

## **AB22-19\_Transportation Impact Fee Update**

*Public hearing dates: April 14, 2022*

### **April 14, 2022**

*Held during the City of Sultan Council Meeting and presentation on file with the city clerk's office*

Mayor Wiita opened the public hearing and read the public hearing procedures. The meeting was a hybrid with attendees both in person at City Hall Council Chambers and via Zoom Internet Conference Service. The following were in attendance: Councilmembers to include Morgan, Aldrich, Hund, Niegel, Sivewright, and Beeler. Staff to include City Administrator Ibershof, Public Works Director Morgan, Community Development Director Galuska, and City Clerk Pevey.

### Staff Report

CDD Galuska requested temporarily reducing the impact fees relative to commercial development growth. Acknowledged the citizen demand for more residential services and have heard from residential developers a barrier is the high impact fees. Two reductions being proposed: 50% reduction for all commercial uses as defined in the building code; 100% reduction in retail uses. Included a two-year sunset date for this proposal to put in place the urgency on applicants to submit permit applications. Discussed in previous meetings that there is an impact to city finances by not collecting impact fees but have completed an analysis and feel the tax benefit increases will offset the impact fee revenue loss.

### Council Questions and Discussion

None Noted

### Public Comment

Ron Kraut, Bryant Rd, Sultan – Written comments expressing concerns (Exhibit A).

Andrew Rockwell, Winston Place SE, Sultan – Expressed support for impact fee reduction.

### Staff Response to Comments

CDD Galuska responded to written comments received and explained no change to the impact fee and projects that funded it, just a fee schedule level exempting certain uses from paying the fee; no need to review project analysis at this time. Also, discussion on Chapter 9 of the Comp Plan and acknowledged city has docketed updates to that Chapter and will acknowledge those comments at that time. Councilmember Hund expressed mixed use options to explore that avenue.

### Motion

On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, the public hearing regarding Transportation Impact Fee Updates was closed; Motion passed 6-0.

DocuSigned by:



95FC94C401FC42E  
Tami J. Pevey, City Clerk

DocuSigned by:



70379E4D96104E0  
Russell Wiita, Mayor

**WRITTEN COMMENTS RECEIVED  
AND ATTACHED AS REFERENCE**

**From:** [cohobanger@aol.com](mailto:cohobanger@aol.com)  
**To:** [Tami Pevey](#)  
**Cc:** [Russell Wiita](#); [Conner Morgan](#); [Stephanie Aldrich](#); [Joe Neigel](#); [Christina Sivewright](#); [Jeffrey Beeler](#); [Cory Dearborn](#); [Joseph Hund](#); [Andy Galuska](#); [Nate Morgan](#)  
**Subject:** Comments Agenda Bill 22-19 and Agenda Bill 22-14  
**Date:** Thursday, April 14, 2022 2:21:12 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and City Council,

Please accept and incorporate these comments into the record tonight's meeting/hearing for Agenda Bill 22-19 and Agenda Bill 22-14.

### Regarding Agenda Bill 22-19 Reduction of Transportation Impact Fees for Commercial Development:

The capital projects list referenced within the proposed ordinance for AB 22-19: "*May 14, 2020... capital projects list*", is not found within the list of approved transportation capital projects within the Capital Facilities Plan Element adopted by the city council in late 2021.

I was unable to open the city's link to the council meeting agenda containing the "*November 5, 2020... capital projects list*". I am guessing it does not align with approved transportation capital projects listed in the Capital Facilities Plan Element adopted by the city council in late 2021.

The proposed adopting ordinance states in part:

***"WHEREAS, RCW 82.020.70(2) provides that impact fees shall be expended **only in conformance with the Capital Facilities Plan Element of the Comprehensive Plan**".***

*and*

***"WHEREAS, on **May 14, 2020** staff presented the **capital projects list**, calculations for inclusion in the impact fee, and final proposed impact fee to the City Council at their regular meeting"***

*and*

***"WHEREAS, on **November 5, 2020** the City Council considered the **Transportation Impact Fee Rate Analysis**, **the capital projects list** and the final proposed impact fee at its regularly scheduled public meeting"***

Regarding the referenced 2020 capital projects lists:

**Among the projects listed in the aforementioned lists, and therefore incorporated by reference as part of the proposed adopting ordinance, is the "T-75 East-West Arterial Connector #3 8th St to 135th St SE/Bryant Rd".**

**Preliminary analysis for the T-75 Bryant Connector was financed in 2020 by the city to facilitate potential construction. One of the city funded studies proposed excavating a steep slope to accommodate a new arterial road. The proposed excavation, city studies show, would result in the destruction of multiple homes in my neighborhood, including my home of twenty eight years.**

**To be clear, the Bryant Connector is not included in the adopted Capital Facilities Element, and therefore, must be excluded by reference from the proposed ordinance, and it's transportation capital projects list.**

The referenced May 14, 2020 document from the council agenda states the following:

"As part of the City's updating of the Transportation Element, staff has begun updating the Capital Facilities Plan and Traffic Impact Fee. To mitigate impacts to additional traffic created by proposed development the City collects a traffic impact fee. The fee is calculated by calculating the capital projects required to improve the City's transportation system over the next ten years and charging a proportional amount based on the number of trips created. **An update was needed because the fee was last updated over a decade ago and since then the City's policy for traffic management have changed, projects on our list have been completed, and estimated project costs have changed.**" See pdf page

3: [https://www.ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/\\_05142020-233](https://www.ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/_05142020-233)

**Perplexingly, when the city adopted the new Capital Facilities Element, it was decided that the city would not update the capital projects list to incorporate those projects listed in the referenced 2020 documents.** Instead the city chose to retain the capital projects list from 2011. As part of the new Capital Facilities Element, the city also chose not to adopt the proposed new six-year 2022-2027 TRANSPORTATION IMPROVEMENT PLAN that was presented to the Planning Board. That plan included a list of ten high-priority projects. Seven of those transportation capital projects were included in the 2020 list. Instead, the city chose to re-adopt their six-year CIP 2011-2016 TRANSPORTATION IMPROVEMENT PLAN, minus the seven high priority capital transportation projects reviewed by the Planning Board. See pdf page 61:

<https://ci.sultan.wa.us/DocumentCenter/View/5650/Draft-2021-UPDATE-Chapter-9-Capital-Facilities-72221-PDF>

Further, only the following transportation projects are listed in our current Capital Facilities Plan Element, and therefore, these transportation projects **and no others**, may be subject to the ordinance and it's impact fees policy:

*T-23, T-40, T-38, T-39, T-42a, T-47, T-49, T-51, T-52, T-53, T-55, T-57, T-58, T-59, T-60 and T-61.*

**EXHIBIT A**

See pdf page 83 of the adopted Capital Facilities Element for the current list of adopted Transportation Capital Projects:

<https://ci.sultan.wa.us/DocumentCenter/View/5763/2021-UPDATE-Chapter-9-Capital-Facilities-Clean>

**The following transportation projects are found within the ordinance's referenced 2020 capital projects list. They are not listed in our current Capital Facilities Plan Element, and therefore they cannot be subject to proposed ordinance policy, and must be stricken from the ordinance as part of the approved capital projects list. The following projects are not listed in the adopted capital facilities element:**

*T-24, T-25, T-26, T-29A , T-29B, T-31, T-32A , T-34A ,T-34, T-34C ,T-34D ,T-34, T-34 T-34G, T-35, T-36, T-41, T-43, T-46 T-48, T-49, T-62A, T-71, T-72, T-57, T-73, T-74, T-75, and T-76.*

Please correct the ordinance language to address the realities of the city's approved transportation capital projects list, as adopted within the Capital Facilities Plan Element of the Comprehensive Plan. This should insure conformance with adopted Capital Facilities Element provisions.

Regarding Agenda Bill 22-14\_Appeal & Hearing Examiner Code Update:

I support the Planning Board's recommendation to retain Title 2.26.050 verbiage "The mayor with concurrent majority vote of the city council may remove an examiner from office for cause".

Sincerely,

Ron Kraut