that level of service will decrease below the adopted standards. That is a published statement that the six-year commitment carries no completion date.

The improvements credited in 2019 to remove urban holding were not built within six years. They are being credited again in 2026, measured from 2026 decision dates. When they slip further, the next application will measure from its own date. Under this reading a corridor improvement can be credited indefinitely without ever being built, and (F)(6) operates as a rolling approval mechanism rather than a test. Crediting the improvements has not brought the corridor within the standard. The 174th Street study evaluates NE 179th Street from NE Delfel Road to NE 15th Avenue at the Pr-4cb capacity of 1,800 vehicles per hour, the capacity the credited improvements would provide, and still reports 1.047 and 1.149. Exhibit 100 reports the same segments at 0.923 to 1.173 across the studies it surveyed, at the same 1,800 capacity. These segments have been reported above 0.90 for years with the buildout already credited, and development has been approved on them.

The second problem is what is being credited. (F)(6) reaches improvements being implemented as part of the county's transportation improvement program, and the 2011 manual states the limit twice and more plainly: added capacity from a future improvement may be considered available if the project is reasonably funded and if the future County project is scheduled for completion of construction within six years. Both texts limit the credit to County projects. The improvement carrying the most weight in clearing this corridor is the I-5 interchange, a WSDOT project. WSDOT projects are not on the County's six-year Transportation Improvement Program. Staff wrote in the 174th

Street record that the I-5 ramps and the areas near the interchange are under WSDOT jurisdiction, that the county has no standing to exact improvements on those facilities, and that WSDOT must make the finding and impose the condition. The same staff, in the concurrency report signed the same day, rested the corridor override on the finding that the roundabout-controlled intersections at NE Delfel Road, the I-5 ramps and NE 15th Avenue will operate at LOS D or better in the 2028 buildout year — roundabouts that exist only if WSDOT builds the interchange. If the County has no standing to require the improvement, it cannot certify that the improvement will be completed within six years, and without the reconstructed interchange the ramp terminals are not roundabouts and the intersection findings that cleared the corridors do not hold.

The detailed (F)(6) analysis — the adopted 2026-2031 TIP entries, the slippage of the interchange projection from the 2028 date WSDOT gave in 2018 to 2031, the "planning and scoping underway" status of the County's portion, and the limits RCW 47.06.140(2) places on a county's ability to commit a state facility — is set out in Issue 6 of my written testimony of April 22, 2026 and in my response of June 4, 2026 on the WSDOT interchange, both submitted to this record. Two further obligations sit behind it: RCW 36.70A.070(6)(a)(ii) requires the transportation element to include estimated traffic impacts to state-owned facilities resulting from land use assumptions, and WAC 365-196-430(2)(b)(vii) requires plan policies that preserve the functionality of state highways. Approving development that the facility's owner said in November 2018 the interchange could not support, on the strength of an improvement that owner has not built, is not consistent with that duty.

12. The program does not produce denials.

I am not aware of a development in this corridor denied on the basis of a failing corridor volume-to-capacity ratio.

The consequence of applying the standard as written is stated in this record. Section 9 above sets out the applicant's engineer's conclusion in Exhibit 100 that a literal interpretation of 40.350.020.G.1.a, applied to these corridors, would put a de facto moratorium into effect. That is an accurate description of the stakes. It is also an acknowledgment that the standard the Council adopted, applied as written, would not be met on those corridors.

The County says much the same thing in its own planning documents, and treats it as a course of action within its authority rather than as a reason the standard cannot mean what it says. Appendix A to the draft Transportation Element states that if specific areas of the county rapidly develop before the public and private investments are made in surrounding corridors, moratoria declared by ordinance may be one result, and that the county also uses urban holding to ensure critical improvements are reasonably funded

before new areas are opened for urban development. The Final Environmental Impact Statement issued July 24, 2026 lists, among the mitigation measures available for this plan, relaxing level of service standards on corridors where appropriate funding levels are not available, and restricting the intensity of residential growth in outlying urban growth areas or developing a mechanism to delay growth in certain areas until funding is available.

It is also worth being precise about what applying the standard would require. The failing segments are not spread evenly across the county. Exhibit 100's own Figure 1 shows them concentrated in two distinct areas — the NE 179th Street and Salmon Creek corridor, and the SR-503 and east county area — with a single standalone segment in Hazel Dell. Those are separate road networks. Concurrency is applied to specific roads within a specific study area, and a finding that the roads serving one development exceed 0.90 is a finding about those roads. The County has done this before, and done it geographically. Table 26 of Appendix A lists eleven ordinances between December 2001 and September 2006 adopting, confirming, expanding, extending, and reserving capacity within a moratorium area on the NE Salmon Creek Avenue corridor. That moratorium was bounded. It did not halt the county.

The code contemplates that situation. CCC 40.350.020(G)(4) reserves to Council the authority to enact and renew moratoria and interim controls on development affecting designated corridors and intersections. That is a legislative decision, made in public, by the elected body. What happened instead was an administrative practice that the record does not show being presented to Council, is not in the manual, and was first traced to a code provision in a letter written after a Hearing Examiner asked where it was.

13. What this means for the Comprehensive Plan now before the Council.

RCW 36.70A.070(6)(b) requires the County to enforce its concurrency ordinance, not only to adopt it. An ordinance that sets a 0.90 standard meets that requirement only if it prohibits approval when the standard is not met. The Hearing Examiner’s Final Order of July 9, 2026 approving the 174th Street Subdivision (PLD-2026-00002) construes CCC 40.350.020(F)(9) to authorize the Public Works Director to determine that a corridor exceeding 0.90 is not a roadway deficiency, and approves the application on that basis. The construction carries no limiting principle. It identifies no ratio too high to be set aside, no finding the Director must make, no methodology he must follow, and no point at which the corridor standard becomes dispositive. Applied to the segments in this record, it clears ratios of 1.00, 1.17 and 1.334 on the same reasoning it would clear 0.91.

An ordinance construed that way cannot prohibit a development approval, whatever the level of service. It keeps the words of a concurrency standard without its effect. The

record in Section 12 points the same way: in the years the practice is said to have operated, no application in this corridor has been denied on the corridor standard.

A standard that is not reported to the Council, not reviewed on the cycle the code sets, and not dispositive in any decision this record contains is not serving as a gauge to judge the performance of the system. It is not being enforced within the meaning of (6)(b). That is a defect in the concurrency program, and the Comprehensive Plan is where the County answers for it, because the transportation element is where the standards live and where the plan must show that its land use assumptions can be served.

This matters for the pending adoption in a specific way. A plan that carries forward land use assumptions and level of service standards on the premise of a functioning concurrency program, when the record shows the program has not enforced the current standard, is not internally consistent and is not supported by the record. And if the County intends to change how level of service is measured — through a different capacity definition, a different treatment of intersections, or any of the methodology introduced by letter in May 2026 — that change belongs in the plan, adopted by the Council through the legislative process, with the environmental review and public record that entails. The Growth Management Hearings Board reached that conclusion in Gerend v. City of Sammamish, where transportation concurrency methodology adopted through administrative practice and development regulation rather than the comprehensive plan produced inconsistencies the Board found noncompliant.

The plan itself sets up the test. Chapter 5 states that standards such as road details, road classifications and concurrency are included in the implementing ordinances; that the 20-Year Plan is the controlling document; and that where the implementing ordinances conflict with the 20-Year Plan or fail to implement its policies, the implementing ordinances shall be amended to be consistent with it. The plan does not merely coexist with CCC 40.350.020. It claims priority over the ordinance and commits the County to amending the ordinance where the ordinance fails to implement the plan. On the record set out above the ordinance is not what fails. The ordinance says 0.90. What fails to implement the plan is the practice operating in place of the ordinance, and the plan supplies no mechanism that reaches a practice.

The supporting analysis is not designed to detect the condition the standard exists to detect, and it fails to detect it in three distinct ways.

First, on the segment side, the regional travel demand model forecasts a 2045 network with the Regional Transportation Plan’s six-year and twenty-year projects assumed built, so each corridor is measured against the capacity it would have after those improvements rather than the capacity it has — over the same period in which Appendix

A states it may not be possible to maintain the adopted corridor standards. The model also reports its result as lane-miles of congested roadway rather than as a directional volume-to-capacity ratio on defined concurrency corridors, which is the form the standard is written in.

Second, on the intersection side, the Final EIS states that its screening did not consider individual turning movement volumes and did not evaluate signalized or roundabout controlled intersections — and that intersections identified as improvement projects in the Clark County Transportation Improvement Program and the Regional Transportation Plan project list were excluded from the analysis. That exclusion is a screening rule, not a finding: a listed intersection was removed before any evaluation occurred, rather than evaluated and found adequate. Four intersections countywide survived the screen.

Third, the improvements the Capital Facilities Plan proposes for this corridor are not in the model at all. The Comprehensive Plan proposes to rebuild NE 179th Street as a series of roundabouts, but the regional model contains the current Regional Transportation Plan network, and the Capital Facilities Plan projects now being identified through this update are not scheduled to be added until RTC amends the Regional Transportation Plan in 2027 — after the plans that rely on this analysis are adopted. The corridor's defining feature is therefore absent from the network used to certify that the corridor works, and it is a feature the intersection screening could not have evaluated in any event, because roundabout intersections were among those the Final EIS states it did not evaluate.

The result is that on NE 179th Street the segment ratios are measured against improved capacity, the intersections were removed from the screen as programmed projects, and the roundabouts that define the corridor are not in the model. No part of the analysis tests the corridor as it exists or as the plan proposes to build it.

The segment analysis does not agree with itself. Table 76 of the Final EIS lists roadway segments at or above a v/c of 0.90 under the preferred alternative; the county segments on that list are NE Fourth Plain Boulevard, SE 192nd Avenue, and NE 172nd Avenue. Table 3 of Appendix A reports five county segments totaling 1.23 miles: NE 152nd Avenue, NE 172nd Avenue, NE 99th Street, NE 88th Street, and NE Ward Road. One segment appears on both lists, with different limits. The Final EIS transportation analysis and the Capital Facilities Plan needs analysis were prepared by different consultants, and Chapter 5 cites both. Neither list contains a segment on NE 179th Street or in the Salmon Creek corridor, where developer-commissioned studies report ratios up to 1.338 on the same network. The scale of what the plan accommodates makes the omission harder to explain. The Final EIS states that the update plans for 191,000 new residents against a 2045 population projection of 718,154, and for 103,695 housing units and 88,100 jobs over the twenty-year horizon. Of those units, 32,552 are

allocated to the unincorporated Vancouver Urban Growth Area — the geography to which (G)(1)(a) applies. Against that, the plan's own needs analysis identifies 1.23 miles of county roadway at or above the adopted threshold.

And the plan does not claim it can meet the standard. Appendix A states that even with the capacity provided by the improvements in the transportation capital facilities plan and the Metropolitan Transportation Plan, the transportation cost and revenue analysis shows that it may not be possible to maintain the current adopted corridor level-of-service standards. It reports projected revenue of $941.8 million against projected capital expenditure of $1,496.2 million, and describes the shortfall as about thirty-seven percent of total projected capital cost, which it says could be considered significant in the absence of any strategies to close the gap. It then names the courses of action available if the shortfall becomes critical: reduction in the level of service standards, and reassessment of the land use plan. RCW 36.70A.070(3)(e) requires that reassessment. The plan identifies the obligation and does not perform it.

These are not drafting problems. A plan that declares itself controlling over its implementing ordinance, adopts a corridor standard the record shows is not enforced, rests on a needs analysis that excludes from evaluation the intersections along the corridors where that standard is failing, carries two inconsistent lists of the segments that fail, and concedes it may not be possible to maintain the standard it adopts, is not internally consistent within the meaning of RCW 36.70A.070 and is not supported by the record before the Council.

Conclusion

Clark County has a concurrency code. What the record does not show is an operating concurrency system behind it. The manual required by (N) to supply the methodology has not been updated since 2011 and describes a travel-speed test the County abandoned. The annual Council review required by (G)(3) has produced no records in the last six years. The improvements that justified opening this corridor to development are, seven years on, one set of interim turn lanes and one roundabout under construction, with the rest estimated to start in 2028 and 2029 and the NE 29th to NE 50th Avenue segment not reasonably funded. The 0.90 threshold in (G)(1)(a) has been set aside by a long-standing practice, and a code provision was first cited for it on May 21, 2026, after a Hearing Examiner asked where it was in the code. And the County has published, as policy, that the six-year commitment has no completion date.

The plan's transportation element is where the level of service standards are adopted and where the County represents that its land use assumptions can be served. On the present record, the concurrency program that is supposed to enforce those standards is not doing so.

Documents referenced

The documents relied on in this memorandum are listed below, with the date each was submitted to the Index of Record. County code, Comprehensive Plan policies, statutes and administrative rules, and the Comprehensive Plan documents prepared by the County — the Draft and Final Environmental Impact Statements and errata, Appendix A to the Transportation Element, and Chapter 5 — are already in the record and are cited in the body rather than relisted here.

Documents submitted to the Index of Record.

No.	Document	Date submitted to record
1	Clark County Public Records Request P057715-071426, response dated July 14, 2026 (no concurrency manual update since 2011)	September 3, 2026
2	Clark County Concurrency Administrative Manual, March 2011, transmitted by the Traffic Engineering Section Manager to the Deputy County Manager April 30, 2026 (PDR 56598, Emails Part 3, Bates 000419–000433)	September 3, 2026
3	Clark County Public Records Request P058751-082126, response dated August 24, 2026 (no records of Council review under CCC 40.350.020(G)(3))	September 6, 2026
4	Clark County Public Works, Transportation Concurrency (flyer), contact Steve Gallup, PE, PTOE, Transportation Division Manager/County Traffic Engineer	September 7, 2026
5	Ordinance 2014-08-09 (adoption of the corridor volume-to-capacity standard)	September 7, 2026
6	Exhibit 52, Concurrency Staff Report, PLD-2026-00002, issued April 8, 2026, signed April 21, 2026	September 13, 2026
7	Exhibit 140, Concurrency Staff Report, PLD-2026-00002, reissued May 21, 2026 — Approved with Conditions	September 13, 2026
8	Exhibit 135, letter of Steve Gallup, PE, PTOE, PLD-2026-00002, May 21, 2026	September 13, 2026
9	Exhibit 136, letter of David Jardin, Traffic Engineering Section Manager, PLD-2026-00002, May 21, 2026	September 13, 2026
10	Exhibit 141, County response letter, PLD-2026-00002, May 21, 2026	September 19, 2026
11	Exhibit 2, Fully Complete Determination, PLD-2026-00002, Clark County Community Development, mailed February 9, 2026, at 2–3	September 19, 2026
12	Exhibit 46, Type III Review Staff Report and Recommendation, PLD-2026-00002, revised April 8, 2026, at 3 (vesting and fully complete dates)	September 19, 2026
13	Exhibit 78, County transcript of the April 23, 2026 land use hearing (time marks 1:47:36, 1:54:25, 1:54:56). The video recording itself cannot be submitted to the record.	September 19, 2026
14	Hearing Examiner Final Order, 174th Street Subdivision, PLD-2026-00002, issued July 9, 2026	August 6, 2026
15	Exhibit 100, Failing Corridor Evaluation Memorandum, Daniel Stumpf, PE, PLS Engineering, May 11, 2026 (Table 1 and study list at pp. 3–5)	July 24, 2026

16	Exhibit 47, Concurrency Staff Report, NW 9th Avenue Subdivision, PLD-2025-00021, issued August 7, 2026, signed August 14, 2026	September 8, 2026
17	Concurrency Staff Report, Heartwood North, PLD-2025-00114, prepared May 21, 2026	September 13, 2026
18	174th Street Subdivision Transportation Impact Study, Lancaster Mobley, December 4, 2025 (narrative at pp. 18–19; Table 8; in-process list at pp. 16–17)	August 31, 2026
19	174th Street Subdivision Transportation Impact Study, Appendix A — Scoping Materials: Scoping Memorandum, Daniel Stumpf, PE, June 24, 2025, and Clark County scoping response, Craig Kathol, Transportation Concurrency Engineer, July 8, 2025	August 31, 2026
20	Towhee Creek Subdivision Transportation Impact Study, PLS Engineering, December 30, 2025, Table 5 (roadway capacity analysis summary) and in-process development list	August 27, 2026
21	Salmon Creek Apartments Transportation Impact Analysis, Heath and Associates, December 2, 2025, in-process development list and pipeline projects identified by Clark County staff, § 5.1	August 27, 2026
22	Northridge Subdivision Transportation Impact Study, PLS Engineering, April 20, 2026, roadway capacity analysis and in-process development list	August 27, 2026
23	Three Creeks East Transportation Impact Study, June 2025, in-process development list and built-percentage figures	August 31, 2026
24	NE 29th Avenue Subdivision Transportation Impact Analysis, Kittelson & Associates, June 2022 (WSDOT LOS D standard for the I-5 ramp terminals)	September 12, 2026
25	Letter of Michael A. Williams, Planning Manager, WSDOT Southwest Region, to Oliver Orjiako, Clark County Community Development, November 7, 2018, re CPZ2018-00021, Interstate 5 MP 9.52	September 12, 2026
26	Clark County Council Time meeting, July 12, 2023: Public Works presentation, 179th Street Corridor Update, and County recording of that meeting	September 12, 2026
27	Clark County Public Works project pages for the NE 179th Street corridor projects	August 31, 2026
28	Clark County Development and Engineering Advisory Board, Adopted Meeting Minutes, May 1, 2014 (transition from travel-speed to volume-to-capacity; intersection standards carried forward as safety net standards)	August 20, 2026
29	Clark County Public Works and Community Planning, Transportation Concurrency and the Capital Facilities Plan (CFP) Update, Planning Commission presentation, June 5, 2014, Slides 4–7	August 20, 2026
30	Revised Staff Report to the Planning Commission, Concurrency: Proposed changes to the Title 40 development code and Capital Facilities Plan, June 25, 2014, including proposed text of CCC 40.350.020 and Draft CFP 2014–2033	August 20, 2026
31	Clark County Planning Commission Hearing Minutes, July 17, 2014, Case No. CPZ2014-00009	August 20, 2026
32	Ordinance 2016-08-12, emergency interim ordinance suspending exemptions to the concurrency standards under CCC 40.350.020, adopted August 30, 2016	August 20, 2026
33	Ordinance 2016-10-11, extending Ordinance 2016-08-12, with accompanying Public Works staff report dated October 25, 2016	August 20, 2026

34	Revised Staff Report to the Planning Commission, Concurrency: Proposed changes to the Title 40 development code (Amended), March 16, 2017	August 20, 2026
35	Clark County Public Works, Clark County 2018–2023 Transportation Improvement Program (TIP) Project Evaluation System, presented to the Development and Engineering Advisory Board, April 13, 2017 (Concurrency criterion, citing CCC 40.350.020)	August 20, 2026
36	Ordinance 2017-04-13, concerning concurrency standards and amending CCC 40.350.020, adopted April 25, 2017 (operative code text)	August 20, 2026
37	Clark County Public Records Request P058816-082526, response dated September 1, 2026, producing Delegation 25DEL-DevEngRev-Kaler and no record of any delegation or authorization under CCC 40.350.020	September 2, 2026
38	Exhibit 154, Response comments on 174th Street Subdivision, PLD-2026-00002, Bryan Telegin, Telegin Law PLLC, June 4, 2026 (legal analysis of CCC 40.350.020(F)(9))	September 3, 2026
39	Compliance Without a Standard: fourteen concurrency findings, June 2023 – August 2026, with the April 8 and May 21, 2026 corridor sections of the 174th Street Subdivision concurrency report reproduced in full	September 13, 2026
40	Written testimony of Heidi Pozzo, PLD-2026-00002 (Exhibit 59), April 22, 2026, with Exhibits A–J (eight concurrency issues; capacity, chronological testing and (F)(6) analysis)	September 22, 2026
41	Supplemental submission of Heidi Pozzo, PLD-2026-00002: Analysis of the Intersection LOS Override and CCC 40.350.020(F)(9), June 2026	September 22, 2026
42	Response of Heidi Pozzo to Exhibit 135 (Gallup roadway capacity letter), PLD-2026-00002, June 4, 2026	September 22, 2026
43	Response of Heidi Pozzo to Exhibit 141 (County response to Exhibit 59), PLD-2026-00002, June 4, 2026	September 22, 2026
44	Clark County Resolution 2019-08-05, adopted August 20, 2019 (financing plan; urban holding criteria)	September 22, 2026
45	Ordinance 2020-02-02, adopted February 18, 2020 (removal of remaining urban holding overlays, Fairgrounds Neighborhood)	September 22, 2026
46	Planning Commission staff report, 179th Street Access Management and Circulation Plan, February 17, 2021	September 22, 2026
47	Council presentation, August 2019 (179th Street Committee scope and financing options)	September 22, 2026
48	Clark County Planning Commission Minutes, February 21, 2019, p. 31 (construction management plan)	September 22, 2026
49	Exhibit 144, open record comment of David Jardin, Traffic Engineering Section Manager, PLD-2026-00002, June 4, 2026	September 22, 2026
50	Andersen Dental Transportation Impact Study, October 2025, in-process development list and built-percentage figures	September 22, 2026
51	Communications to County staff and Council, April 24 – May 13, 2026, from development-side parties requesting a code change, submitted as Exhibits A–F to the response below	September 22, 2026
52	Response of Heidi Pozzo to Exhibits 135, 136 and 141: override methodology and timeline, PLD-2026-00002, June 4, 2026, with Exhibits A–J	September 22, 2026

53	Supplemental submission of Heidi Pozzo, PLD-2026-00002: Failing Corridors Analysis — response to Exhibit 100, May 17, 2026, with Exhibits A–J (2014 concurrency amendment; CFP and traffic impact fee reductions)	September 8, 2026
54	Kittelson & Associates, NE 179th Street Improvements — Phase 1 Improvements, Supporting Ultimate Solutions, Clark County Council work session presentation, July 11, 2018 (slide 3, development summary; slide 6, cost of Phase 1 mitigations)	September 22, 2026
55	179 Gridlock: Clark County's Broken Infrastructure Promise — compiled reference drawn from 179gridlock.com, compiled June 8, 2026	June 8, 2026
56	Concurrency findings, Four Creeks North Subdivision, PLD-2025-00040, December 24, 2025	August 31, 2026
57	Concurrency findings, Kozy Manor Estates, PLD-2025-00014, January 7, 2026	August 31, 2026
58	Clark County public records production PDR 59074: email of April Furth, Deputy County Manager, to the County Council, June 5, 2026, with attachments (June 4, 2026 Jardin letter; May 21, 2026 Jardin letter; Exhibit 88 supplemental submission)	September 23, 2026
59	Washington State Department of Licensing, professional license lookup results, September 7, 2026: search by last name with no county or status filter returned no professional engineer license for Jardin; Craig A Kathol, Engineer in Training No. 35616	September 23, 2026
60	Supplemental submission of Heidi Pozzo, PLD-2026-00002: response to Exhibit 100 — tiered distance/radius, May 17, 2026, with Exhibits A–B (CCC 40.350.020(D)(5) and (E)(4) study area tiers; RTC model trip distribution; geographic distribution of failing corridors)	September 23, 2026
61	NE 78th Street — A Failing Segment, Approved: analysis of the NE 78th Street corridor finding in the NW 9th Avenue Subdivision concurrency report, PLD-2025-00021	September 8, 2026
62	Response of Heidi Pozzo, PLD-2026-00002: WSDOT interchange jurisdiction and the County’s obligation to protect state facilities, June 4, 2026	September 23, 2026