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COMMUNITY PLANNING

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Community Planning Director

PREPARED BY: Laurie Lebowsky, Transportation Planner

DATE: June 5, 2014

SUBJECT: Concurrency: Proposed changes to the Title 40 development code and capital facilities plan

Background

The Clark County Board of County Commissioners placed revising the concurrency standards on the work program. Attached to this staff report please find the proposed changed to the Title 40 concurrency section and also the new, proposed Capital Facilities Plan is attached to this staff report.

Public Outreach

Staff met with the Development Engineering Advisory Board (DEAB) on May 1st regarding the proposed changed to the County's concurrency standards. DEAB voted unanimously to conceptually support staff's proposed changes.

The Clark County Planning Commission meeting has been duly advertised in *The Columbian* newspaper.

Staff Recommendation

Based on these findings, staff recommends that the Planning Commission APPROVE the proposed changes to both the concurrency ordinance and the capital facilities plan.

I. Committed - TIP (2014-2019)

Road	From	To	Comments	Cost
NE 119th St	NE 72nd Ave	NE 87th Ave		\$ 15,000,000
NE 47th Ave @ NE 78th St	Intersection			\$ 1,800,000
NE 94th Ave	NE Padden Pkwy	NE 99th St		\$ 7,755,000
TSO Projects (5)	Various			\$ 6,120,000
Highway 99	NE 99th St	NE 107th St		\$ 8,800,000
NE 99th St	NE 94th Ave	NE 107th Ave		\$ 7,500,000
NE 119th St	NE 50th Ave	NE 72nd Ave		\$ 8,239,000
NE 47th Ave	NE 68th St	NE 78th St	Urban Dev Road OGP	\$ 3,417,000
NE 99th St @ SR 503	Intersection		Urban Dev Road OGP	\$ 2,269,000
NE 10th Ave	NE 154th St	NE 164th St		\$ 22,000,000
Completed Cost of 2014-19 TIP Projects				\$ 82,900,000

II. New - Concurrency Driven Projects

Road	From	To	Comments	Cost
Padden Pkwy @ Andresen	Intersection		Interim upgrade	\$ 15,000,000
Ward Road	NE 88th St	NE 172nd Ave Bridge	1.7 capacity NB	\$ 9,700,000
Salmon Ck Ave	WSU Entrance	NE 50th Ave	WSU provide R/W; env. Issues	\$ 12,100,000
NE 119th St	NE 87th Ave	NE 112th Ave	1.0 capacity EB	\$ 26,200,000
NE 72nd Ave	NE 122nd St	NE 219th St	NB 1.23 capacity	\$ 30,000,000
Urban Arterial Intersections	Various		N/A	\$ 15,000,000
NE 10th Ave	187th Street	214th St	1.7 capacity NB	0
Cost of New Projects				\$ 108,000,000

III. New - Regional & Partnership Projects

Road	From	To	Comments	Cost
NE 179th St/I-5 Interchange	Delfel	NE 15th Ave	County road only	\$ 15,000,000
Padden Pkwy @ SR 503	Interchange		Assumes 75% WSDOT	0
SCIP Phase 2	NE 134th St	I-205	Assumes 50% WSDOT	\$ 17,500,000
Padden/I-205 Slip Ramp	I-205/Padden IC	NE 72nd Ave	Assumes 75% WSDOT	0
NE 182nd Ave @ SR-500 ¹	Intersection			\$ 1,000,000
NE 15th Ave Extension ²	NE 179th St	NE 10th Ave	Bridge may increase cost	\$ 7,000,000
NE 99th St	NE 107th Ave	SR 503		\$ 1,000,000
NE 10th Ave	NE 149th St	NE 154th St	interim upgrade option	\$ 2,100,000
NE 10th Ave	NE 164th St	Fairgrounds Ent.		0
Highway 99	107th Street	Klineline		0
Highway 99	Railroad crossing	NE 78th St		0
NE 179th St@29th Ave & @50th Ave	Intersections		Environmental Issues	\$ 5,000,000
County Cost of Partnership Projects				\$ 48,600,000

IV. TIP On-Going Programs

Programs	Comments	Estimated Annual	Cost
Bridge Repair/Rehab		\$ 2,500,000	\$ 50,000,000
Road Preservation		\$ 7,000,000	\$ 140,000,000
Rural Road Improvement Program		\$ 2,000,000	\$ 40,000,000
Sidewalks and ADA		\$ 600,000	\$ 12,000,000
Transportation Safety Imp.		\$ 1,000,000	\$ 20,000,000
Urban Development Road Prgm		\$ 1,250,000	\$ 25,000,000
Traffic Signal Optimization		\$ 300,000	\$ 6,000,000
Cost of OGP's		\$ 14,650,000	\$ 293,000,000

Notes:

- 1 Amounts shown in 2014 Dollars
- 2 County road segments with v/c > 90%
- 3 2035 Medium OFM projection

- Footnotes:** 1 Projects created due to urban holding, BoCC projects, and/or regional projects
 2 Costs for 15th Avenue does not include bridge construction costs

CFP COST **\$ 532,500,000**

1 **40.350.020 Transportation Concurrency Management System**

2 A. Purpose.

3 This section implements the requirements in RCW [36.70A.070](#) that counties:

- 4 1. Establish level of service standards for arterial and transit routes; and
- 5 2. Ensure that such standards are met or reasonably funded before new development is
- 6 approved.

7 B. Applicability.

8 This section applies to applications for subdivision, short subdivision, conditional use permit

9 approvals, and site plan review, except for those site plan reviews for unoccupied utility and

10 wireless communication facilities which have a potential vehicular impact on the level of

11 service of a segment or intersection of either:

- 12 1. Any county roadway with a comprehensive plan functional classification of arterial or
- 13 collector; or
- 14 2. Any state highway of regional significance.

15 *(Amended: Ord. 2007-11-13)*

16 C. Review Authority.

17 The review authority shall approve, approve with conditions, or deny proposed developments

18 in accordance with the provisions of this section.

19 D. Transportation Impact Study.

20 1. A transportation impact study shall be required for all development applications in which

21 the proposed development is projected to have an impact upon any affected

22 transportation corridor or intersection of regional significance, unless the

23 development application is exempt from the provisions of this section as provided for

24 in Section [40.350.020\(D\)\(7\)](#), or the requirement for a study has been waived by the

25 Public Works director.

26 2. A transportation impact study shall include, at a minimum, an analysis of the following

27 elements:

28 a. Trip generation, modal split, distribution, and assignment for the proposed

29 development; and

30 b. An analysis of the projected impact of the proposed development upon the current

31 operating level and safety of any affected transportation corridors and ~~or~~

32 intersections of regional significance. The analysis shall also include an

33 accounting of trips assigned to all collector and arterial roadways.

34 3. A transportation impact study shall be prepared by and/or under the supervision of a

35 registered professional engineer in the state of Washington.

- 1 4. A transportation impact study shall be based on traffic counts obtained within twelve
2 (12) months of the fully complete date of the development application as determined
3 under Sections [40.510.010\(B\)](#), [40.510.020\(C\)](#), and [40.510.030\(C\)](#). The traffic counts
4 shall reflect representative traffic conditions ~~within transportation corridors on~~
5 collector and arterial roadways, and at intersections of regional significance.
6 Intersections of regional significance are those intersections where at least three (3)
7 legs are collector or arterial classification roadways.
- 8 5. A transportation impact study shall not be required to analyze impacts on affected
9 transportation corridors or intersections of regional significance located ~~more than~~ at
10 least the following distances from the proposed development (as measured by
11 straight-line distance):
- 12 a. Fifty (50) or less new peak hour trips at development site: one (1) mile;
- 13 b. Fifty-one (51) to two hundred fifty (250) new peak hour trips at development site: two
14 (2) miles;
- 15 c. Two hundred fifty-one (251) or more new peak hour trips at development site: three
16 (3) miles.
- 17 6. The Public Works director reserves the right to require an applicant to provide additional
18 data and/or analysis as part of a particular transportation impact study, where the
19 Public Works director determines that additional information or analysis is required
20 to implement the standards and requirements contained in this section.
- 21 7. No traffic impact study shall be required, pursuant to the provisions of this section,
22 where the proposed development will generate less than ten (10) peak hour vehicle
23 trips. However, these proposed developments are still subject to concurrency
24 reviews and require concurrency approvals.
- 25 8. Upon the written request of an applicant, the Public Works director may waive the
26 requirement for a transportation impact study, or limit the scope of analysis and
27 required elements of a traffic impact study where the Public Works director
28 determines that the potential transportation impacts upon the affected transportation
29 corridor(s) and/or intersection(s) of regional significance have been adequately
30 analyzed in prior research or reports and/or are not projected to cause a reduction in
31 the operating level of affected transportation corridors and/or intersections.

32 E. Requirements for Concurrency Approval.

- 33 1. Each development application subject to the provisions of this section shall require a
34 concurrency review. No development application may be approved by the review
35 authority until such time as a concurrency approval or conditional concurrency
36 approval has been issued by the Public Works Director.
- 37 2. The concurrency determination for multiple development applications impacting the
38 same transportation corridors or intersections shall be tested chronologically in
39 accordance with the respective applications' fully complete dates as determined
40 under Sections [40.510.010\(B\)](#), [40.510.020\(C\)](#), and [40.510.030\(C\)](#) (but not the
41 contingent vesting provisions of Sections [40.510.010\(D\)](#), [40.510.020\(G\)](#), and

1 40.510.030(G)). For the purpose of this subsection only, the fully complete date for
2 an application delayed in processing for sixty (60) days or longer due to actions or
3 inaction of the applicant (as determined by the responsible official) shall be adjusted
4 according to the length of such delay. Preapplication concurrency reviews shall be
5 tested in the order they are received.

6 3. The Public Works Director shall issue a concurrency approval where the Public Works
7 Director determines that the proposed development's impacts upon all affected
8 transportation corridors and intersections of regional significance do not result in the
9 operating levels for the transportation corridors, signalized intersections, and
10 unsignalized intersections falling below the adopted level of service standards
11 established in Section 40.350.020(G).

12 4. A concurrency review and approval shall not be required for those affected
13 transportation corridors and intersections of regional significance ~~located more than~~
14 further away than the following distances from the proposed development (as
15 measured by straight-line distance): identified in 40.350.020(D)(5).

16 a. ~~Fifty (50) or less new peak hour trips at development site: one (1) mile;~~

17 b. ~~Fifty one (51) to two hundred fifty (250) new peak hour trips at development site: two~~
18 ~~(2) miles;~~

19 c. ~~Two hundred fifty one (251) or more new peak hour trips at development site: three~~
20 ~~(3) miles.~~

21 5. The Public Works Director may approve and condition mitigation (if volunteered by the
22 applicant) where the Public Works Director determines that the proposed
23 development's projected impacts upon an affected transportation corridor or
24 intersection of regional significance can be offset by the mitigation such that the
25 operating levels will not further deteriorate because of the additional traffic
26 generated by the proposed development. The review authority may approve a
27 development when the Public Works Director determines that achieving the level of
28 service standards would cause significant negative environmental impacts as
29 identified in a SEPA review.

30 6. Appeals to the determination of the Public Works Director with respect to concurrency
31 shall be made in accordance with Sections 40.510.010(E), 40.510.020(H), and
32 40.510.030(H). Applications reviewed as Type I and Type II procedures shall be
33 appealed as Type II procedures. For applications reviewed as Type III procedures,
34 the Public Works Director's determination shall be treated as a recommendation to
35 the review authority.

36 *(Amended: Ord. 2012-05-25)*

37 F. Determination of Operating Levels.

38 The operating level for a transportation corridor, signalized intersection, and/or unsignalized
39 intersection shall be defined as the traffic characteristics of those roadways and
40 intersections with consideration of the following factors:

- 1 1. The existing traffic levels on the roadways and intersections;
- 2 2. Any mitigation measures proposed by the applicant.
 - 3 a. For site plans, mitigation measures shall be completed and/or implemented prior to
 - 4 occupancy or commencement of the use.
 - 5 b. For land divisions, mitigation measures shall be completed and/or implemented prior
 - 6 to:
 - 7 (1) Final plat approval; or
 - 8 (2) Issuance of the first building permit for any newly recorded lot, provided:
 - 9 (a) The improvements are secured by a performance bond or financial
 - 10 guarantees acceptable to the county prior to final plat.
 - 11 (b) Construction plans shall be approved, and any needed right-of-way for
 - 12 the mitigation improvements have been obtained prior to final plat
 - 13 approval.
 - 14 (c) "Model home" building permits issued subject to the requirements of
 - 15 Section [40.260.175](#) do not require bonding or right-of-way acquisition
 - 16 necessary for transportation concurrency mitigation measures.
- 17 3. Any mitigation measures conditioned to other approved developments which will be
- 18 completed and/or implemented prior to occupancy of the proposed development;
- 19 4. The traffic impacts of the proposed development on the affected transportation corridors
- 20 and intersections;
- 21 5. The traffic impacts of other approved developments not yet fully built-out on the affected
- 22 transportation corridors and intersections;
- 23 6. Any improvements being implemented as part of the county's transportation
- 24 improvement program that are reasonably funded and scheduled for completion of
- 25 construction within six (6) years of the final date for a decision upon the
- 26 development application;
- 27 7. Any capacity which has been assigned or reserved to other and/or future developments
- 28 pursuant to the terms of a development agreement or capacity reservation
- 29 authorized and executed under the provisions of this chapter;
- 30 8. Any background traffic growth or traffic from developments exempt from the
- 31 requirements of this chapter that the Public Works director determines could have
- 32 an impact on the operating level of the transportation corridors or intersections;
- 33 9. Any other factors that the Public Works director has determined could have an impact
- 34 on the operating level of the transportation corridors or intersections.

35 (Amended: Ord. 2007-04-13; Ord. 2007-09-12; Ord. 2007-11-09; Ord. 2009-12-01; Ord. 2011-

36 08-08)

1 G. Level of Service Standards.

2 1. Level of service or LOS standards shall be as follows:

3 a. ~~The minimum travel speeds for each designated transportation corridor are shown in~~
 4 ~~Table 40.350.020-1. A map of designated transportation corridors is on file at the~~
 5 ~~Public Works department transportation/concurrency offices in Vancouver,~~
 6 ~~Washington. The maximum volume to capacity ratio for each roadway segment~~
 7 ~~shall not exceed nine-tenths (0.9), when measured independently for each~~
 8 ~~direction of travel. Measurements shall be made for all collector and arterial~~
 9 ~~roadway segments located within the Vancouver Urban Growth area, but outside~~
 10 ~~of the City of Vancouver. Measurements shall also be made for State Highways of~~
 11 ~~Regional Significance. In calculating the volume to capacity ratio, the volume~~
 12 ~~shall be determined based on the factors described in Section 40.350.020(F). In~~
 13 ~~determining calculating the capacity for roadways built out to County standards,~~
 14 ~~the capacity shall be determined based on the factors described in Table~~
 15 ~~40.350.020-1 Roadway Capacities. For roadways not fully built-out to County~~
 16 ~~standards, the capacity shall be determined based on the current roadway~~
 17 ~~condition. For roadways with lane widths 12 feet and greater, and with paved~~
 18 ~~shoulder widths 2 feet and greater, the lane capacity shall be 800 vehicles per~~
 19 ~~hour. For roadways with lane widths between 11 and 12 feet and with paved~~
 20 ~~shoulder widths 2 feet and greater, the lane capacity shall be 700 vehicles per~~
 21 ~~hour. For roadways with lane widths less than 11 feet, the lane capacity shall be~~
 22 ~~600 vehicles per hour.~~

Table 40.350.020-1 Roadway Capacities

<u>Roadway Type</u>		<u>County Designation</u>	<u>Single Direction Capacity/hour</u>	
<u>Urban</u>	<u>Arterials</u>	<u>Parkway</u>	<u>Pa-4b</u>	<u>2000</u>
		<u>Principal</u>	<u>Pr-4cb</u>	<u>1800</u>
		<u>Minor, 4-lane</u>	<u>M-4cb</u>	<u>1800</u>
		<u>Minor, 2-lane</u>	<u>M-2cb</u>	<u>900</u>
	<u>Collector</u>	<u>Urban</u>	<u>C-2cb</u>	<u>900</u>
		<u>Urban</u>	<u>C-2</u>	<u>800</u>
<u>Urban</u>		<u>C-2b</u>	<u>800</u>	
<u>Rural</u>	<u>Arterial</u>		<u>RA</u>	<u>800</u>
	<u>Collector</u>	<u>Major</u>	<u>R-2</u>	<u>800</u>
		<u>Minor</u>	<u>Rm-2</u>	<u>800</u>

23

24 b. ~~Within the designated transportation corridors, individual movements at each~~
 25 ~~signalized intersection of regional significance in the unincorporated county shall~~
 26 ~~not exceed an average of two (2) cycle lengths or two hundred forty (240)~~
 27 ~~seconds of delay (whichever is less). All signalized intersections located inside of~~
 28 ~~incorporated cities shall be excluded from this requirement.~~

~~e. Outside of designated transportation corridors, all signalized intersections of regional significance shall achieve LOS D standards or better, except the intersections of SR-500/Falk Road and SR-500/NE 54th Avenue which shall achieve LOS E standards or better.~~

d.c. All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Public Works director and shall not obligate the County to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

- (1) The proposed development adds at least five (5) peak hour trips to a failing intersection approach;
- (2) The projected volume to capacity ratio for the worst lane movement on the approach with the highest delay exceeds nine-tenths (0.9) during the peak traffic hour; and
- (3) That same movement is worsened by the proposed development.

~~e. The LOS standards shown in Table I shall be reduced by three (3) mph for those proposed developments that the Public Works director determines comply with the mitigated LOS standards for master planned developments pursuant to Section 40.350.020(O).~~

f.d. The LOS standards identified in this subsection shall be applied during peak hour period traffic conditions, as defined by the Clark County Review Authority.

- 2. The LOS standards established in this subsection shall be applied and interpreted as stated in the administrative manual prepared pursuant to Section 40.350.020(N).
- 3. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the ~~board~~ Board of County Commissioners.
- 4. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the board reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

(Amended: Ord. 2010-08-06)

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

North-South Roadways				
Lakeshore Avenue	Bliss Rd to NE 78th St	3.54	22	9.65
Hazel Dell Avenue	Highway 99 to NE 63rd St	3.57	17	12.60
Highway 99 and NE 20th Avenue				
NE 15th/20th Avenue (North)	NE 179th St to S of NE 134th St	2.72	17	9.60
Central	N of NE 134th St to NE 99th St	2.10	13	9.69
South	NE 99th St to NE 63rd St	1.79	13	8.26
St. Johns Road	NE 119th St to NE 68th St	2.53	22	6.90
NE 72nd Avenue	SR-502 to NE 119th St	5.00	27	11.11
Andresen Road	NE 119th St to NE 58th St	3.07	13	14.17
Gher/Covington/NE 94th Avenue	NE 119th St to SR-500	3.46	17	12.23
SR-503				
North	NE 199th St. to NE 119th St	4.07	27	9.04
South	NE 119th St to Fourth Plain	2.80	13	12.92
NE 137th Avenue	NE 119th St to Fourth Plain	2.46	17	8.68
Ward Road	Davis Rd to SR-500	1.18	13	5.45
NE 162nd Avenue	Ward Rd to NE 39th St	2.39	13	11.03
NE 182nd Avenue	Risto Rd to Davis Rd	4.43	27	9.84
East-West Roadways				
SR-502	NW 30th Ave (Battle Ground) to NE 179th St	6.52	27	14.49
179th Street				
West	NW 41st Ave to I-5	2.40	22	6.55
West Central	I-5 to NE 72nd Ave	2.97	22	8.10
139th Street and Salmon Creek Avenue				
139th Street West	Seward Rd to I-5	2.66	17	9.39
Salmon Creek Avenue (West Central)	I-5 to NE 50th Ave	2.20	13	10.20
119th Street				

West	Lakeshore to Hazel Dell	2.21	22	6.03
West Central	Hwy 99 to NE 72nd Ave	2.64	17	9.32
East Central	NE 72nd Ave to SR-503	2.26	22	6.16
East	SR-503 to NE 182nd Ave	3.18	22	8.70
99th Street				
West	Lakeshore to I-5	1.97	17	6.95
West Central	I-5 to St. Johns Rd	2.13	22	5.81
East	SR-503 to NE 172nd Ave	2.76	22	7.53
Padden Parkway				
East Central	I-205 to SR-503	1.91	17	6.74
East	SR-503 to Ward Rd.	2.11	22	5.75
78th/76th Street				
West	Lakeshore to I-5	1.31	17	4.62
West Central	I-5 to Andresen (on Padden)	3.09	17	10.91
East Central	Andresen to SR-503	2.43	17	8.58
East	SR-503 to Ward Rd	1.65	17	5.82
Fourth Plain Boulevard				
East Central	I-205 to SR-503	1.03	13	4.75
NE 88th St				
West Central	Hwy 99 to Andresen	2.83	17	10.00
63rd Street				
West Central	Hazel Dell to Andresen	3.25	22	8.86
East Central	Andresen to NE 94th Ave	1.24	17	4.38

1 (Amended: Ord. 2004-09-02; Ord. 2007-09-13)

2 H. Exemptions from Concurrency Requirements.

3 The following types of development applications shall not be subject to a concurrency denial:

- 4 1. K – 12 public schools incorporating commitments to commute trip reduction consistent
- 5 with Chapter [5.50](#) of this code;
- 6 2. Fire/police stations;
- 7 3. Public transit facilities;
- 8 4. Neighborhood parks.

1 (Amended: Ord. 2006-05-01)

2 I. Concurrency Survey.

3 1. For purposes of monitoring the cumulative transportation-related impacts of
4 developments which are exempt from the requirements of this section, such
5 development applications shall be required to submit a concurrency survey for
6 review by the Public Works director.

7 2. Submittals of concurrency surveys shall be made upon written forms provided by the
8 director and shall be filed with the Public Works director. The concurrency survey
9 shall indicate, at a minimum:

10 a. The type and location of the development;

11 b. An identification of all affected transportation corridors and intersections of regional
12 significance;

13 c. The specific reason the development is exempt from the provisions of this section;

14 d. An estimate of the projected total peak hour trips that will be generated by the
15 development; and

16 e. An estimate of the date of occupancy of the development.

17 3. The Public Works director shall review and approve the concurrency survey, and may
18 require the submission of additional information prior to approving the survey.

19 4. No development application may be approved by the review authority until such time as
20 the applicant has complied with the requirements of this subsection, and the Public
21 Works director has approved the concurrency survey.

22 J. Reservation of Capacity.

23 1. Upon issuance of a concurrency approval by the Public Works Director, the
24 transportation capacity allocated by the Public Works Director to the development
25 application shall become encumbered capacity. This encumbered capacity shall not
26 be considered for use by another development application until such time as the
27 concurrency approval expires pursuant to Section [40.350.020\(J\)\(4\)](#).

28 2. Upon issuance of a development approval by the review authority, this encumbered
29 capacity shall become reserved capacity and shall not be considered for use by
30 another development application.

31 3. Reserved capacity shall not be transferable to another development upon another site.
32 Reserved capacity from a previous development approval shall not be transferable
33 to a different land use development upon the same site.

34 4. Concurrency approvals shall be valid for the same period of time as the development
35 approval, and shall expire upon the date the development approval expires.
36 Notwithstanding the provisions of this subsection, a concurrency approval shall

1 expire upon the date the development application for which the concurrency
2 approval was required is:

3 a. Withdrawn by the applicant;

4 b. Denied approval by the review authority; provided, that for purposes of this section,
5 an application shall not be deemed to be denied by the review authority until a
6 final decision has been issued pursuant to any administrative appeal under
7 Sections [40.510.010\(E\)](#), [40.510.020\(H\)](#), and [40.510.030\(H\)](#); or until a final
8 decision has been rendered by a superior court with competent jurisdiction, where
9 such judicial appeal has been filed in a timely way; or

10 c. Not found to be fully complete within one hundred eighty (180) days of a pre-
11 application concurrency approval.

12 *(Amended: Ord. 2012-05-25)*

13 K. Capacity Reservation for Development Agreements.

14 The board may reserve capacity, prior to approval of a development application by the review
15 authority, through the approval of a development agreement authorized and executed
16 under the provisions of RCW [36.70B.170](#). This reserved capacity shall be accounted for in
17 establishing and reviewing LOS standards and in the determination of operating levels for
18 transportation corridors and intersections.

19 L. Capacity Reservation for a Preferred Land Use.

20 1. Where the board finds that there is a significant public interest or need to provide for the
21 approval of a preferred land use that would affect the transportation corridors and/or
22 intersections of regional significance, the board following a public hearing may
23 provide for the reservation of capacity for such land use. The board may direct, by
24 ordinance, that the transportation capacity necessary to accommodate such land
25 use be reserved for the future approval of such land uses.

26 2. Such reservation shall be for an identified period of time and shall be subject to annual
27 review by the board. This reserved capacity shall be accounted for in establishing
28 and reviewing LOS standards and in the determination of operating levels for the
29 transportation corridors and intersections.

30 M. Deferral of Reserved Capacity.

31 If reserved trips from a development agreement (Section [40.350.020\(K\)](#)) are not scheduled to
32 be utilized for at least five (5) years, the board by administrative resolution may direct that
33 all or a portion of such out-year trips be excluded in concurrency testing of other project
34 applications where anticipated transportation improvement projects, whether or not deemed
35 reasonably funded, are expected to increase capacity on the impacted
36 corridor(s)/intersection(s) by at least the volume of the out-year trips so deferred. When
37 deferring use of reserved trips, the reserved trips will remain vested with the original party to
38 the developer agreement and will be available for use by that party consistent with any
39 conditions in the development agreement.

1 N. Establishment of Administrative Manual.

- 2 1. The Public Works director shall establish and adopt the methodology and criteria to be
3 used to identify transportation corridors and evaluate the operating level for each
4 transportation corridor and intersection of regional significance.
- 5 2. The Public Works director shall establish and adopt the methodology and criteria to be
6 used to identify and evaluate the transportation impacts of developments which are
7 required to be addressed in the transportation impact studies required by Section
8 [40.350.020\(D\)](#).
- 9 3. The Public Works director shall publish and regularly update an administrative manual
10 setting forth the methodology and criteria adopted for the purposes described in
11 Sections [40.350.020\(N\)\(1\)](#) and (N)(2).
- 12 4. A copy of the most recent version of the administrative manual shall be made available
13 for public inspection and review.
- 14 5. The provisions of the administrative manual shall be consistent with and implement the
15 provisions of this section. To the extent the provisions of the manual are inconsistent
16 with the provisions of this section, the provisions of this section shall control.

17 O. Mitigated Level of Service for Master Planned Developments.

18 Mitigated level of service standards ~~shall may be established~~ ~~shall be approved~~ for master
19 planned industrial, university or office uses, which the review authority finds:

- 20 1. Provides for family wage jobs as defined in Section [40.350.020\(P\)](#);
- 21 2. Are approved for master plan development under Section [40.520.070](#) for properties
22 zoned light industrial (IL) or are approved as a master development plan under
23 Section [40.230.050](#) for properties zoned university (U), or if previously approved,
24 are found to substantially comply with Section [40.230.050](#) or [40.520.070](#);
- 25 3. Are served by a transportation corridor which incorporates measures to mitigate traffic
26 congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak
27 hour transit service, freeway ramp metering, or traffic signal coordination; and
- 28 4. Incorporates a commitment to commute trip reduction for all industrial, university and
29 office on-site employers, consistent with Chapter [5.50](#).

30 *(Amended: Ord. 2007-11-09; Ord. 2012-12-14)*

31 P. Criteria for Family Wage Job Definition.

- 32 1. "Threshold family wage" is the income and benefit package needed to support a three
33 (3) person, single-earner family that precludes them from eligibility for supplemental
34 public assistance. The threshold family wage includes a cash wage and a minimum
35 benefit package. The benefit package must be present, but is not generally included
36 in the value of the cash wage. A cash wage that meets the threshold but does not
37 include benefits does not meet the definition.

- 1 a. The threshold cash wage is measured by calculating the county's average annual
2 covered wages, plus twenty-five percent (25%). The annual covered wage data is
3 calculated by and shall be obtained from the Washington Department of
4 Employment Security. "Covered wages" means wages covered under
5 unemployment compensation laws.
- 6 b. To be considered for inclusion in the threshold family wage, a minimum benefit
7 package equal to twelve and one-half percent (12 1/2%) of the average annual
8 covered wage of the industry or actual average annual covered wages of the
9 employees, whichever is lower, must be provided and available. Benefits provided
10 by the employer must include, but are not limited to, an employer-paid health
11 insurance, retirement or defined benefit program and a personal leave program.
- 12 c. Any benefits with a cash equivalent value in excess of seventeen and one-half
13 percent (17 1/2%) of the cash wage may be credited toward cash wage if it falls
14 under the threshold. Excess benefit value may include, but is not limited to, such
15 things as a cafeteria plan, dental, vision, or childcare; however, the definition does
16 not include the value of stock options or other investment-based benefits.

17 2. Standards.

- 18 a. To be eligible for mitigated level of service, an employer or prospective employer or
19 employer group(s) must demonstrate that the median number of all covered wage
20 jobs will meet or exceed the threshold family wage. Family wage jobs may be
21 demonstrated by any of the following methods:
- 22 (1) Provide written documentation such as payroll history, tax records or other
23 verification, as approved by the development approval authority, that
24 average annual covered wages will meet or exceed the threshold family
25 wage. The covered wages are measured at the company's own established
26 internal thirty-six (36) month level-of-pay scale offered to employees,
27 excluding overtime, in place at the time of application for mitigated level of
28 service; or
- 29 (2) Provide a copy of the three (3) or four (4) digit North American Industry
30 Classification System (NAICS) code for the business(es) applying for the
31 mitigated LOS incentive. If the average annual covered wages for the
32 industry classification meet or exceed the threshold family wage, and
33 benefits as defined herein are provided, it is assumed that the employer
34 meets the threshold family wage. Washington Department of Employment
35 Security data shall be used to determine compliance with this criteria; or
- 36 (3) Sign a developer agreement to include affirmation of the fact that average
37 annual wages of all on-site industrial or office employers will meet the
38 threshold family wage upon legal occupancy of the building(s);
- 39 b. Provide a signed, notarized statement and documentation that a minimum benefit
40 package as prescribed in Section [40.350.020\(P\)\(1\)\(b\)](#) is provided and available to
41 all regular full-time employees.

1 3. Director Obligations. The threshold family wage shall be updated annually in the county
2 code by the Community Development director or designee upon publication of the
3 average annual covered wages for Clark County by the Washington Department of
4 Employment Security.

5 4. Enforcement.

6 a. At the time of annual update of the threshold family wage data, each recipient of
7 mitigated LOS standard shall be reviewed for compliance with the threshold
8 family wage criteria. This review shall include all employers who have had
9 continuous occupancy of their development for a period of at least thirty-six (36)
10 months and who have not been released from the requirements of this section.
11 The review shall take place for five (5) consecutive years including the first thirty-
12 six (36) month review. The review shall consist of confirmation with the
13 Washington Department of Employment Security that reported average annual
14 covered wages for the past year meets or exceeds the threshold family wage.

15 b. If, after thirty-six (36) months after the date of certificate of occupancy of a building or
16 addition thereto, or as specified in a developer agreement, the recipient fails to
17 meet the threshold family wage for the median of all thirty-six (36) month level-of-
18 pay scale covered wage workers, the developer/employer shall pay a monetary
19 penalty to the county. The penalty moneys shall then be used by the county to
20 improve public roadways and intersections in the vicinity of the development. The
21 amount of the penalty will be calculated as the difference between the threshold
22 family wage required to satisfy the mitigated LOS eligibility standard and the
23 actual average wage paid by the employer, multiplied by the total number of
24 covered wage workers of the employer. This amount will then be increased by
25 fifty percent (50%) and interest added consistent with RCW [82.02.020](#). The total
26 amount added together will be considered as the amount of the penalty.

27 c. If the threshold family is not met after the annual reviews, the penalty shall be as
28 follows:

- 29 • Third year: one hundred percent (100%) of the amount calculated in Section
30 [40.350.020\(P\)\(4\)\(b\)](#);
- 31 • Fourth year: eighty percent (80%) of the amount calculated in Section
32 [40.350.020\(P\)\(4\)\(b\)](#);
- 33 • Fifth year: seventy percent (70%) of the amount calculated in Section
34 [40.350.020\(P\)\(4\)\(b\)](#);
- 35 • Sixth year: sixty percent (60%) of the amount calculated in Section
36 [40.350.020\(P\)\(4\)\(b\)](#);
- 37 • Seventh year: fifty percent (50%) of the amount calculated in Section
38 [40.350.020\(P\)\(4\)\(b\)](#);

39 5. Expenditure of Funds. The penalty funds shall be expended or encumbered for a
40 permissible use within five (5) years of receipt, consistent with RCW [82.02.020](#).

1 (Amended: Ord. 2007-11-09)

2 Q. Application of SEPA to the Director's Determinations.

3 Any determination made by the Public Works director pursuant to this section shall be an
4 administrative action that is categorically exempt from the State Environmental Policy Act.

5 (Amended: Ord. 2006-09-05)

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