From: Jeffrey Delapena
To: Heidi Pozzo
Cc: Rebecca Messinger; Oliver Orjiako; Jose Alvarez
Subject: RE: Comp Plan: additional audio files
Date: Friday, October 2, 2026 10:33:00 AM

Understood, thank you! I will include this document with the links to the audio files in the comprehensive plan index.

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

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-----Original Message-----
From: Heidi Pozzo <hcpheidi@yahoo.com>
Sent: Friday, October 2, 2026 10:30 AM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Cc: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Re: Comp Plan: additional audio files

Hi Jeff,

As I noted, the links to the audio are in my prior emails. They are on the Council grid which I printed out and included so people could click.

Thank you,

Heidi

> On Oct 2, 2026, at 8:01 AM, Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov> wrote:
>
> Good day, Heidi,
>
> As mentioned previously, anything that is unable to be saved in PDF form cannot be added to the comprehensive plan index.
>
> If audio or video files are to be included, there must be a shareable web address that we can indicate which is accessible to the public.
>
> This is unable to be saved in the comp plan index. If you are able to provide a web address where these audio files can be accessed by the public, please advise prior to the conclusion of the council hearing and we can log this in the 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: Thursday, October 1, 2026 5:20 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: additional audio files
>
>
> EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
>
>
> Dear Jeff,
>
> I've just uploaded the two additional audio files that relate to the transcripts and links to the Council grid I sent in in my last two emails. Please include the audio files in the Comp Plan Index.
>
> Thank you,
>
> Heidi

4_public_hearing-concurrency

hcpheidi@yahoo.com



https://scribie.ai/files/4FHku9EAGZkt

0:00:00.9 Tom Mielke: Bringing it back to the board and, uh, start our hearing on concurrency.

0:00:05.7 Edward Barnes: Okay.

0:00:11.1 Tom Mielke: Welcome, staff. If I, uh, might have you start with a brief explanation of what concurrency is.

0:00:45.7 Laurie Lebowsky: Okay. Um, good morning, commissioners. Uh, my name is Laurie Lebowsky, and I'm with Community Planning. Uh, with me is Steve Schulte with Public Works. Steve, you wanna give the elevator speech on...

0:00:59.8 Steve Schulte: Commissioners, concurrency is the county's congestion management program. It came out of GOA... GMA in about 1990, and it's state-mandated. We also have concurrency for schools and water supply and wastewater treatment, but the one we actively manage, um, development by development, is transportation concurrency.

0:01:22.8 Tom Mielke: Thank you.

0:01:24.1 Laurie Lebowsky: Thank you. All right.

0:01:25.1 Tom Mielke: All right, I need to get that mic pointed right at you.

0:01:27.4 Laurie Lebowsky: Okay. All right. Uh, so we're here to, um, discuss proposed changes to the concurrency ordinance. Commissioners, you may recall earlier this year, you had placed on

both Community Planning's and Public Works' uh, work program to revise the concurrency standards. Um, and earlier this year, we met with you all in work session, and these are the guiding principles that you all agreed to in, in that work session. Um, these are the key elements of the update to the concurrency program. Uh, first of all, under the 2007 comp plan, the average growth rate was 2.1%, which is double what, um, you all adopted for the update to this comprehensive plan. Um, and also, uh, Steve talked about, gave you an outline about what, what is concurrency. Point number two on this slide just points out the roads that are, um, covered under the concurrency program.

0:02:37.9 Laurie Lebowsky: And finally, um, on this slide, these are the, what we call the protective measures for intersections. Because we're going to a link-based system, and we wanted to keep in place, uh, standards to protect intersections. Now I turn to an example of how we propose to measure concurrency. Uh, our current system is based on intersection delay time. The new system will be, as I mentioned, a link-based system, and it will, uh, be a simpler approach, easier to understand for both staff and for developers. Uh, we'll all know, obviously, what are the, what is the capacity for roads, and we can, uh, through traffic studies, uh, know what's permitted and, um, what we call the in-process traffic. So in this example, the in-process traffic is 1,300 vehicles, um, which are approved developments, and it's traffic not yet on the road. And then finally, point three shows you what would be the capacity in, in this, um, hypothetical example. So in this example, um, the capacity's at 50%. The maximum that we are proposing is 90% or more. So in this situation, this 78th Street would not be in concurrency failure.

0:04:11.0 Tom Mielke: Is this still based on miles per hour also?

0:04:15.6 Laurie Lebowsky: No. It's, there's a assumed capacity for a roadway, and then we would have traffic studies and we would look at what's been approved, how much traffic is out there, and that would give us the roadway capacity.

0:04:30.4 Tom Mielke: So that's just the capacity. The part that I'm talking would be a level of service then. Is that correct?

0:04:35.8 Laurie Lebowsky: Well, the level of service in this situation is you have the capacity, in this example, of 7,000 vehicles. And then, uh, what's gonna take that up is the 3,500 vehicles of what's already on the road, what the county has approved on our development applications. So in this situation, the capacity is 50%.

0:04:57.9 Tom Mielke: Okay. Okay, somewhere along the way I thought miles per hour was involved in that, but...

0:05:03.7 Laurie Lebowsky: That's our current system. Our current system's based on miles per hour.

0:05:07.5 Tom Mielke: Okay. So that helps.

0:05:08.6 Steve Schulte: Commissioners, in, in the terminology we use, the level of service standard for roadways is 90% of full capacity, theoretical capacity. This particular corridor would be operating at an operating level of only 50%. So it has 40 more percent points to go before it goes into failure.

0:05:27.6 Tom Mielke: And again, this references one, uh, hour of the day during the most busy time, the peak time.

0:05:34.1 Laurie Lebowsky: Correct.

0:05:36.1 Edward Barnes: Does that in-take development, uh, in that area, included in that, future development permits and stuff that are gonna build in that corridor?

0:05:48.2 Laurie Lebowsky: Yes, Commissioners. Um, in this example, the 1,300 vehicles, that's that approved development that you're talking about. We all call it, um, in-process traffic.

0:05:57.3 Edward Barnes: Okay. Okay, okay.

0:06:02.2 Laurie Lebowsky: And the, uh, this slide illustrates the other elements of the concurrency program update. Commissioner, you mentioned the one-hour peak. We currently use a one-hour peak. A proposal would build flexibility that in the future, when there's a lot more traffic, we could consider a two-hour peak period. And then we're also, uh, as with implementation, gonna develop some kind of system to monitor the roads and the intersections. So if a road is getting close to capacity, we know ahead of time and can do and address that issue.

0:06:37.8 Steve Schulte: Staff plans on bringing to the board once a year a status report on all our corridors, and via this color-coded system, so you will know when, when intersections or road segments are nearing failure, and then we can move monies around as needed to resolve those issues.

0:06:58.0 Tom Mielke: Mm-hmm.

0:07:00.7 Laurie Lebowsky: Okay. I'm now gonna turn to the Capital Facilities Plan. So today we're proposing changes to the Title 40 concurrency ordinance. Uh, GMA requires that there be consistency between our Capital Facilities Plan and the, uh, concurrency standards. Um, we are also adopting a fiscally, um, constrained Capital Facilities Plan. And as I mentioned earlier, we have a lower growth rate than what was adopted under the 2007 Capital Facilities Plan. Therefore, we have to have a smaller Capital Facilities Plan. Um, you all have, uh, this is a spreadsheet for the Capital Facilities Plan, and it's, uh, located on the final page of Tab 1 in your binders. And I'm just gonna go over the different sections, um, of the Capital Facilities Plan. Um, so Section 1, it says, is the committed. That's the Transportation Improvement Program.

0:08:18.6 Laurie Lebowsky: Those are the projects that are, um, where we have funding, uh, sources identified. And then you'll see a number two, uh, on the first page where it says New Concurrency-Driven Projects. Uh, those are the projects identified with the, the new standards for level of service. And then the third section, uh, is labeled Regional, uh, New Regional Partnership Projects. Project... Uh, primarily these are projects we have in partnership with WashDOT. And then finally, uh, we have the TIP Ongoing Programs. And those are the programs such as bridge repair, road preservation, projects we do every year in various locations. And the amount shown, um, on the CFP are in 2014 dollars. And again, it's with that, um, OFM, uh, projected growth rate of 1.12%.

0:09:23.7 David Madore: And the timeframe, is this a six-year timeframe or is this 20?

0:09:26.3 Laurie Lebowsky: 20.

0:09:27.3 David Madore: Okay.

0:09:33.1 Edward Barnes: Is there any way that you would move any of these projects up in the categories differently than where you have 'em now?

0:09:41.6 Laurie Lebowsky: These aren't, these aren't in any, uh, specific order. Um, this is the 30,000 viewpoint, uh, of projects. It's a long-range plan. Typically when they're moved into funding, when they're, when they're funded, that's when we prioritize projects. That's a different list.

0:10:01.0 Edward Barnes: If we see a project out there that you can have partnerships with, with the state, the county, a different city and that, is there a possibility that we can encourage you folks to move that up the ladder?

0:10:14.2 Laurie Lebowsky: Yes.

0:10:15.4 Edward Barnes: Okay.

0:10:15.5 Laurie Lebowsky: Yes.

0:10:17.9 David Madore: Well, if I understand correctly, this provides the objective way to actually prioritize and get projects on the list as they light up red year-by-year-by-year. If this concurrency method, uh, it basically puts it on the list, right?

0:10:33.0 Steve Schulte: Yeah, that is... So we need to pick our six-year Transportation Improvement Program that'll be in front of the board in November, December for adoption for the next six

years off this 20-year list. So this is the larger list, and then we take, uh, in November, December, you'll adopt just the six-year TIP.

0:10:51.7 S?: Yes.

0:10:52.6 Steve Schulte: Okay.

0:10:54.7 Laurie Lebowsky: Okay. Um, this is the 2007 adopted CFP. Uh, that's the amount both in, with inflation and the 2014 dollars. And then our proposed revised CFP, uh, it's a net reduction of 30%. And then here's a map of the projects. Uh, blue is the, what we call recent or active projects. They're either completed or they're ready to be, uh, put out to bid. The red are the future projects. Uh, green are any, uh, addition, additional projects. And then the yellow are projects that we're deleting from the CFP.

0:11:37.7 David Madore: I notice that we have this, uh, section of the I-205 there in red as it intersects the I-5. Um, the roadways, non-interstate roadways, I thought was only on our list.

0:11:54.2 Laurie Lebowsky: That is correct. Um, that may be one of the partnership projects that we have.

0:11:57.6 David Madore: Okay. With the state.

0:11:59.2 Laurie Lebowsky: With the state.

0:11:59.3 David Madore: Okay.

0:12:06.8 Laurie Lebowsky: And then, uh, these are the future, red are the future CFP projects.

0:12:19.9 David Madore: Okay. Looking good.

0:12:21.8 Laurie Lebowsky: Thank you. And then, uh, this is just outline of some of our public involvement for the concurrency, uh, CFP update. Um, as indicated, we went to DEAB and they unanimously supported our proposed changes. Okay.

0:12:41.0 Tom Mielke: Okay.

0:12:44.9 Laurie Lebowsky: Um, so these are our next steps. Um, what I'm asking the board to adopt today would be the changes to the Concurrency Ordinance. They would not take effect until November 4th this year, so that, um, it takes effect the same time as the update to the CFP. And then also we in Planning and Public Works are working on a temporary TIF rate, which would be a lower TIF rate. We want it all to, um, happen concurrently. Uh, so that concludes my presentation and commissioners, I'm asking you to, um, vote to support the changes to the Concurrency Code. And we're, Steve and I...

0:13:29.0 Tom Mielke: All right. Any question from the board?

0:13:30.8 Edward Barnes: I don't have any, Mr. Chairman.

0:13:31.9 David Madore: And this has been recommended by the Planning Commission, correct? Okay?

0:13:34.6 Laurie Lebowsky: That is correct. Um, the Planning Commission voted unanimously to support the changes.

0:13:41.0 David Madore: Okay.

0:13:43.6 Tom Mielke: Anybody in the audience wishing to... Do we have a sign-up sheet? No one's signed up. So, uh, I'm gonna give you a chance. Lee Jensen, come on up. We probably created a question in your mind, didn't we? [chuckle]

0:13:58.7 Lee Jensen: I did. I did. My name is Lee Jensen. I live in Battle Ground, and I have a question for the staff. Uh, will this improve coordination between, uh, uh, WashDOT, for instance, and the county? Uh, will it affect it at all? And do... Does WashDOT use a similar method of determining traffic, uh, load? Uh, could you just elaborate on that a little bit?

0:14:22.3 Laurie Lebowsky: Well, I, I... These changes won't have any impact on our coordination with WashDOT. Um, Clark County's a member of a group called the Regional Transportation Council. It's both elected officials. There's also a component that's, uh, called RTAC and that's staff from all the jurisdictions. So I... This will have no impact, um, on the coordination. As far as...

0:14:45.0 Steve Schulte: You know, as far as what the state does in measuring congestion on, uh, the state routes, they're precl... Precluded by law to measure congestion on what's called highways of statewide significance. That was a House bill back in the early 2000s. So I-5, 205, 14, I think parts of 501, they cannot measure congestion on those portions of the state routes. On more regional

state routes, they can measure congestion. We will, we will still be... The county will still be measuring congestion on all of the urban arterials and collectors in the Vancouver UGA, including those state routes. Now, if one of their facilities is coming up to a concurrency failure on our standards, we'll work with the state on that situation. And it could be a partnership in fixing those, what we call local roads. But we currently test concurrency on the local state routes, um, and the plan is to continue to do that.

0:15:51.0 Lee Jensen: So nothing really changes with the coordination of RTC and the state and, and the county, then, by changing... By the proposal you're suggesting, the change?

0:16:00.7 Laurie Lebowsky: It would be the same level of coordination.

0:16:03.3 Lee Jensen: Okay. Thank you. Thank you.

0:16:06.5 Edward Barnes: Thank you, Lee.

0:16:07.3 David Madore: We got a question here.

0:16:08.9 Tom Mielke: One more, Karen.

0:16:10.6 David Madore: Steve, just to follow up on your statement there, 'cause I'm left puzzled why WashDOT, who's responsible for the building and the maintaining and the expansion of our... Of our SR 14 and I-5 and 205, I would think the first thing they would do is, would be to monitor the need, which would be the congestion. What was the thinking behind them being forbidden to do so?

0:16:37.6 Tom Mielke: Exempt...

0:16:40.3 Steve Schulte: That was that House bill back in 2000 that caused them not to be able to test concurrency on the interstates.

0:16:47.0 S?: Yes.

0:16:47.4 Steve Schulte: Yeah, it was. I, I think what happened there was high levels of congestion up in Puget Sound, and the standards they were using would not allow new development to occur up there. And as a result, that House bill came into being. And since then, we have been... A long time ago, I believe we did test concurrency on the highways of statewide significance, but we don't have that ability now. Now we have our safety authorities that come into play. We can't... We do that everywhere in the county. But since, I, I think since 1990, when the county's concurrency ordinance first came into play, we've always tested concurrency on the local state routes.

0:17:32.9 S?: Thank you.

0:17:34.0 Tom Mielke: Okay. Karen.

0:17:35.1 Karen: Yeah, mine is just a question. I didn't know enough about this to have a comment. Uh, I'm interested in your level of service standards as it relates to intersections, which is on page five. My question is, do you ever define intersections, um, that occur at railroad crossings? And if you have a concurrency problem of traffic congestion of over four minutes at the intersection of a road and a railway crossing, how does that, how do you manage that? And can you?

0:18:12.7 Steve Schulte: We manage it very carefully.

[laughter]

0:18:16.3 Karen: Keeping BNSF in mind.

0:18:18.6 Steve Schulte: Well, and railroads, certainly the county railroad and BNSF, those are common carriers in this country.

0:18:24.5 Karen: Right. No, I understand.

0:18:25.3 Steve Schulte: And so we cannot unduly, uh, delay rail movement.

0:18:28.3 Karen: So in a situation where your standards cannot be met because of a railroad crossing, then the railroad takes precedence over automobile transportation.

0:18:46.3 Steve Schulte: We, we measure concurrency under routine peak-hour conditions.

0:18:51.3 Karen: Okay.

0:18:51.7 Steve Schulte: Now, if we had, hypothetically, if we had a railroad crossing where 12 times during the peak hour every day a train went through there and there was significant delay time to the traveling public, we'd have to deal with it in some way. But we, we don't have that situation in the county.

0:19:07.4 Karen: But there is no, uh, specific process or standard for you to deal with it, and it's probably not possible for you to set that process or standard.

0:19:17.8 Steve Schulte: It would be unlikely it would ever be needed. We certainly don't test concurrency on the Thursday, Friday after Thanksgiving near commercial retail shopping centers.

[laughter]

0:19:28.4 Karen: Oh, okay.

0:19:29.9 Steve Schulte: Okay. As an example.

0:19:30.8 Karen: But that's only once a year.

0:19:31.5 Steve Schulte: Right.

0:19:33.5 Karen: Okay, thank you.

0:19:35.0 Edward Barnes: That might in... That also might indicate that you need an overpass there or an underpass.

0:19:41.1 Tom Mielke: I'm gonna allow one more. You're supposed to sign up for these things. Okay.

0:19:46.0 Liz Campbell: I just have a question. Liz Campbell from Vancouver. Your, your comment about Puget Sound led to a question in my mind. Um, changing this way of measuring concurrency, does it make areas here that were considered congested before not be congested now because we've changed the measure of concurrency?

0:20:12.5 Steve Schulte: I think staff believes we're leaving the standards, uh, largely, uh, the way they are. We're using a different measure, a different metric.

0:20:21.9 Liz Campbell: Right.

0:20:22.5 Steve Schulte: It's a simpler measure. Um, a great analogy is this river out behind me, the Columbia River, because if you ask me, how do we measure the, how heavy the flow is of traffic on a road, I could look out to the river and say, how, how do [inaudible] in the Columbia River? Uh, you can spend $20,000 to map the profile of the bottom and put down, uh, velocity flow meters across the river cross-section and come out with a cubic-feet-per-second measure to the nearest tenth. Or you can put a stick in the ground on the bank and measure how high the elevation is of the surface. And that's kind of what we're doing here. We've found a very, a simpler metric that effectively gets you the same degree, uh, of certainty that a much more higher-cost and complicated metric gets you.

0:21:15.8 Liz Campbell: So things are, are gonna look the same as far as, but it's just a different way?

0:21:20.6 Steve Schulte: It's a different met... It's a simpler metric. It's easier to understand. It's much simpler for, for staff to administer. What Laurie mentioned earlier is critical. The individual

intersection standards for safety and for mobility, those are not changing in this proposal. They're identical to what we've had in the past. So we have some protections at the intersections.

0:21:43.4 Liz Campbell: Thank you.

0:21:46.4 Tom Mielke: All right. We went all the way around the gamut on that from state regulation to county regulation, so that was good. Um, anything from the board? No comment.

0:21:56.4 David Madore: Yes, I...

0:22:00.2 Tom Mielke: [Inaudible] recommendation of the, of the...

0:22:03.6 David Madore: Yep. This looks like a very good thing. And like, uh, I, what I'll end up doing is making a motion to adopt it. And then there is a bookkeeping kind of amendment I'd like to be able to offer after I've talked with staff earlier, uh, in the week and our prosecuting attorney's office regarding the bookkeeping, uh, update on that, the cleanup.

0:22:19.8 Tom Mielke: We, we do have a tendency to never remove old stuff. We just keep adding stuff. That's what makes it so hard to, um, read and understand ordinances and laws. And so I think your, your amendment might help that.

0:22:35.6 David Madore: Yes. Okay, Mr. Chairman, let me look it up here, see what resolution number this is. I move that we approve ordinance number 2014-08-09.

0:22:53.0 Edward Barnes: And I would second that motion, Mr. Chairman.

0:22:54.7 Tom Mielke: It's been moved and seconded that we move forward with the, uh, adoption of the concurrency...

0:22:59.8 David Madore: Okay, now I'll offer my amendment.

0:23:02.0 Tom Mielke: Any discussion?

0:23:03.2 David Madore: Okay. I move that we strike all of Section P. That's beginning on page 13 through page, um, 15, uh, actually 7... 16.

0:23:20.4 S?: Yes, 16.

0:23:24.9 David Madore: And let me finish that off. There's a reference to Section P as well on page 13, item O, number one. So the amendment would include the striking of the words that refer to, uh, Section P. So it'd just simply, item one would just simply provide, just read this, these three simple words, provides for jobs.

0:23:49.4 Edward Barnes: Mr. Chairman, uh, you know, rather than just offhand start striking stuff out of the, uh, current plan, um, I would like, uh, maybe I'll agree with David, won't agree with him, but I think rather than, than automatically do this, we've built projects or projects have been, um, signed up by the city and the county here, uh, with the Texas Instrument, for instance, out on 164th, where they made a commitment to move in here and then never dug a piece of dirt, uh, after the county and the city spent a lot of money on power, water, electricity, and everything else out there. KYOCERA on Fourth Plain had the same thing. They made commitments that they would put this

plant in, they would hire a whole lot of people at good-paying jobs. Uh, David. And I, I think in order for, uh, if businesses want to move into this community, I think that they need to make a long-term commitment that, that they're going to.

0:24:48.4 Edward Barnes: And this is what's happening at Intel in Washington County. They just don't sign an agreement out there and let 'em move out tomorrow if they don't comply with that. And so, I'm concerned that maybe we should take and look and see what some of the other counties have within the state of Washington, how this program works there, rather than just automatically say we're gonna wipe everything clean. And, and, uh, like I say, I'm not interested in penalizing anybody, but I do think that businesses need to be obligated whenever they come in here and say, okay, we're gonna build, um, [inaudible] in Vancouver that come in here. The guy said he's not worried about penalties or taxes or waivin' fees and stuff. But, uh, that's one, that's one employer that's come into the community. But, uh, to just automatically waive all these things that allow free rein, uh, do we turn into a Bangladesh pretty quick over, uh, gettin' rid of all the rules and regulations that comply with people that want to move into our community in order to create one job, two jobs, three jobs?

0:25:54.3 Edward Barnes: I, I just, uh, me personally, I can't see it. And I would propose, David, that, that maybe before this happens that we take a look at it and we see what other people are doing in the state so that we just don't throw the baby out with the bathwater.

0:26:09.5 Tom Mielke: So, I understand that there's some history here that, uh, this has never been used.

0:26:15.1 Edward Barnes: Well, but...

0:26:16.0 Tom Mielke: And never been practiced.

0:26:17.7 Edward Barnes: But I don't know that though, Dave... I mean, Tom. And like I say, it just, uh, whether it's been used or not used, maybe it's a deterrent to keep people from doing the wrong thing.

0:26:29.1 Tom Mielke: And I think I see it a little bit differently. David, you want to comment and explain?

0:26:33.1 David Madore: Sure. Actually, this section is not one that, that adds more, uh, burdens to the, uh, uh, businesses. It provides, uh, if we leave it in there, it actually removes, uh, their commitment to contribute to the roadway. It would be good to allow, uh, Steve Schulte to be able to comment a little bit about this, how often it's been used and the history behind it.

0:26:54.9 Steve Schulte: Commissioners, this, this code section P came into being, I think, in the late 1990s and there was a family wage committee underway at that time, um, looking at incentive, concurrency incentive standards. So if a particular type class of development that was a preferred type of development came in and they were master planned 50 acres or greater and committed to paying family wages, they could get a break on the concurrency standard. The way it's turned out, to the best of my knowledge, we've never, ever used this. It's been written into two developer agreements, but it's never been used in those developer agreements. So I'm not sure the value that it has. Um, it's, we've set the bar pretty high to qualify for this. That's probably why no one's been able to use it. People have asked about it, but no one can meet those qualifications.

0:27:49.6 Edward Barnes: Well, I know from the trade standpoint that we probably were involved in the conversation when you did that, the building trades was. And, uh, um, if you look at the companies, whether they call SEH America, whether you look at WaferTech, whether you look at Sharp, uh, Hewlett-Packard, all the rest of these companies, uh, they all looked at this and we had them commit that they were going to come in here and create family wage jobs, pay health and welfare, and pay pension. And they all did it, uh, because I< I think that they didn't want to violate what we'd put down on paper.

0:28:26.4 Tom Mielke: Uh, I think what Mr. Schulte said is that, uh, they, they must not have used this portion of what they were talking about.

0:28:33.0 Edward Barnes: Right, I know that, Tom. But, but it's, it's there for a purpose. [chuckle]

0:28:38.8 Tom Mielke: Yeah. Ms. Cook.

0:28:46.6 Chris Cook: Thank you. Chris Cook, Prosecuting Attorney's Office. Um, Commissioner Madore's motion, as I understand it, is to strike all of section P and to revise, uh, subsection O1 so that O1 just says "provides for jobs."

0:29:07.2 S?: Right.

0:29:09.3 Chris Cook: And the Prosecuting Attorney's Office, uh, position on this is that it would be permissible to, um, delete subsection P because it's never been used, and that, that could be done by an amendment here. It seems to be a bunch of language that is, you know, totally vestigial, uh,

[chuckle] has never, has never had any effect, even though it's been on the books for 15 years. However, um, the amend... The revision to sub O1 would be allowing mitigated levels of service to be applied to any development whatever that provided to jobs of any sort. That would be a significant change in the county's concurrency standards, which do now apply. And because of the significance of that change, and because this is an amendment to, uh, this ordinance is an amendment to Title 40, which is our, uh, code adopted under GMA for regulation of development, that, that change would need to be publicly noticed.

0:30:46.7 Chris Cook: That's not something that anyone was or could have reasonably expected through this ordinance. So that would need to go through the public notice and Planning Commission, um, review and, and approval or recommendation process. It doesn't have to be approved, but they would need to review it. They would need to hear it publicly. It would need to have a 15-day public notice on it, uh, just for the part dealing with O sub 1, not for the part that eliminates P.

0:31:22.7 Tom Mielke: Specifically, where is that?

0:31:25.0 Chris Cook: That is on page 11.

0:31:26.4 S?: 13.

0:31:29.4 Chris Cook: Oh, it's 11 on... In my book.

0:31:31.3 S?: Oh.

0:31:31.9 Chris Cook: Um, it's, it's subsection O sub 1. So, "mitigated level of service for master planned developments" is what that now says. "Mitigated level of service standards may be established for master planned industrial, university, or office uses." So it would have to have a master planning process "which the review authority finds provides for jobs" is what I understand is the, uh, proposal.

0:32:08.8 David Madore: Chris, uh, what would you suggest that we do with, with that, uh, item O1? Uh, because it would be referring to a section that no longer is there.

0:32:20.7 Chris Cook: Right. Well, that section would no longer be applicable to anything until it's cleaned up by the Planning Commission, which is something that, you know, wouldn't take years. It's something that could be done, uh, cleaned up by the Planning Commission and yourselves. So you start out by giving a 15-day public notice that the public... That the Planning Commission would consider that, and then go through the Planning Commission work session, public hearing process, and then it could go before your board again. Umm, I don't know whether that can be done before November 4th, but there's certainly, there's certainly enough days between now and then. November 4th is when this amendment's gonna take effect anyway. So I would think that that could happen before November 4th to coincide with the effective date of the rest of the ordinance.

0:33:13.4 Tom Mielke: Hasn't it technically already been done? When the, when the, when the section 40 is, is no longer there, it's already done.

0:33:22.2 Chris Cook: Well, it's already done...

0:33:24.6 Tom Mielke: So this is filling up verbiage or, or words.

0:33:26.5 Chris Cook: It's already done in that subsection P would no longer exist. That's not the issue. The issue is that this would open up the use of mitigated concurrency standards, mitigated level of service standards for proposed developments that are not now entitled to ask for a break on their level of service standards.

0:34:00.3 David Madore: Well, Chris, we certainly wanna follow process. I want to make sure I understand, uh, your advice here. In order for us to... Are you saying that, uh, it would not be appropriate for us to remove section P today?

0:34:14.6 Chris Cook: No, that's not what I said. It, it would be fine to, uh, it would be appropriate to do that by amendment, given that it... Assuming that that is the decision of the board, umm, because it is apparently dead wood in the ordinance.

0:34:36.2 David Madore: Okay.

0:34:37.1 Chris Cook: And at a later time, after it's been through the public notice and Planning Commission process, it would certainly be appropriate to do something with sub one there. But to open it up would not be appropriate.

0:34:52.2 David Madore: Okay, I just want to make sure I understand because if that section is no longer in our code, line one points to that section. It points to a, a non-existent code.

0:35:01.7 Chris Cook: Sure.

0:35:02.0 David Madore: Shouldn't we do something in order to avoid that problem, to point to a non-existent code?

0:35:06.9 Chris Cook: Commissioner, this whole amendment won't take effect until November 4th.

0:35:12.0 David Madore: I don't want to hold this up.

0:35:14.4 Chris Cook: What I'm saying is that, no, it's, it's can't take effect until November 4th because it can't take effect until you have a new CFP with your supplemental budget. So that's the date when it can take effect. That's the date when the ordinance says it would take effect. My suggestion is that if you want to do something with number one right now, you can delete it entirely, but you cannot open up its applicability today. You could do that, however, by amendment...

0:35:51.3 David Madore: Okay.

0:35:52.0 Chris Cook: Oh, umm, or by a new process that requires public notice.

0:35:58.1 Tom Mielke: Doesn't it... Isn't that what you're asking for is deleting?

0:36:01.1 David Madore: I was just... Yes.

0:36:02.7 Chris Cook: No, he was not deleting it. He is opening it up.

0:36:06.0 David Madore: Okay, that's not my intent. So it sounds like if we're... The clean way to clean up the bookkeeping here is if we're going to remove that section of code, then we would just simply delete line, uh, that item one and that refers to…

0:36:18.5 Chris Cook: And renumber two, three, and four.

0:36:20.5 David Madore: Okay.

0:36:20.8 Chris Cook: And that would work, absolutely.

0:36:22.5 David Madore: And we can do that today and we're fine.

0:36:23.9 Chris Cook: Yes.

0:36:24.4 David Madore: Okay. Alright.

0:36:24.8 Chris Cook: Knowing that none of this takes effect till November 4th.

0:36:28.7 David Madore: Yes. Okay. So, then I will modify my motion. It didn't get a second. So, Mr. Chairman, that motion would include deleting, uh, O section one entirely and renumbering the, the, uh, two, three, and four. To be properly ordered.

0:36:52.1 Edward Barnes: Well, Mr. Chairman, again, I, I just have a real serious problem 'cause basically what you're doing is taking any language out of here that pertains to family-wage jobs. And, uh, Section 1 says the threshold for family-wage job is an income and a benefit package

needed to support three people... Three persons, one single-earner family. Uh, you know, I mean, I could go through and read the whole thing, but, but it just seemed like that all this is doing is just aiming to, uh, low-income jobs to move into Clark County. Whether it's... I don't want to mention Walmart, but I will... Uh, jobs like that. We don't need more jobs like that. They're all over the county now. We need jobs that hire people that pay at least $50,000, like I think you pay in your shop, David. And, uh, it just, uh, to continually try to extract stuff out of the county codes and stuff that have to do with family-wage job, to me, is just absolutely wrong.

0:37:52.4 Tom Mielke: So, go back to legal. This is basically all deadwood. Everything in Section P through 11 through 15 is all deadwood.

0:38:03.3 Chris Cook: Right. It...

0:38:04.6 Tom Mielke: Never used. Never used.

0:38:05.8 Chris Cook: It can be deleted. And you could agree today, by action of the board, to delete that out of the code.

0:38:16.2 David Madore: Okay.

0:38:17.8 Chris Cook: It is the...

0:38:19.1 Tom Mielke: Yeah.

0:38:19.6 Chris Cook: You know, the PA's office agrees with that.

0:38:23.7 David Madore: And I understand the intent behind there. And, um, Commissioner, we're, we're in the same job spin, so we're certainly fan for jobs.

0:38:30.9 Edward Barnes: Good-paying jobs, David.

0:38:32.1 David Madore: Yes. And one of the things that... I understand the original intention back in the '90s to do this, but it ended up with, uh, adding penalties: 100% for the first year, 80% for the next year, 70% for the next year. And we basically, uh, turn these good-job-paying potential job payers into, uh, um... We [chuckle] does more harm than good. I'm glad it's deadwood, and I'm glad we can just simply remove it, uh, because the, uh, it's... We like clean code that's job-friendly. [chuckle]

0:39:06.6 Edward Barnes: I'll give you, for instance, my, my thing. I was the president of Orchards Little League for 13 years. Right where KYOCERA sits is where Orchards Little League was at. Had lighted ball fields for everything from T-ball all the way up to the major leagues. We give that up, uh, to the school district that we had a contract with in order to allow KYOCERA to move in there because they committed to us, and to me as a labor person, that they were going to create jobs. Five years come along, KYOCERA... You can get that building very cheap out there on Fourth Plain right now if you need to expand your company. It's still sitting there. They haven't hired anybody since then. The building's half-empty. So, my concern is once you take the penalties off, David, the people can do whatever they want to do. There's no penalties, no, no obligation to make sure.

0:39:53.3 Edward Barnes: And I'm quite sure that their attorneys, whenever they look at doing anything in Clark County, they read this and say, "Well, we don't want to be penalized 100%. We don't want 80%, 70%, 60%." But nothing... Everything that you've deleted today has to do with family-wage jobs that pay pension, health, and welfare benefits.

0:40:11.8 Tom Mielke: Yeah, I, I have a couple things where I don't know what the definition of a family-wage job is. I can see where the penalties could be job killers. And it has never been used. So...

0:40:25.7 Edward Barnes: They haven't been so far, Tom.

0:40:27.0 Tom Mielke: Huh?

0:40:28.0 Edward Barnes: They haven't been so far, according to staff.

0:40:29.8 Tom Mielke: Never have been. And how long has it been there?

0:40:32.2 Steve Schulte: Since, I believe it was the late '90s that this, uh, section first came into being.

0:40:36.4 Tom Mielke: These are job killers is what they are.

0:40:38.6 Edward Barnes: But if they... If you go out and drive a car and you're drunk and you're told that you're going to get arrested for a DUI, is, is there some kind of a, a warning there? If you break the law...

0:40:49.5 Tom Mielke: That one has...

0:40:50.3 Edward Barnes: You break the rules, you break the law. Well, maybe that's what this...

0:40:54.0 Tom Mielke: Never, never been used, so.

0:40:55.3 Edward Barnes: Well, okay.

0:40:55.8 Tom Mielke: I don't know what a family wage job is.

0:40:57.6 Edward Barnes: My, my, clean guys, if that's what you want to do.

0:41:00.9 David Madore: Okay, so I need a second for that motion.

0:41:03.7 Tom Mielke: I'll second that.

0:41:04.5 David Madore: Okay.

0:41:10.4 Tom Mielke: It's been moved and seconded, uh, to move forward with those, uh, amendments. Uh, any further discussion?

0:41:16.3 S?: No.

0:41:18.0 Tom Mielke: Um, Ed, I want to reassure you that it's deadwood. It refers to things that don't happen. And if someone was to look at the penalties, if they were to consider coming here, it would discourage 'em. And, and because of that, I'm going to support this. Any further questions? Seeing none, all those in favor? Aye.

0:41:42.0 David Madore: Of the amendment?

0:41:42.9 Edward Barnes: Opposed.

0:41:43.4 Tom Mielke: Okay. And now on the main motion, um, it's been moved and seconded. Been moved and seconded, um, as amended. Uh, all those in favor?

0:41:56.9 Members in Attendance: Aye.

0:41:57.8 Tom Mielke: Opposed?

0:41:59.0 Edward Barnes: Opposed.

0:42:00.3 Tom Mielke: Opposed. Okay. David, was there another section, uh, in section two?

0:42:12.0 David Madore: Uh, no. Uh, any changes beyond that, we would have to go through the planning commission.

0:42:16.6 Tom Mielke: Okay. All right. Well, that wraps up our concurrency. Thank you, staff.

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