

# Planning Commission/City Council Minutes May 20, 2009

Planning Commissioners present: Acting Chair Joe Collins, Myrt Griffith, Mark Tesch, Ray Dobbs and Tom Warren.

City Council members present: Cameron Morehouse, Stan Morse, Tanya Greenfield, Mike Cooney and Jenae Papé-Miller.

Staff present: Craig Gildroy, Planning Director; Agnes Kowacz, Assistant Planner; Dwane VanEpps, Public Works Director; Deanne Reynolds, Development Project Manager; Dan Baker, Senior Engineering Tech; Charles Sablan, Parks & Recreation Director; Perry Shea, Consultant (Shea, Carr and Jewell, Inc.); Sandra Strieby, Consultant (Highlands Associates).

At 6:15 p.m., Collins opened a joint Planning Commission/City Council meeting to consider development impact fees.

Perry Shea, Shea, Carr and Jewell, Inc., presented a Traffic Impact Fee Program. Perry stated:

- The program is a systematic approach to mitigating traffic impacts; development pays for development.
- The impact fees collected may only be spent on system improvements that will benefit new development. This does not include repair or maintenance.

Council member Miller asked if sidewalks can be funded through impact fees.

Perry Shea responded that can depend on the project because of the statue. Sidewalks can be mitigated through SEPA as a safety concern within the project area.

- Impact fees can only be spent on projects listed in the Capital Facilities Plan (related to capacity and safety).

Council member Greenfield and Commissioner Dobbs asked about whether low-income housing/development or other housing projects can be accommodated without impact fees and who determines whether they may be exempt.

Perry Shea stated that the developer must demonstrate the development will produce less impact than expected and the determination is made by staff.

Council member Morse inquired about whether a dispute results from staff determination on reduced traffic impact fees not being applicable.

Craig Gildroy replied that the applicant may appeal the amount of mitigation stated in the staff report to the Hearing Examiner.

Council member Morse expressed concern over the development causing established citizens to pay impact fees to accommodate new development.

Perry Shea stated that only development would be responsible for paying impact fees. The applicant

would pay for the amount of impact that would result from the development.

- Traffic Impact Fee Programs help leverage money which allows a greater chance to receive state/federal grants to build infrastructure.

Council member Morse inquired about the chances of receiving a grant.

Duane VanEpps, Public Works Director, stated that with leveraging impact fees the City would have more money and could match the federal grant monies therefore, the chances of getting federal/state grant would increase.

- Permitting is more efficient because case-by-case mitigation is eliminated. This does not eliminate the requirement for a Traffic Impact Analysis.

Council member Morse asked if a Traffic Impact Analysis would be required for a new single family residence.

Craig Gildroy, Planning Director, stated a TIA wouldn't be required because there would be a set for for this use. It could also be exempt from fees, depending on the Ordinance that is adopted for this program. There is a lot of flexibility in this program

Council member Morse asked what code the City currently uses to require the developer to mitigate for road impacts.

Duane VanEpps stated that it can be required under SEPA, as a safety concern. The remaining comes out of the General Fund.

Council members Morse and Morehouse inquired about how long these programs have been around, if there are any publications that demonstrate how they work and if other Cities can show how they are working for them.

Commissioner Collins inquired about the fee schedule and the effect on the development.

- Cities and developers like this program because it is predictable in terms of impact fees and time of payment (payment due at issuance of building permit).
- Developers have shown no opposition to this program. This program allows all development to pay for itself, rather than burdening one developer in the area which has a project that exceeds the Level of Service.
- The fees are assessed on use (an existing home with a remodel wouldn't generate impact fees). The fee is only based on new trips. The rate schedule would be city-wide (cannot be area specific).
- Impact fees would vary depending on the type of land use.

Duane VanEpps asked whether fees can be waived if they are taken to Council.

Perry Shea stated that perhaps it would be good to seek legal advice if that can be done.

Dan Beardsley inquired whether the developer would still be responsible for concurrency fees (Lord Acres area example).

- Some project would require both fees due to SEPA. The impact fees only pay for projects listed in the Capital Facilities Plan.

Perry Shea addressed Al Lorenz's concern about tracking impact fees. Fees are collected at building permit and are easy to track.

There being no further business, the joint meeting adjourned at 7:50 p.m.