AGENDA

DEVELOPMENT and ENGINEERING ADVISORY BOARD

Thursday, March 2, 2017

2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

ITEM	TIME		FACILITATOR
	Start	Duration	
1. Administrative Actions • Introductions • DEAB meeting is being recorded and the audio will be posted on the DEAB's website • Review/Adopt minutes • DEAB Annual Report and Work Plan • Review upcoming events • DEAB member announcements	2:30	15 min	Wriston
2. Residential Bldg Permits/Bonding/DA	2:45	30 min	Horne/Madsen
3. Concurrency Code/Revisions	3:15	30 min	Hermen/Jardin
4. Public Comment	3:45	30 min	All

Next DEAB Meeting:

Thursday, April 13, 2017
2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

Agenda:
TIP Evaluation System – Wilson
Utility Joint Trench - Shadix

BOCC Work Sessions and Hearings

BOCC Work Session – every Wednesday at 9 a.m. *

BOCC Hearing – every Tuesday at 10 a.m. **

BOCC Work Session – Speed Limit Adjustments on Various County Roadways – Wednesday, March 8, 9:30 a.m.

BOCC Work Session – Comcast & Century Link Franchise Agreements – Wednesday, March 22, 10:30 a.m.

BOCC Work Session – DEAB's 2016 Annual Report and 2017/2018 Work Plan presentation – Wednesday, March 29, 10:30 a.m.

BOCC Work Session – Sustainable Forestry Program – Wednesday, April 12, 11:30 a.m.

BOCC Work Session – Spring Supplemental – Wednesday, April 26, 10:30 a.m.

PC Work Sessions and Hearings

PC Work Session – Transportation Concurrency Management – Thursday, March 2, 5:30 p.m.

PC Hearing – Transportation Concurrency Management – Thursday, March 16, 6:30 p.m.

Note: Work sessions are frequently rescheduled. Check with the BOCC's office to confirm date/time of scheduled meetings.

PC – Planning Commission
BOCC – Board of Clark County Commissioners

* Unless cancelled, which some are if there are no topics
** Except first Tuesday when the hearing is typically in the evening

Development and Engineering Advisory Board Meeting
February 2, 2017
2:30 p.m.-4:30 p.m.
Public Service Center

Board members in attendance: Steve Bacon, Ott Gather, Eric Golemo, Andrew Gunther, Don Hardy, James Howsley, Mike Odren, Terry Wollam, Jeff Wriston

Board members not in attendance: Mike Nieto

County staff: Dean Boening, Carol Brown, Rosie Hsiao, Jeff Schnabel, Greg Shafer, Marty Snell, Rod Swanson , Kevin Tyler

Public: Seth Halling, AKS

Administrative Actions

- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB's website, we are using the microphones today to improve quality of recording.
- Review/Adopt minutes: Minutes were approved, noting their length and details.
- Review upcoming events
    - BOCC Work Session – Clark County Natural Hazards Mitigation Plan – Wednesday, Feb 8, 10:00 a.m.
    - BOCC Work Session – Overview of Homeless Crisis Response System in Clark County – Wednesday, Feb 15, 11:00 a.m.
    - BOCC Work Session – Clark County Schools – Wednesday, Feb 22, 10:30 a.m.
    - PC Work Session – Prohibit Nuisance Fowl With-in the Urban Growth Boundary of the City of Vancouver – Thursday, Feb 2, 5:30 p.m.
    - PC Hearing – Prohibit Nuisance Fowl With-in the Urban Growth Boundary of the City of Vancouver – Thursday, Feb 16, 6:30 p.m.
    - Howsley asked about the Feb 8 work session…why/what/where?. Shafer will confirm.
    - Odren asked if the Clark County Schools Work Session pertained to the Capital Facilities Plan.. Shafer will follow up.
- DEAB member announcements
    - None

Dedications of Open Space, Critical Areas, Undevelopable Remnant Lands, and Stormwater Tracts

Both Boening and Schnabel gave the background of the County Open Space, Critical Areas, Undevelopable Remnant Lands and Stormwater Tracts. Many years ago, County received a variety of undeveloped lands dedicated from Developers. They are either in the critical areas, Stormwater tracts, as part of the Stormwater facilities, or poor-quality habitat, or wetland areas. These properties didn't track well for the County. Homeowners complain about who is responsible for ongoing maintenance of the land. Schnabel is working on writing the policy to cover these issues, track the dedications of lands, maintain these properties, and provide some options for HOA's to cover the County cost. This policy will give the County some options to accept or deny proposed dedication of the undeveloped land, control over the land that County would not seek to own and that

require maintenance expenditures from County revenues, and also provide options for developers and HOA's to ask the County to maintain the land. The options included are setting payments for 30 years, limited access for Stormwater tracts, and denial of some critical land dedicated to County. Schnabel is asking DEAB to provide comments for the draft policy.

Following are the discussions and suggestions by DEAB.

- Dedicated land normally recorded at final plat. HOA supposed to take care of that. What is the issue?
- If Zoning requires the developers to dedicate the extra land, need to set criteria for the acceptance.
- Associated buffers for Habitat and Wetland are required by the County for conservation. Need to eliminate high quality Habitat and Category 1 and 2 Wetland.
- Add associated buffers to be set aside as undevelopable land.
- Modify stormwater tracks to be dedicated to County, not to exceed 25% without incurring or tripping the funding mechanism.
- Re-evaluate County ordinance and code, like Type I and II variance review for buffers.
- Marty will work on it to add into Spring Biannual code change.

DEAB supported the draft policy with minor changes. Schnabel will revise the draft, then send it to DEAB for final comments. After that, he will present it at a BOCC Work Session for approval.

Tidemark Replacement Updates

Brown from Community Development provided the updates for Tidemark replacement to DEAB. Because this is a multi-phase and multi-year project, County had to keep on adjusting to the Vendor and staffing to make it work. There are 5 phases; so far it is a big success. Phase 1 is pilot one - new home construction is completed and Phase 2 is building and Fire permits. Last June, lean and subdivisions in urban areas were completed. The applicant can submit online. Last October, residential mechanical and plumbing permit were put into the system. IVR (Interactive Voice Recording) inspection scheduling system is done. In January, Impact fee changes were put in the system. Now County is working on new fire and inspection permits, the expansion of single family residential permits for New Home Construction, training the staff and bringing more users and reviewers from different systems into the new system.

Snell added these are two way systems, involved with GIS, Tidemark, FMS, and different APR and IVR etc. It is not a single vendor and system. That is taking time in running and testing.

Brown said we are still running dual systems, maintaining the Tidemark system and using the new POSSE system without losing any files. Migration of all files and documents from existing systems to the new system is challenging. The Parallel systems will be used to the end of 2018. After go-live this year, County will move to Phase 3 Preliminary land use Planning and Wetland/Habitat, Development Engineering, Inspections and Forestry.

There are questions if County met the original schedule. Snell said no. Normally it is turning off one system and using the new one, however the Vendor advised not to do that. They suggested the County do phases, testing the new one till it is ready. Due to 17 years' data and resources in Tidemark, trying to avoid losing files is challenging. Dedicating full time staff to work on this project is another issue.

Gather asked if inspectors have abilities to report the results of their inspections from the field. Snell responded yes. IVR and scheduling inspection online are being used now. In the future, the inspectors will use smart phones with the application built in. He will ask the Vendor if they can build the application to the system for building inspection.

DEAB Annual Report and 2017/2018 Work Plan

Hardy confirmed BOCC work session for DEAB 2016 annual report and 2017 work plan is scheduled on March 29 at 10:30 am. He highlighted what DEAB had done last year based on the topics in the report.

"The County manager is authorized to select DEAB members" was suggested by DEAB to be clarified. Shafer suggested DEAB revisit by-law's, provide updates, and schedule segments for discussion later.

Golemo said corner lot and site distance committee's recommendations to the BOCC should be adopted in the next spring biannual. There is only the stop sign policy that County transportation group needs to work on. Shafer will follow up.

Regarding Steve Madsen' bonding issues, Golemo mentioned some of the large developers are interested in it. Snell said County PA Office is working on that and will take a look at the language.

Golemo suggested inviting Chris Horn to update DEAB on bond issues at the meeting in March. Shafer will add the topic to the March agenda.

Public Comments

Seth Halling from AKS brought up mixed use code questions. He has concerns about residential and commercial improvements in mixed use areas because code is too restrictive. Mixed use code should allow additional flexibility on the street and alley like townhomes.

Snell said there are 630 acres of mixed use in Vancouver area. Battleground has most of mixed use inventory and areas. There is a challenge because the multi-family or commercial is restricted due to zoning and plan destination.

Odren suggested to invite AKS to give a short presentation within the next couple months at a DEAB meeting, talking the issues associated with mixed use code, giving the details of the projects and providing the recommendations.

Seth Halling will follow up and let DEAB know when it will work to present this at DEAB.

Meeting adjourned: 4:00pm
Meeting minutes prepared by: Rosie Hsiao
Reviewed by: Greg Shafer

40.350.020 Transportation Concurrency Management System

A. Purpose. This section implements the requirements in RCW 36.70A.070 that counties:

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

B. Applicability. This section applies to applications for subdivision, short subdivision, conditional use permit approvals, and site plan review, except for those site plan reviews for unoccupied utility and wireless communication facilities which have a potential vehicular impact on the level of service of a segment or intersection of either:

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

(Amended: Ord. 2007-11-13)

C. Review Authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this section.

D. Transportation Impact Study.

3. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this section as provided for in Section 40.350.020(D)(7), or the requirement for a study has been waived by the Public Works Director.
4. A transportation impact study shall include, at a minimum, an analysis of the following elements:
    a. Trip generation, modal split, distribution, and assignment for the proposed development; and
    b. An analysis of the projected impact of the proposed development upon the current operating level and safety of affected transportation corridors and intersections of regional significance. The analysis shall also include an accounting of trips assigned to all collector and arterial roadways.
5. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.
6. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C). The traffic counts shall reflect representative traffic conditions on collector and arterial roadways, and at intersections of regional significance. Intersections of regional significance are those intersections where at least three (3) legs are collector or arterial classification roadways.
7. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located at least the

following distances from the proposed development (as measured by straight-line distance):
    a. Fifty (50) or less new peak period trips at development site: one (1) mile;
    b. Fifty-one (51) to two hundred fifty (250) new peak period trips at development site: two (2) miles;
    c. Two hundred fifty-one (251) or more new peak period trips at development site: three (3) miles.
8. The Public Works Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works Director determines that additional information or analysis is required to implement the standards and requirements contained in this section.
9. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will generate less than ten (10) peak period vehicle trips. However, these proposed developments are still subject to concurrency reviews and require concurrency approvals.
10. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

E. Requirements for Concurrency Approval.

1. Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director.
2. The concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under Sections 40.510.010(B), 40.510.020(C), and 40.510.030(C) (but not the contingent vesting provisions of Sections 40.510.010(D), 40.510.020(G), and 40.510.030(G)). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the responsible official) shall be adjusted according to the length of such delay. Preapplication concurrency reviews shall be tested in the order they are received.
3. The Public Works Director shall issue a concurrency approval where the Public Works Director determines that the proposed development's impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in Section 40.350.020(G).
4. A concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance further away than the distances identified in Section 40.350.020(D)(5).
5. The Public Works Director may approve and condition mitigation (if volunteered by the applicant) where the Public Works Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional

significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The review authority may approve a development when the Public Works Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

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

(Amended: Ord. 2012-05-25)

F. Determination of Operating Levels. The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

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

9. Any other factors that the Public Works Director has determined could have an impact on the operating level of the transportation corridors or intersections.

(Amended: Ord. 2007-04-13; Ord. 2007-09-12; Ord. 2007-11-09; Ord. 2009-12-01; Ord. 2011-08-08)

G. Level of Service Standards.

1. Level of service or LOS standards shall be as follows:
   a. The maximum volume to capacity ratio for each roadway segment shall not exceed nine-tenths (0.9), when measured independently for each direction of travel. Measurements shall be made for all collector and arterial roadway segments located within the Vancouver Urban Growth Area, but outside of the City of Vancouver. Measurements shall also be made for state highways of regional significance. In calculating the volume to capacity ratio, the volume shall be determined based on the factors described in Section 40.350.020(F). In determining the capacity for roadways built-out to county standards, the capacity shall be based on the factors described in Table 40.350.020-1, Roadway Capacities. For roadways not fully built-out to county standards, the capacity shall be determined based on the current roadway condition. For roadways with lane widths twelve (12) feet and greater, and with paved shoulder widths two (2) feet and greater, the lane capacity shall be eight hundred (800) vehicles per hour. For roadways with lane widths between eleven (11) and twelve (12) feet and with paved shoulder widths two (2) feet and greater, the lane capacity shall be seven hundred (700) vehicles per hour. For roadways with lane widths less than eleven (11) feet, the lane capacity shall be six hundred (600) vehicles per hour.

Table 40.350.020-1 Roadway Capacities

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

b. Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less).

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~~ Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

1. The proposed development adds at least five (5) peak period trips to a failing intersection approach; and,
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 period; and~~
3. ~~That same~~ The worst movement~~,~~ on the failing approach is worsened by the proposed development.

d. The LOS standards identified in this subsection shall be applied during peak period traffic conditions, as defined by the responsible official and published in the administrative manual.

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.
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)

H. Exemptions from Concurrency Requirements. The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50;
2. Fire/police stations;
3. Public transit facilities;
4. Neighborhood parks.

(Amended: Ord. 2006-05-01)

I. Concurrency Survey.

1. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of this section, such

development applications shall be required to submit a concurrency survey for review by the Public Works Director.

2. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Public Works Director. The concurrency survey shall indicate, at a minimum:
   a. The type and location of the development;
   b. An identification of all affected transportation corridors and intersections of regional significance;
   c. The specific reason the development is exempt from the provisions of this section;
   d. An estimate of the projected total peak period trips that will be generated by the development; and
   e. An estimate of the date of occupancy of the development.
3. The Public Works Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.
4. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this subsection, and the Public Works Director has approved the concurrency survey.

J. Reservation of Capacity.

1. Upon issuance of a concurrency approval by the Public Works Director, the transportation capacity allocated by the Public Works Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the concurrency approval expires pursuant to Section 40.350.020(J)(4).
2. Upon issuance of a development approval by the review authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.
3. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.
4. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a concurrency approval shall expire upon the date the development application for which the concurrency approval was required is:
   a. Withdrawn by the applicant;
   b. Denied approval by the review authority; provided, that for purposes of this section, an application shall not be deemed to be denied by the review authority until a final decision has been issued pursuant to any administrative appeal under Sections 40.510.010(E), 40.510.020(H), and 40.510.030(H); or until a final decision has been rendered by a superior court with competent jurisdiction, where such judicial appeal has been filed in a timely way; or
   c. Not found to be fully complete within one hundred eighty (180) days of a pre-application concurrency approval.

(Amended: Ord. 2012-05-25)

K. Capacity Reservation for Development Agreements. The board may reserve capacity, prior to approval of a development application by the review authority, through the approval of a

development agreement authorized and executed under the provisions of RCW 36.70B.170. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

L. Capacity Reservation for a Preferred Land Use.

1. Where the board finds that there is a significant public interest or need to provide for the approval of a preferred land use that would affect the transportation corridors and/or intersections of regional significance, the board following a public hearing may provide for the reservation of capacity for such land use. The board may direct, by ordinance, that the transportation capacity necessary to accommodate such land use be reserved for the future approval of such land uses.
2. Such reservation shall be for an identified period of time and shall be subject to annual review by the board. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

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

N. Establishment of Administrative Manual.

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

O. Mitigated Level of Service for Master Planned Developments. Mitigated level of service standards may be established, for master planned industrial, university or office uses, which the review authority finds:

1. Are approved for master plan development under Section 40.520.070 for properties zoned light industrial (IL) or are approved as a master development plan under Section 40.230.050 for properties zoned university (U), or if previously approved, are found to substantially comply with Section 40.230.050 or 40.520.070;
2. Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and
3. Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with Chapter 5.50.

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

P. Application of SEPA to the Director's Determinations. Any determination made by the Public Works Director pursuant to this section shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

(Amended: Ord. 2006-09-05; Ord. 2014-08-09)

Clark County Code Language

Concurrency – 40.350.020 (G)(1)(c)

March 2, 2017

Public Works Transportation

Code History

- Concurrency Code Prior to August 2010
  - The Concurrency code was written so that development that triggered Concurrency related mitigation had to volunteer to build, or wait for the county to build, all the mitigation to comply with the county's mobility standards.
  - Subsequent development that impacted the same transportation facility in failure would need to volunteer to ensure the construction of the Concurrency related mitigation, or wait until the infrastructure was constructed.
    - The subsequent development would only have to send 1 trip to a failing facility to be conditioned with mitigation
    - Subsequent development could be as small as a 2 or 3 lot short plat
  - The result of the Concurrency code language
    - Large development projects would trigger the mitigation and then 'wait out' other subsequent development projects for them to build the improvement
    - Small developments were requested to volunteer very large Concurrency related mitigations.

2010 BOCC Action

- In order to provide an opportunity for smaller developments to occur without being 'tagged' with substantial mitigations the BOCC, in August of 2010, approved Concurrency code language modification of CCC40.350.020 (G)(1)(c) to include:

  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 period 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 period; and

  (3) That same movement is worsened by the proposed development.

2010 Code Language Result

- Small developments were able to apply new code exemptions to determine if their traffic impacts would be subject to Concurrency related mitigations for failing intersections
- Small developments were able to be constructed without having to volunteer substantial Concurrency related mitigations
- Trips generated by the small developments would still be accounted for in traffic studies
  - The trip generated by small developments was accounted for with a required background traffic growth rate of 2% per year
- There have been no small development cases that used the current exemptions in order to move forward
  - The small development project that had prompted this 2010 code modification had a pre application conference but did not follow on with a formal land use application.

2010 Code Language Unintended Consequences

- Large developments use the current exemptions to justify compliance with the Concurrency Code
  - Example:
    - Unsignalized intersection impacted is NE 88th Street/NE 94th Avenue
      - Proposed Development Total PM Peak Hour Trip generation:
        - » 281 PM Peak Hour Trips - of the 281 PM Peak Hour Trips, 165 entered the intersection
      - Traffic study findings – Development impact to the NE 88th Street/NE 94th Avenue intersection
        - » Out of the 165 PM Peak Hour Trips that entered the intersection, 5 PM Peak Hour Trips were added to the eastbound stop controlled approach
        - » Level of Service (LOS) F on the stop controlled approach
        - » Volume/Capacity (v/c) 0.62 on the stop controlled approach

2010 Code Language Unintended Consequences

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 period 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 period; and

(3) That same movement is worsened by the proposed development.

- Example (Cont.):
  - Operational exemptions application
    1. Does the proposed development add 5 peak hour trips to the failing intersection approach?
       - » Yes. 5 PM peak hour trips added.
    2. Is the projected v/c for the worst lane movement on the approach with the highest delay equal to or greater than 0.9? AND;
       - » No. v/c = 0.62
    3. Is the worst lane movement on the approach with the highest delay made worse by the proposed development?
       - » Yes. The eastbound to northbound left turn movement delay is increased by 10 seconds of delay.

2010 Code Language Unintended Consequences

- Example (Cont.):
  - Operational exemptions evaluation conclusion
    - No mitigation required because only 2 of the 3 exemptions were met.

2010 Code Language Unintended Consequences – Safety Review

- Example (Cont.):
  - Although no mitigation was required under the county's Concurrency code, Staff performs a review of documented crash history. This crash history review helps to identify crash trends and possible countermeasures.
    - Staff's review of intersection safety
      - » Staff's review found that there was only 1 documented crash in the most recent 5 year crash history. This equated to a crash rate of 0.09 crashes per million entering vehicles.
      - » The county's practice is to use a crash rate equal to 1.0 crashes per million entering vehicles as a threshold to require additional engineering evaluation.
        - The Institute of Transportation Engineers (ITE) *Traffic Access and Impact Studies for Site Development A Recommended Practice* states that, "…any intersection with more than one accident per million entering vehicles is worthy of additional analysis."
    - Because the crash rate was 0.09 crashes per million entering vehicles, no further analysis was required.

2010 Code Language Issue

- Current exemption language indicates that all 3 exemptions need to be met before mitigation required.
- The projected volume to capacity ratio of 0.9 is difficult to achieve at an intersection when all approaches are not stop controlled.
- Because the volume to capacity ratio of 0.9 is difficult to achieve, there may be missed opportunities to require development to mitigate their impacts on Concurrency regulated unsignalized intersections.

2-Way Stop Controlled Intersection - Example

4 – Way Stop Controlled Intersection - Example

Proposed Code Language

40.350.020 (G)(1)(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~~ Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

1. The proposed development adds at least five (5) peak period trips to a failing intersection approach; and,
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 period; and~~
3. ~~That same~~ The worst movement~~,~~ on the failing approach is worsened by the proposed development.

2016 BOCC Actions

- Ordinance 2016-08-12: BOCC approved this Interim Ordinance suspending the exemptions to concurrency
- Ordinance 2016-10-11: BOCC approved extension of Ord. 2016-08-12 for 6 months

2016 Interim Ordinance Work Plan

- Cooperation with the Prosecuting Attorneys Office, Public Works Transportation, Development Engineering and Community Planning developed Concurrency Code language that accomplishes original intent without exemptions so broad they are difficult to achieve.
- Invite public comment from stakeholders and the development community.
- Development Engineering Advisory Board (DEAB) recommendation
- Planning Commission recommendation
- BOCC adoption.

Next Steps

- Hold a Planning Commission public hearing on March 16, 2017.
- The BOCC Public Hearing will occur on April 25, 2017.