Clark County Code Language
Concurrency – 40.350.020 (G)(1)(c)

October 12, 2016
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.

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
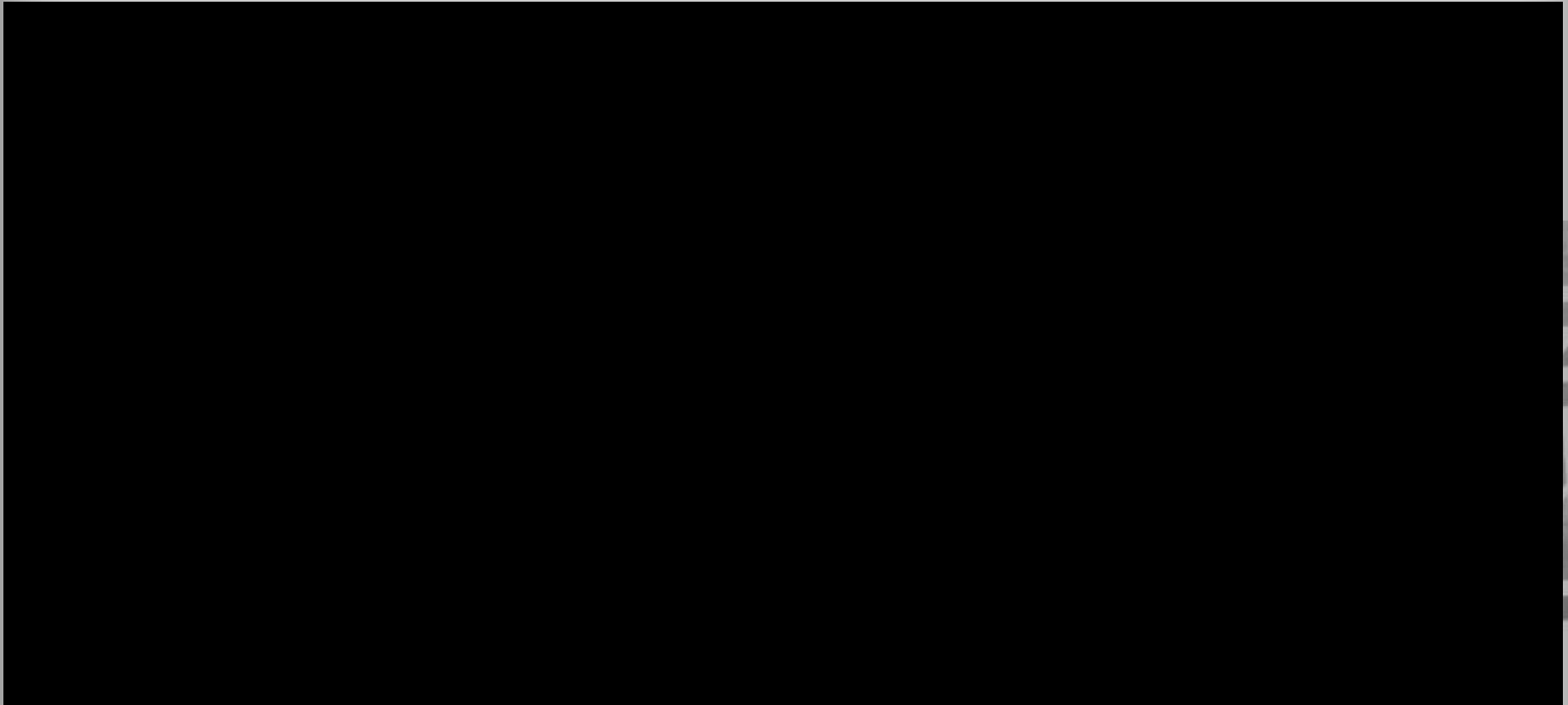
4 – Way Stop Controlled Intersection - Example
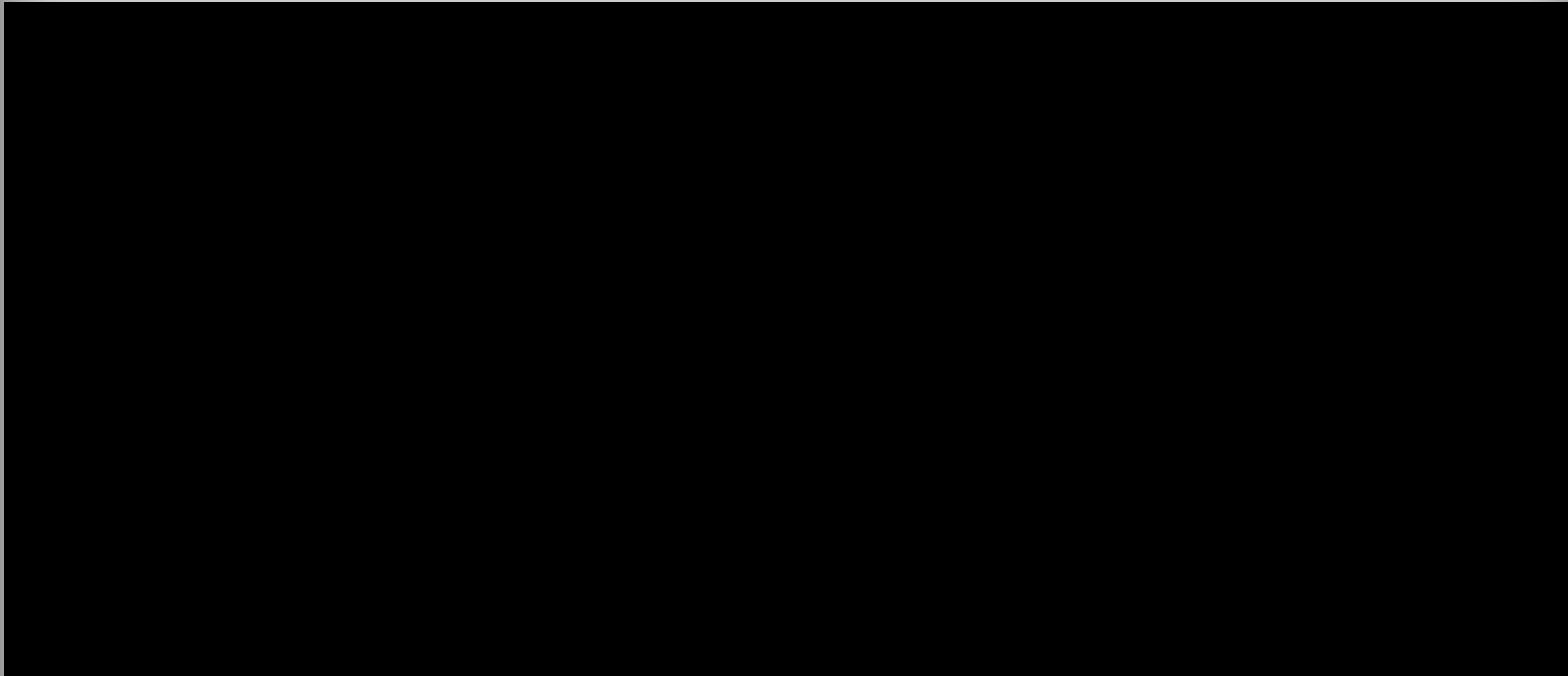
Work Plan

- Cooperation with the Prosecuting Attorney's Office, Public Works Transportation, Development Engineering and Community Planning to develop Concurrency Code language that accomplishes original intent without exemptions so broad they are difficult to achieve.

- Invite public comment from stakeholders in the development community.

- Present Concurrency code language to the Development Engineering Advisory Board (DEAB).

- Present Concurrency code language to the Planning Commission.

- Schedule work session with the BOCC to discuss Concurrency code language and findings from DEAB and the Planning Commission.

- Present Concurrency code language to BOCC for adoption.

Next Steps

- Hold a public hearing on October 25, 2016
- Staff will recommend that the BOCC extend Ordinance Number 2016-08-12 for a 6 month period in compliance with RCW 36.70A.390 and RCW 35.63.200. This 6 month period is needed in order to implement and complete staff's work plan.

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