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Ferndale approves higher traffic fees but will give rebate to big-box stores

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FERNDALE - Developers will pay higher fees to help cover the costs associated with additional traffic at new stores, but some of them will qualify for a rebate.

The City Council on Monday, March 12, approved a traffic impact fee of \$3,243 per evening rush-hour vehicle trip in a 443-acre area around the Main Street interchange at Interstate 5, and \$2,783 in the rest of the city.

The fee had been \$2,300 citywide since May 2011, or about \$1 million for a 120,000-square-foot store.

Council also approved a traffic impact fee rebate of up to 50 percent for the largest stores, but the language of the rebate ordinance will be voted on again because changes have been proposed by an attorney representing landowners in the city. The rebate would be to attract big-box stores.

In addition to rewriting parts of the rebate ordinance, Bellingham attorney Doug Robertson is challenging the legality of city documents that lay the foundation for the new traffic impact fees. He is working on behalf of Sawarne Lumber Company and Ferndale Town Center.

The city's administrator said Robertson's work on the rebate ordinance is not a conflict of interest, despite his appeal against the city.

"For the most part, the edits are to bring clarity to the ordinance," city administrator Greg Young wrote Tuesday in an email. "Given that some of his clients may be affected by the ordinance, suggestions to make the intent and administration of the ordinance clearer are welcomed."

Robertson's explanation of his role was similar.

"I prepared the edits because the language of the proposed code was vague, inaccurate and created problems in its application," he said. "These were not changes to push the ideas of my client but to make the code workable."

Council member Cathy Watson had reservations about what city officials are calling "the Robertson amendments."

"I'm not comfortable with having a lawyer for a landowner coming forward and making amendments to ordinances," Watson said in a phone interview Tuesday.

She said she wants the council to review Robertson's amendments in committee meetings Wednesday, March 14.

"I really want to make sure we're not benefiting one particular landowner who had his lawyer do this," Watson said.

Council member Brent Goodrich, who has sided with developers and argued for lower impact fees, said he had no concerns about Robertson's role.

"I look at Doug as a resource. As a council member we don't know everything. We have to rely on other people such as Doug, and builders," Goodrich said.

"If it's not beneficial to the city ... then I trust our staff to say, 'Hey, this is not a good idea,'" Goodrich said.

The "Robertson amendments," if accepted by the council, must come before a public hearing before the council takes a final vote. The hearing wouldn't be scheduled until April, city officials said.

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