

RESOLUTION

A Resolution by the Transportation Impact Fee External Work Group Signifying the Satisfactory Culmination of its Deliberations on and Guidance to the City Regarding a Rate Study and Related Draft Ordinance Establishing Transportation Impact Fees and Adding a New Chapter 17D.030 to the Spokane Municipal Code.

WHEREAS, on or about December 20, 2006, Mayor Dennis P. Hession appointed members to an External Work Group ("EWG"); and

WHEREAS, the EWG was comprised of a comprehensive and diverse body of stakeholders representing the real estate development community, business interests, neighborhoods, transportation professionals and other segments of the community; and

WHEREAS, the EWG was created for the express purpose of reviewing and providing input on a transportation impact fee rate study and draft ordinance establishing transportation impact fees; and

WHEREAS, in its regulatory capacity, the City is required to ensure that adequate transportation facilities are available to serve new growth and development, pursuant to the Growth Management Act's (Chapter 36.70A RCW) concurrency requirements, and the EWG has looked to the City's need in guiding its mission; and

WHEREAS, the EWG understands the City's desire to defray a portion of the costs relating to providing such growth related transportation facilities, consistent with the City's authority under Growth Management; and

WHEREAS, the EWG has looked to the City's need to ensure that adequate transportation facilities are available to serve new growth and development as the underlying foundation for a transportation impact fee ordinance; and

WHEREAS, the EWG also understands the needs of the real estate development community for predictability and efficiencies in development approval in terms of process and costs; and

WHEREAS, the EWG supports the implementation of strategies for satisfying the Growth Management Act's concurrency obligations that will provide the development community with predictability and relative certainty and that will limit the scope and expense of transportation studies that are required of individual development proposals; and

WHEREAS, because of these concerns, the EWG has focused its deliberations on the development of an impact fee ordinance under which the City will collect from developers a predictable share of the infrastructure costs attributable to planned new growth, with the qualification that there are procedures to protect specific developments from impact fees that are arbitrary or that duplicate amounts paid pursuant to other provisions of law for the same impacts, and with the qualification that the payment of such fees will also assist the City in refining its development approval process to eliminate or limit costly project-specific transportation studies to the extent feasible, consistent with the City's regulatory responsibilities; and

WHEREAS, the EWG has met regularly and often since January 19, 2007, as reflected in the minutes of the EWG, copies of which are attached to this resolution as Exhibit 1; and

WHEREAS, on September 28, 2007 following extensive review and deliberation, the EWG accepted Technical Memoranda No. 1 through 10 as drafted by the City and its Internal Technical Team. Collectively, these memoranda constitute the main body of work for the 2007 Transportation Impact Fee Rate Study ("Rate Study"), a copy of which is attached to this resolution as Exhibit 2; and

WHEREAS, the Rate Study and its Executive Summary provide an appropriate methodology for calculating and imposing transportation impact fees consistent with the requirements of Chapter 36.70A RCW and RCW 82.02.050 *et seq*; and

WHEREAS, on October 26, 2007, the EWG reviewed the most recent draft of the proposed Ordinance Establishing Transportation Impact Fees ("Ordinance") and, after lengthy debate, concluded that the Ordinance represents a reasonable compromise in implementing the methodology set forth in the Rate Study; and

WHEREAS, the EWG thereafter took action recommending that City staff forward the Ordinance to the Plan Commission for public workshops, hearings and deliberation to advance the City's objective of adding a New Chapter 17D.030 pertaining to transportation impact fees to the Spokane Municipal Code; and

WHEREAS, a copy of the Ordinance is attached hereto as Exhibit 3;

NOW, THEREFORE, BE IT RESOLVED BY THE EXTERNAL WORK GROUP:

1. The Rate Study provides a reasonable methodology for ensuring (a) that impact fees are used only for system improvements that are reasonably

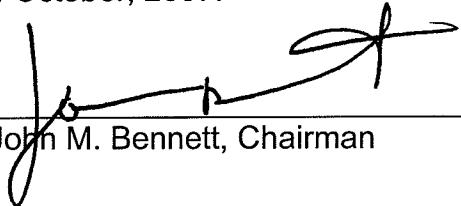
related to new development, and (b) that impact fees do not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development.

2. The Rate Study provides a reasonable foundation for the Ordinance.

3. The EWG recommends that City staff forward the Ordinance and its impact fee schedules to the Plan Commission for workshops and hearings, subject to the prior approval of the Mayor and the following conditions upon which the EWG bases this action:

- a. The recitals in the Ordinance, if adopted by the City Council, should contain language evidencing the City Council's intent and desire to increase predictability in the development approval process and to limit or eliminate, to the extent feasible, the scope and expense of transportation impact studies relating to specific development proposals;
- b. The City Council adopt a resolution agreeing to fund and support the City's implementation of a transportation management system, generally consistent with the terms of the Request for Proposals attached hereto as Exhibit 4, with the goal of providing increased predictability in the development approval process relating to transportation concurrency and mitigation and of limiting or eliminating, to the extent feasible, the scope and expense of transportation impact studies relating to specific development proposals;
- c. The City Council's simultaneous adoption of an ordinance amending the City's concurrency test, in substantial form and content as set forth in Exhibit 5 hereto; and
- d. The City Council's simultaneous approval of an amendment of City of Spokane Administrative Policy and Procedure ADMIN 0370-05-01 relating to Transportation Concurrency Level of Service Standards, amending the definition of "Traffic study" in Section 4.11 of the policy to provide additional guidance regarding thresholds for suggested study area limits for transportation impact analyses.

Adopted unanimously this 26th day of October, 2007.



John M. Bennett, Chairman

EWG Members: attached list