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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:  
  
SEATTLE MOBILITY COALITION  
  
From a Decision by the Seattle City Council  
Central Staff

No. W-23-001

DECLARATION OF KETIL FREEMAN IN  
SUPPORT OF RESPONDENT’S MOTION  
TO DISMISS IN PART

I, KETIL FREEMAN, declare under penalty of perjury under the laws of the State of Washington:

1. I make this declaration based on my personal knowledge. I am over eighteen years of age and am otherwise competent to testify to the following matters.
2. I work as a Council Central Staffer for the Respondent City of Seattle Council (City).
3. Attached as *Exhibit A* to this declaration in support of the City’s Motion to Dismiss is a true and correct copy of Seattle Mobility Coalition’s 2018 Notice of Appeal on W-18-013.
4. The Council subsequently complied with Examiner’s Amended Decision and evaluated the proposal anew under SEPA, ultimately revising and updating the SEPA checklist and issuing a revised DNS. Attached to this declaration as *Exhibit B* is a true and correct copy of the 2023 legislative proposal.

- 1           5.     The 2023 legislative proposal is substantively the same as the 2018 proposal; the 2023  
2           proposal involved several minor changes as follows: (1) adding a Comp. Plan policy to  
3           consider locational discounts for urban centers and villages and exemptions for low-  
4           income housing, early learning facilities and other activities with a public purpose for  
5           future rate-setting, if any; (2) removal of projects from the project list that had been  
6           completed between 2018 and 2023; and (3) updating the estimated costs for the  
7           remaining fee-eligible projects. The 2023 proposal removed five project from the project  
8           list because those projects had been completed. This is reflected in Exhibit B hereto.
- 9           6.     As far as updating the estimated costs for the remaining fee-eligible project list, proposal  
10          used the same methodology to create a Transportation Impact Fee maximum defensible  
11          fee.
- 12          7.     Both proposals relied on the same methodology to create a maximum defensible fee for a  
13          TIF program. In the 2018 proposal, the maximum defensible fee that was based on the  
14          project list and estimated costs in 2018 was \$11,380.36. The fee was adjusted slightly in  
15          to reflect the removal of the costs for the completed projects and to take into  
16          consideration some portion of inflation from 2018 to 2023. Thus, the maximum  
17          defensible fee was adjusted to \$\$12,597.90. Using the Bureau of Labor Statistics  
18          calculator (which uses CPI as an inflator), \$11,380.36 in October 2018 dollars is  
19          equivalent to \$13,583.26 in March 2023. So, the cost per person trip in the revised rate  
20          study (\$12,597.90) is less than the 2018 study after considering inflation.
- 21          8.     The 2023 Rate Study is reflective of the analysis contained in Exhibit 3 from the prior  
22          hearing, W-18-013. Attached hereto is a true and correct copy of *Exhibit C*, the 2023  
23          Rate Study.

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9. The 2023 Rate Study is based on the same methodology used in the 2018 Proposal which was created by Kendra Breiland, Fehr & Peers and her team, Ms. Breiland testified in detail in the prior hearing, in deposition and provided Exhibit 3 in that hearing which discussed the methodology (Memorandum from R. Schwartzman and K. Breiland to K. Freeman, dated 10/2/2018). A true and correct copy of Exhibit 3 from the prior Seattle Hearing Examiner hearing, W-18-013 is attached hereto at **Exhibit D**.

DATED this 17th day of April 2023.

*Ketil Freeman*  
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Ketil Freeman

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**CERTIFICATE OF SERVICE**

I certify that on this day, I caused a true and correct copy of the foregoing document to be served on the following in the manner indicated below:

Courtney Kaylor, WSBA #27519 David P. Carpman, WSBA #54753 McCullough Hill PLLC 701 Fifth Avenue, Suite 6600 Seattle, WA 98106 (206) 812-3388 <a href="mailto:courtney@mhseattle.com">courtney@mhseattle.com</a> <a href="mailto:dcarpman@mhseattle.com">dcarpman@mhseattle.com</a>  Attorneys for Appellant Seattle Mobility Coalition	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input checked="" type="checkbox"/> Via Email
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Dated this 17<sup>th</sup> day of April at Seattle, Washington.

s/ Eric Nygren  
Eric Nygren, Legal Assistant