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7 BEFORE THE HEARING EXAMINER  
8 FOR THE CITY OF SEATTLE

9 In the Matter of the Appeal of:

10 **SEATTLE MOBILITY COALITION**

11 From a Decision by the Seattle City Council  
12 Central Staff

**Hearing Examiner No. W-23-001**

**DECLARATION OF COURTNEY  
13 KAYLOR**

14 I, Courtney A. Kaylor, declare as follows:

15 1. I am one of the attorneys for Seattle Mobility Coalition. I am competent to testify  
16 and make this declaration based on my personal knowledge.

17 2. Attached to this declaration are true and correct copies of the following  
18 documents:  
19

20 Exhibit A: Determination of Nonsignificance for proposed 2018 Amendments to the  
21 Seattle Comprehensive Plan Related to Transportation Impact Fees and the Adoption of  
22 Existing Environmental Documents.

23 Exhibit B: Proposed 2018 Amendments to the Seattle Comprehensive Plan Related to  
24 Transportation Impact Fees

25 Exhibit C: October 31, 2018, Draft Impact Fee Schedule, prepared by Fehr & Peers.  
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1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st  
2 day of May, 2023, at Seattle, Washington.

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4 Courtney A. Kaylor

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# **EXHIBIT A**



# SEATTLE CITY COUNCIL

**Determination of Non-significance (DNS)  
for 2018 Amendments to the Seattle Comprehensive Plan Related to  
Transportation Impact Fees and the Adoption of Existing Environmental  
Documents**

<b>Proposal</b>	Adoption of Transportation Impact Fee-related Amendments to the Seattle Comprehensive Plan, <i>Seattle 2035</i>
<b>Date of Issuance</b>	October 25, 2018
<b>Proponent / Lead Agency</b>	Seattle City Council
<b>SEPA Contact</b>	Ketil Freeman, AICP, (206) 684-8178, ketil.freeman@seattle.gov
<b>Location</b>	Non-project – Areas within the Seattle Corporate Limits

## **Proposal Description**

The 2018 amendments to *Seattle 2035* related to transportation impact fees are non-project in nature, primarily procedural, and will have citywide applicability. The proposed amendments would (1) amend the Capital Facilities and Transportation Elements of the Comprehensive Plan and related appendices to identify deficiencies in the transportation system associated with new development and (2) incorporate a list of transportation infrastructure projects that would add capacity to help remedy system deficiencies.

Projects included in the list would be eligible for future investments with revenue from a transportation impact fee program. The amendments to *Seattle 2035* are a necessary, but not sufficient, step to establish an impact fee program under RCW 82.02.050.

The proposed amendments and related documents are available at:

<http://www.seattle.gov/council/issues>

## **Threshold Determination**

The lead agency has determined that this proposal will **not** have probable, significant adverse impacts on the environment. An environmental impact statement (EIS) is not required by RCW 43.21C.030(2)(c). This finding is made pursuant to RCW 43.21C, SMC 25.05 and WAC 197-11 and based on the attached SEPA environmental checklist and review of existing environmental documents.

As disclosed and described more fully in the environmental checklist, the proposed amendments are of a non-project nature, primarily procedural, and have a citywide effect, rather than a site-specific effect. As such, the amendments would not affect the extent, intensity or rate of impacts to the built and natural environments.

The amendments would accomplish the procedural requirements of RCW 82.02.050(5)(a) for establishing a transportation impact fee program to help mitigate a portion of the impacts attributable to planned residential and employment growth. Projects listed in the Comprehensive Plan would guide investment decisions by the City for mitigation payments made pursuant to a transportation impact fee program. Projects included in the list are drawn from capacity-improvement projects that are partially funded by the Move Seattle levy, projects identified in adopted modal plans, and Move Seattle vision projects identified through the Move Seattle levy planning process. The amendments would not in themselves create a transportation impact fee program. For future development of an impact fee program and a fee schedule, estimates for growth in trips on the transportation network would be based on growth estimates for *Seattle 2035*.

### **Documents Adopted**

The following additional documents support environmental review and provide necessary SEPA disclosures and are hereby adopted for the purposes of this threshold determination of non-significance. The information in these documents is reasonably sufficient to evaluate whether the proposal will have probable, significant adverse impacts.

- City of Seattle Department of Construction and Inspections, [Final Environmental Impact Statement for the Seattle Comprehensive Plan Update](#), May 2016.
- City of Seattle Department of Construction and Inspections, [Draft Environmental Impact Statement for the Seattle Comprehensive Plan Update](#), May 2015.
- Seattle Department of Transportation, [Seattle Transit Master Plan, Determination of Non-significance](#), February 2012.
- Seattle Department of Transportation, [Seattle Bicycle Master Plan, Determination of Non-significance](#), December 2013.
- Seattle Department of Transportation, [Seattle Freight Master Plan, Determination of Non-significance](#), February 2016.
- Seattle Department of Transportation, [Seattle Pedestrian Master Plan, Determination of Non-significance](#), January 2017.

### **Description of Adopted Documents**

The [Draft Environmental Impact Statement for the Seattle Comprehensive Plan Update](#) analyzes the full range of impacts associated with four alternatives, including a no action alternative, for allocating 70,000 new housing units and 115,000 new jobs across the city by 2035. The Draft EIS, which is incorporated by reference in the Final EIS, identifies implementation of a transportation impact fee program as a potential mitigation measure.

The DNSs for the modal plans identify actions, strategies, and projects the City can take to improve the capacity, speed, reliability, and safety of the transit, bicycle, pedestrian, and freight transportation networks. The Final EIS for the Comprehensive Plan update also identifies implementation of the modal plans as a potential mitigation measure.

**Comments**

Comments regarding this DNS or potential environmental impacts may be submitted through November 8, 2018. Comments may be sent to:

**Seattle City Council Central Staff**

**Attn: Ketil Freeman**

**P.O Box 34025**

**Seattle, WA 98124-4025**

**(206) 684-8178**

[ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov)

**Responsible Official**

Signature: _____ On File _____	October 25, 2018
<b>Ketil Freeman, AICP</b>	<b>Date</b>

# **EXHIBIT B**

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE amending the Seattle Comprehensive Plan to incorporate changes related to a transportation impact fee program proposed as part of the 2017-2018 Comprehensive Plan annual amendment process.

..body

WHEREAS, the City of Seattle adopted a Comprehensive Plan through Ordinance 117221 in 1994 and most recently amended the Comprehensive Plan in 2017; and

WHEREAS, the Growth Management Act authorizes annual amendments to the City's Comprehensive Plan; and

WHEREAS, the adopted procedures in Resolution 31807 provide the process for interested citizens and Councilmembers to propose annual amendments for consideration by the City Council; and

WHEREAS, the Council proposed consideration of Comprehensive Plan amendments related to impact fees, including transportation impact fees, during the 2017-2018 annual amendment process; and

WHEREAS, the Council's Planning, Land Use and Zoning Committee held a public hearing on July 24, 2017, to take public testimony on the amendments proposed for consideration; and

WHEREAS, on August 7, 2017 the City Council considered proposed Comprehensive Plan amendments and adopted Resolution 31762 directing that City staff further review and analyze amendments necessary to implement an impact fee program; and

WHEREAS, impact-fee related amendments have been developed and analyzed by the Council Central Staff and considered by the Council; and



1 WHEREAS, the City has provided for public participation in the development and review of  
2 these proposed amendments and other changes to comply with the Growth Management  
3 Act, including requirements for early and continuous public participation in the  
4 development and amendment of the City's Comprehensive Plan; and

5 WHEREAS, the Council has considered public testimony made at the public hearing(s), and  
6 other pertinent material regarding proposed transportation impact fee-related  
7 amendments; and

8 WHEREAS, the Council finds that the transportation impact fee-related amendments to the  
9 Comprehensive Plan are consistent with the Growth Management Act, and will protect  
10 and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

11  
12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

13 Section 1. The Seattle Comprehensive Plan, last amended by Ordinance 125428, is  
14 amended as follows:

15 A. Amendments to the Transportation Element, as shown in Attachment 1 to this  
16 ordinance; and

17 B. Amendments to the Transportation Appendix, as shown in Attachment 3 to this  
18 ordinance.

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1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2018.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:

17 Attachment 1 – Amendments to the Transportation Element

18 Attachment 2 – Amendments to the Transportation Appendix

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## ATTACHMENT 1: Amendments to the Transportation Element

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### Measuring Level of Service

#### Discussion

To accommodate the growth anticipated in this Plan and the increased demands on the transportation system that come with that growth, the Plan emphasizes strategies to increase travel options. Those travel options are particularly important for connecting urban centers and urban villages during the most congested times of day. Strategies for increasing travel options include concentrating development in urban villages well served by transit, completing the City's modal plan networks, and reducing drive-alone vehicle use during the most congested times of day. As discussed earlier in this Transportation element, using the current street right-of-way as effectively as possible means encouraging forms of travel other than driving alone.

In order to help advance this Plan's vision, the City will measure the level of service (LOS) on its transportation facilities based on the share of all trips that are made by people driving alone. That measure focuses on travel that is occurring via the least space-efficient mode. By shifting travel from drive-alone trips to more efficient modes, Seattle will allow more people and goods to travel in the same amount of right-of-way. Because buses are the primary form of transit ridership in the city and buses operate on the arterial system, the percentage of trips made that are not drive-alone also helps measure how well transit can move around the city. For the purposes of establishing a transportation impact fee program, the City will identify the demands placed on the system by new development by establishing the future cost per person trip of capacity-related improvements to the transportation system relative to the value of the existing system. This existing-system-value methodology complements the level of service by focusing on person trips, regardless of mode. A more detailed description of the City's transportation LOS system and existing-system-value methodology can be found in the Transportation Appendix.

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**GOAL**

**TG 9** Use LOS standards as a gauge to assess the performance of the transportation system.

**TG 10** Base transportation impact fees on the difference between the value of the existing transportation system and the cost of identified capacity-related improvements needed to address the impacts of growth.

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## Funding

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**POLICIES**

**T 10.1** Maintain and increase dedicated local transportation funding by renewing or replacing the transportation levy and by maintaining or replacing the existing commercial parking tax and Seattle Transportation Benefit District.

**T 10.2** Work with regional and state partners to encourage a shift to more reliance on user- based taxes and fees, and on revenues related to impacts on the transportation system and the environment.

**T 10.3** Leverage local funding resources by securing grants from regional, state, and federal sources, and through contributions from those who benefit from improvements.

**T 10.4** Partner with other City departments, as well as regional transportation and public works agencies, to coordinate investments, maximize project integration, reduce improvement costs, and limit construction impacts on neighborhoods.

**T 10.5** Make strategic investment decisions consistent with City plans and policies.

**T 10.6** Prioritize investment by considering life-cycle costs, safety, environmental benefits, reduction of greenhouse gas emissions, and public health benefits. Race and social equity should be a key factor in selecting transportation investments.

**T 10.7** ~~((Consider)) ((u))~~ Use ~~((of))~~ transportation-impact fees to help fund transportation system improvements needed to serve growth.

**T 10.8** Prepare a six-year Capital Improvement Program (CIP) with projects and

programs that are fully or partially funded.

- T10.9** Develop prioritized lists of projects, consistent with City policies, and actively pursue funds to implement those projects.
  
- T10.10** Identify and evaluate possible additional funding resources and/or alternative land use and transportation scenarios if the level of transportation funding anticipated in the six-year financial analysis (shown in Transportation Figures 9 and 10) falls short of the estimated amount.
  
- T10.11** Explore innovative means of reducing maintenance costs such as converting right-of-way into other uses when appropriate.

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## ATTACHMENT 2: Amendments to the Transportation Appendix

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### Transportation Impact Fees

A transportation impact fee program partially addresses service needs by helping to fund capacity improvements to existing facilities and new capital projects. The program identifies projects needed to address demands on the transportation network associated with growth and new development. In determining existing deficiencies the City utilizes a methodology based on a quantification of the value of the existing transportation system.

#### Existing System Value Methodology

The existing system value methodology establishes a maximum allowable impact fee rate. This is a method of determining existing deficiencies which establishes that the City cannot charge an impact fee rate that exceeds the value of the system that exists today.

First, the existing value of the transportation system is calculated using both the value of existing infrastructure and land in the right-of-way. This value is then divided by the number of current PM peak hour person trips to establish a current value per person trip. An impact fee rate cannot exceed this value.

Next, the total cost of impact-fee eligible capacity improvements are calculated based on a list of projects required to serve new development. That total amount is then divided by the number of new person trips forecast over a twelve year period, the timeframe for improvements listed in the impact fee program, to establish the cost per person trip of needed capacity improvements. Impact fee rates by land use are calculated based on that cost.

#### Facility Improvements to Serve New Development

The City has identified multiple projects serving all modes that are needed to address demands on the transportation network. The projects are drawn from multiple sources including the City's modal plans and are intended collectively to improve the performance and efficiency of the transportation network. Projects are listed in Transportation Appendix A-18 and most project locations are shown on Transportation Appendix A-19. Projects included in the list are eligible for expenditures using revenue from the transportation impact fee program.

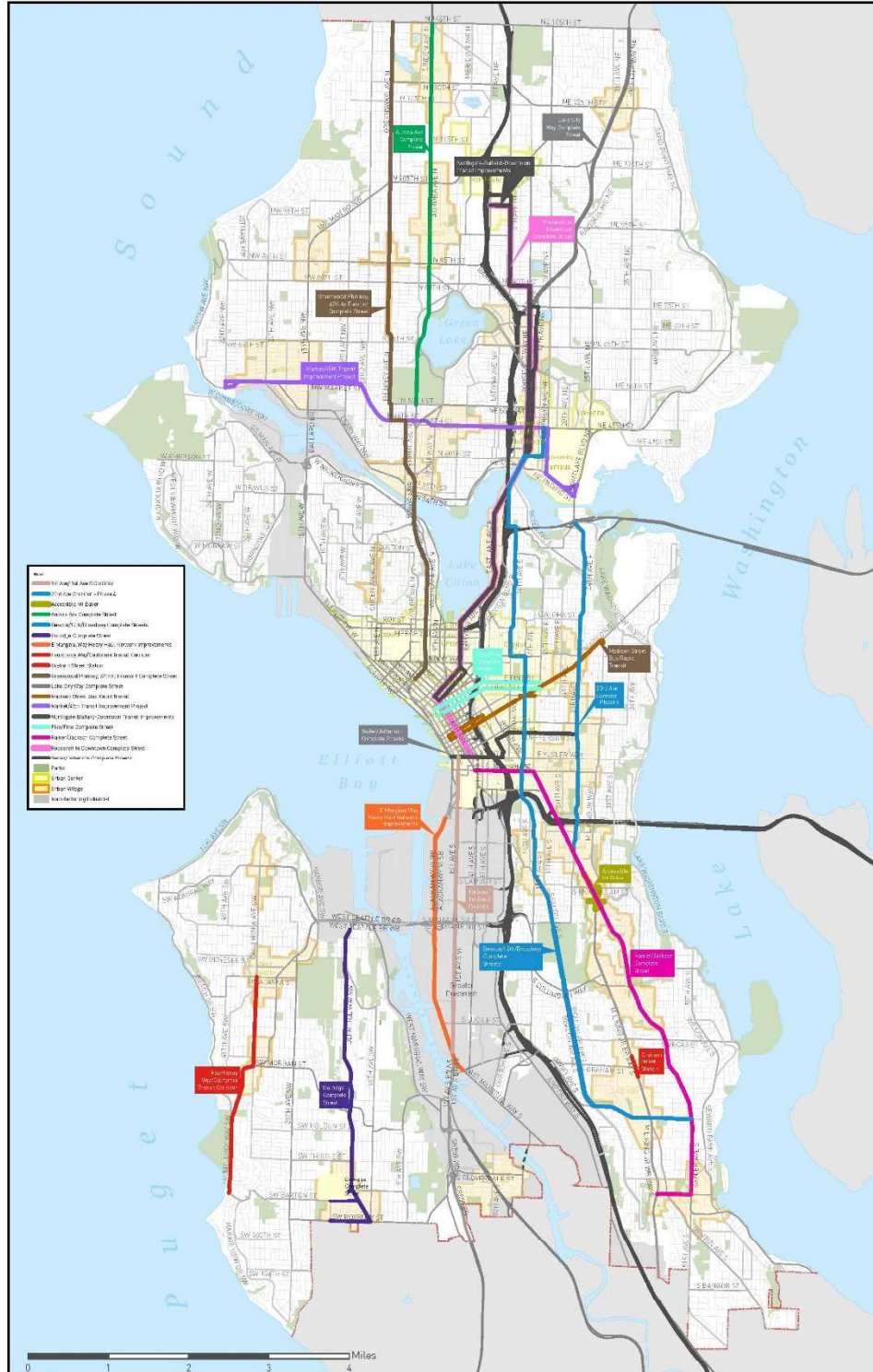
Transportation Appendix Figure A-18

Impact Fee Eligible Projects

<u>Project</u>
1. <u>Northgate-Ballard-Downtown Transit Improvements</u>
2. <u>Delridge Complete Street</u>
3. <u>Madison Street Bus Rapid Transit</u>
4. <u>Market / 45th Transit Improvement Project</u>
5. <u>Rainier / Jackson Complete Street</u>
6. <u>Roosevelt to Downtown Complete Street</u>
7. <u>Graham Street Station</u>
8. <u>Accessible Mt Baker</u>
9. <u>E Marginal Way Heavy Haul Network Improvements</u>
10. <u>Bike Master Plan Implementation</u>
11. <u>Pedestrian Master Plan Implementation</u>
12. <u>Freight Master Plan Implementation</u>
13. <u>Greenwood Phinney, 67th to Fremont Complete Street</u>
14. <u>Pike/Pine Complete Street</u>
15. <u>Yesler/Jefferson Complete Streets</u>
16. <u>1st/1st Av S Corridor</u>
17. <u>23rd Av - Phase 4</u>
18. <u>Aurora Avenue Complete Street</u>
19. <u>Beacon/12th/Broadway Complete Streets</u>
20. <u>Fauntleroy Way/California Transit Corridor</u>
21. <u>Lake City Way Complete Street</u>

**Transportation Appendix Figure A-19**

**Impact Fee Eligible Project Map**





# **EXHIBIT C**

EXAMPLE - Impact Fee Schedule (Using ITE 9th Edition Data)

A	B	C	D	E	F	G	H	I	J	K
ITE Code	ITE Land Use Category	Daily Person Trip Rate <sup>1</sup>	PM Peak Person Trip Rate <sup>2</sup>	% New Trips <sup>3</sup>	Net New Person Trips per Unit of Measure	Auto Trip Length Factor <sup>4</sup>	PCE per person trip = 0.543	Village PCE per person trip = 0.503	Center PCE per person 0.354	Unit of Measure
110	Light Industrial	7.59	1.06	100%	1.06 1,000 sq ft	1.59	\$ 10.38	\$ 9.61	\$ 6.76	per square foot
140	Manufacturing	4.16	0.79	100%	0.79 1,000 sq ft	1.59	\$ 7.81	\$ 7.23	\$ 5.09	per square foot
151	Mini-warehouse	2.72	0.28	100%	0.28 1,000 sq ft	1.59	\$ 2.78	\$ 2.58	\$ 1.81	per square foot
210	Single family house	13.80	1.45	100%	1.45 dwelling	1.09	\$ 9,763.93	\$ 9,044.67	\$ 6,365.43	per dwelling unit
220	Apartment	10.92	1.02	100%	1.02 dwelling	1.15	\$ 7,235.13	\$ 6,702.16	\$ 4,716.83	per dwelling unit
230	Condominium	9.54	0.85	100%	0.85 dwelling	1.15	\$ 6,068.18	\$ 5,621.16	\$ 3,956.05	per dwelling unit
240	Mobile home	8.19	0.97	100%	0.97 dwelling	1.09	\$ 6,525.83	\$ 6,045.10	\$ 4,254.41	per dwelling unit
310	Hotel	11.84	0.87	100%	0.87 room	1.25	\$ 6,718.30	\$ 6,223.40	\$ 4,379.89	per room
320	Motel	8.16	0.68	100%	0.68 room	1.25	\$ 5,262.67	\$ 4,874.99	\$ 3,430.91	per room
420	Marina	3.60	0.23	100%	0.23 berth	0.97	\$ 1,386.42	\$ 1,284.29	\$ 903.85	per boat berth
430	Golf Course	6.14	0.37	100%	0.37 acre	1.00	\$ 2,256.79	\$ 2,090.54	\$ 1,471.27	per acre
444	Movie Theater	2.50	0.09	100%	0.09 seat	0.72	\$ 389.31	\$ 360.63	\$ 253.80	per seat
492	Health/Fitness Club	40.09	4.30	100%	4.30 1,000 sq ft	0.97	\$ 25.76	\$ 23.86	\$ 16.79	per square foot
530	High School	15.69	1.18	100%	1.18 1,000 sq ft	0.62	\$ 4.52	\$ 4.19	\$ 2.95	per square foot
560	Church	11.09	0.67	100%	0.67 1,000 sq ft	1.15	\$ 4.76	\$ 4.41	\$ 3.10	per square foot
610	Hospital	16.10	1.13	100%	1.13 1,000 sq ft	1.56	\$ 10.92	\$ 10.11	\$ 7.12	per square foot
620	Nursing Home	3.34	0.27	100%	0.27 bed	0.87	\$ 1,440.43	\$ 1,334.32	\$ 939.07	per bed
710	General Office	12.98	1.75	100%	1.75 1,000 sq ft	1.59	\$ 17.23	\$ 15.96	\$ 11.23	per square foot
720	Medical Office	42.52	4.20	100%	4.20 1,000 sq ft	1.50	\$ 38.94	\$ 36.07	\$ 25.39	per square foot
820	Shopping Center	51.99	4.52	66%	2.98 1,000 sq ft	0.40	\$ 7.37	\$ 6.83	\$ 4.80	per square foot
850	Supermarket	124.48	11.54	64%	7.39 1,000 sq ft	0.65	\$ 29.67	\$ 27.49	\$ 19.34	per square foot
851	Convenience market-24 hr	898.58	63.81	49%	31.27 1,000 sq ft	0.40	\$ 77.29	\$ 71.60	\$ 50.39	per square foot
912	Drive-In Bank	180.39	29.59	65%	19.23 1,000 sq ft	0.47	\$ 55.86	\$ 51.74	\$ 36.42	per square foot
932	Restaurant: sit-down	154.82	11.99	56%	6.72 1,000 sq ft	0.80	\$ 33.20	\$ 30.76	\$ 21.65	per square foot
933	Fast food, no drive-up <sup>5</sup>	483.82	31.84	50%	15.92 1,000 sq ft	0.62	\$ 60.99	\$ 56.50	\$ 39.76	per square foot
934	Fast food, w/drive-up	604.08	39.75	50%	19.88 1,000 sq ft	0.62	\$ 76.16	\$ 70.55	\$ 49.65	per square foot
944	Gas station	205.24	16.89	58%	9.80 pump	0.53	\$ 32,080.70	\$ 29,717.48	\$ 20,914.49	per pump
945	Gas Station w/convenience	198.20	16.45	44%	7.24 pump	0.53	\$ 23,705.14	\$ 21,958.90	\$ 15,454.18	per pump

Fee Rate \$11,380.36 per Passenger Car Equivalent (PCE)

<sup>1</sup> Daily Person Trip Rate estimated from the auto ITE Trip Generation (9th Edition); Weekday Trip Ends and vehicle occupancy estimated from Redmond Travel Survey.

<sup>2</sup> PM Person Trip Rate estimated from Daily Person Trip Rate and ratio of ITE Trip Generation (9th Edition) Daily Trip Ends to 4-6 PM Peak Hour Trip Ends.

<sup>3</sup> Excludes pass-by trips: see "Trip Generation Handbook: An ITE Proposed Recommended Practice" (2014).

<sup>4</sup> Ratio to average auto trip length. Assumption from Redmond Travel Survey.

<sup>5</sup> No weekday trip rate available, estimated based on similar land use or weekend trip rate.

<sup>6</sup> Fee Rate = Net New Person Trips \* Auto Trip Length Factor \* PCE per Person Trip (by location) \* Fee Rate per PCE (\$15,530.84) = F \* G \* (H + or -) \* Fee Rate per PCE (\$15,530.84)