

City of Burien

BURIEN PLANNING COMMISSION MEETING

February 26, 2008

7:00 p.m.

Shared Conference Room

MINUTES

Planning Commission Members Present:

Janet Shull, Stacie Grage, Robert Simpson-Clark, Jim Clingan, Michael Sumner

Absent:

Jon Newton, Rebecca McInteer

Others Present:

David Johanson, senior planner; Larry Toedtli, The Transpo Group, Inc.

Roll Call

Chair Shull called the meeting to order at 7:02 p.m. Upon the call of the roll all commissioners were present with the exception of Commissioners Newton and McInteer.

Agenda Confirmation

Motion to approve the agenda as printed was made by Commissioner Simpson-Clark. Second was by Commissioner Sumner and the motion carried unanimously.

Public Comment

None

Approval of Minutes

A. January 22, 2008

Motion to approve the minutes as submitted was made by Commissioner Simpson-Clark. Second was by Commissioner Sumner and the motion carried unanimously.

New Business

A. Transportation Impact Fees
–Introduction and Discussion

David Johanson, AICP, senior planner, introduced Larry Toedtli of The Transpo Group, Inc., who presented a recap of the basic concept and requirements for transportation impact fees and a preliminary list of transportation projects that may be included in a transportation impact fee program.

He explained that a transportation impact fee is an assessment based on the number of trips that a development would generate, based on the transportation improvements needed to support growth. It's allowed under the Growth Management Act (GMA). It doesn't replace the State Environmental Policy

Act (SEPA) that a city goes through on a project-by-project basis, rather it supplements SEPA and provides a means to deal with transportation impacts on a citywide basis. The GMA allows impact fees for parks, schools, transportation, fire protection and possibly a few other services. A transportation impact fee is just one element of development review. The GMA requires concurrency, which means there has to be adequate facilities before a development can be approved. Concurrency, he further explained, requires an adequate transportation system within a six-year deadline of a development creating the adverse impact – a city can't approve the development until there are improvements made or adequate funding commitments or strategy to assure the improvements will be made within that six-year window.

Concurrency, a requirement of the GMA, is not an option. Impact fees are optional and to date the City of Burien has not chosen to implement them. The City is now studying, should it choose to implement a transportation impact fee program, what would it look like and what are the advantages and disadvantages.

Mr. Toedtli continued, impact fees have to meet four criteria: they have to be for new growth; the fees have to be reasonably related to the new development; they must be the appropriate proportional share of the cost of the public facilities; and the fees have to be used for those same projects so that they reasonably benefit the developments that paid them. Impact fees are system improvements, not project improvements.

Cities consider transportation impact fees because they need to supplement their funding in a more systematic approach and because small developments such as short plats increase traffic but fall below the SEPA threshold and don't pay their fair share, Mr. Toedtli said. In his opinion, the most important aspect of transportation impact fees can be pooled and used toward the highest priority projects.

He said developers like the fee system because it's easy to calculate the costs *before* the application process and helps them make a go/no go decision on a project early on.

The disadvantages include that people say it's just another thing impacting the cost of development; however, there doesn't seem to be any evidence that the cities near Burien that charge transportation impact fees are losing development and Burien, since it doesn't have the fees, is gaining it. Another perception is that the differences in fees between jurisdictions may drive development to a jurisdiction with a lower impact fee. Ultimately, the added cost per house does affect the housing market by raising the value of the new houses as well as houses in their immediate vicinity.

Mr. Toedtli went on to talk about the basic parameters of a transportation impact fee program. It must be:

1. Legally defensible
2. It's got to be consistent with the City's Comprehensive Plan
3. It should be tied into the 6-year Transportation Improvement Program funding
4. It needs to be tied in with the concurrency program, SEPA program, and other similar programs.
5. It needs to be relatively easy to understand and administer.

The purpose of this evening's meeting is to talk about what kind of transportation projects can be included, beginning with the Comprehensive Plan project list, and it is those that are growth-related – adding capacity or improving traffic operations that would otherwise result in things falling below the City's normal service standards. The types of projects that aren't included are existing safety problems and routine street maintenance such as overlays. If the project would be done anyway even if there was no growth, then it can't be included in the transportation impact fee program.

Using graphics, Mr. Toedtli identified nine projects that meet the GMA requirements, totaling about \$62 million of improvements. The impact fee projects would cost approximately \$38 million of that amount; not that the fees would collect that amount, but the fees would recover a portion of that.

A policy decision will be needed to determine whether or not to include those CIP projects that already are funded or are under construction. That is an avenue that is available for the City under GMA and it would allow transportation funds to be reprogrammed for other non-motorized or even non-impact-fee transportation projects. Mr. Toedtli said that is an option he likes to keep available because there are other projects that don't qualify for impact fees that could be done with the money saved by using impact fees to recover some of the money on projects that already are funded. Impact fees must be used on the qualifying projects within six years of being collected, otherwise they must be refunded. So it is important to include projects in the program that will go forward. The money can be spent on design, right-of-way acquisition and construction.

The commission discussed the implications for Burien.

Mr. Toedtli then explained the benefit of having districts based on how growth is summarized in the Comprehensive Plan – by having districts, you get a little closer to nexus. The people using the improvements and benefiting from them would be paying more, proportional to their impact, but the question is, would someone avoid developing in one district because the fees are too high and choose another district with lower fees?

He talked about fee structuring and noted that fee schedules, rather than a formula, are easier to administer. He also noted that GMA is very specific that a jurisdiction cannot charge for the same impact twice, so if a frontage improvement is required as a condition of development, it can't be included in the impact fee as well. The GMA also says that other studies must be considered in applying the impact fee – for instance, if an applicant can prove through a study that it will not be generating as many trips as the national standard for that use (or whatever the fee is based on), the fee must be reduced accordingly.

Old Business

David Johanson, senior planner, presented draft code language for possible zoning code amendments based on existing code interpretations. He noted that proposed amendment on driveway widths was removed from the list because the City currently is working on the road standards and the driveway widths must be consistent with the road standards. He also noted the addition of two new proposed amendments, one on lot averaging and one on the review process for multi-family development.

Mr. Johanson requested feedback on the proposed language; the commissioners were satisfied with the language and expressed that they are ready to proceed to the public hearing on the proposed amendments at their March 25th meeting.

The proposed amendments are:

- 1. BMC 19.15.025 (Repair uses in downtown):** Allows small item repair businesses in the downtown and limits repair activities to indoors only (Int. 00-04).
- 2. BMC 19.25.120 (Significant Tree Retention Calculation):** Clarifies calculation method for significant tree retention requirements. If significant tree retention calculation results in a fraction it is rounded up to the nearest whole number (Int. 00-05).

3. BMC 19.25.160 (Significant Tree Replacement): Clarifies how to calculate significant tree replacement amounts (Int. 01-01). Only those trees that are required to be retained are factored into the tree replacement calculation.

4. BMC 19.17.015 (Transition zones abutting alleys): Clarifies how transition zones are applied near alleys. Alleys are to be treated as property lines or street frontages (Int. 01-02).

5. BMC 19.50.030[8.A] (PWSF antennas): Allows mounting of PWSF antennas on existing or new mechanical screens (Int. 01-03).

6. BMC 19.15.010[2] (Minimum lot area for townhomes): Clarifies minimum lot area requirements for townhome developments; specifically prohibits lot averaging (Int. 03-03).

7. BMC 19.15.020[5] (Maximum residential density in CI zone): Clarifies the maximum residential density allowed for mixed-use developments in the CI zone when there is abutting residentially zoned lots with different maximum densities. Allows the maximum residential density to be used (Int. 04-02).

8. BMC 19.30.050 Residential zone signs: Corrects a code formatting error.

9. (New) BMC 19.15.005.2 Residential Single-family, special regulations: Code amendment to remove a reference to BMC Title 17 (Subdivisions) regarding lot averaging. Standard and regulations on lot averaging are not found in Title 17.

10. (New) BMC 19.15.010.3 Apartment Dwelling Unit, Special Review Process: Reduces the land use review process from Type 2 (Hearing Examiner Approval) to Type 1 (Administrative Approval).

Director's Report

The deadline for applications to become a member of the Planning Commission is Feb. 29th; three positions will be filled this year. The City Council will interview applicants on March 17th.

The City issued a Request for Proposals for a redevelopment strategy for the Northeast Redevelopment Area and is working with the Port of Seattle on that.

The City is exploring the possibility of having a joint meeting of the Burien, Normandy Park and Seatac Planning commissions in the next few months.

Status of proposed hotel – One of the prospective developers has extended the due diligence period.

Commissioner Grace said she has been invited on a ride-along with the Highline High School student recruit officer to see what's being done in the White Center area with the officers and schools and share that information with the Planning Commission. The invitation was extended to all the commissioners.

Adjournment

Motion to adjourn was made by Commissioner Grace. Second was by Commissioner Sumner and the motion carried unanimously.

Chair Shull adjourned the meeting at 8:40 p.m.

Approved: _____

Janet Shull, chair
Planning Commission