

## **NOTICE OF PUBLIC HEARING**

**NOTICE** is hereby given that pursuant to Resolution 613, the Brier City Council will hold a public hearing on August 26, 2025, at 7:00 p.m., or as soon thereafter as possible, in Council Chambers at Brier City Hall, 2901 228<sup>th</sup> St. SW, Brier, Washington 98036, for the purpose of taking public testimony on the City's proposed establishment of a Transportation Benefit District. All interested persons are invited to attend and provide comments on the proposed establishment of a Transportation Benefit District. Written comments may be submitted to the City until 4:30 p.m., on August 25, 2025. The City Council will consider adopting an ordinance establishing a Transportation Benefit District, identifying its boundaries, purposes, powers and functions, and the transportation improvements to be funded by the district, as set forth below:

### **PROPOSED**

### **CITY OF BRIER**

### **ORDINANCE NO. 506**

AN ORDINANCE OF THE CITY OF BRIER, WASHINGTON, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING ITS POWERS AND FUNCTIONS AND THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE TRANSPORTATION BENEFIT DISTRICT; ADOPTING A NEW CHAPTER 3.70 OF THE BRIER MUNICIPAL CODE ENTITLED TRANSPORTATION BENEFIT DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, the City of Brier has the responsibility, to the extent of its resources, to improve, maintain, and protect public rights-of-way (ROW) within the corporate limits of the City pursuant to Chapter 35A.47 RCW and RCW 35A.11.020; and

WHEREAS, the cost of estimated transportation improvements within the City is estimated at over \$9,559,876.56

pursuant to the Brier Transportation Improvement Program (TIP);  
and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs continue to rise and the City has limited transportation funding to maintain, operate, replace, expand, and improve its transportation infrastructure and implement the TIP; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts (TBD) and for the levying of additional revenue sources for transportation improvements within the district that are consistent with state, regional and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a TBD subject to the provisions of Chapter 36.73 RCW, and the City Council desires to form a TBD that includes the entire City of Brier as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, the establishment of the TBD is categorically exempt under SEPA, WAC 197-11-800(19) as a program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment; and

WHEREAS, the City, after giving proper notice, conducted a public hearing and took public comment regarding the proposed establishment of a TBD in accordance with RCW 36.73.050; and

WHEREAS, the City desires to fund transportation improvements, as defined in state law, including maintenance and improvements to city transportation infrastructure necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, the City Council finds it to be in the interest of the City and its residents and businesses to establish a citywide TBD for the preservation and maintenance of the City's transportation infrastructure consistent with Chapter 36.73 RCW, to protect the City's long-term investments in that infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council desires to adopt a new Chapter 3.70 of the Brier Municipal Code, entitle "Transportation Benefit

District”; and

WHEREAS, the City Council of the City of Brier shall be the governing body for the TBD acting in ex officio and independent capacity; now, therefore,

THE CITY COUNCIL OF THE CITY OF BRIER,  
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council adopts and incorporates the recitals above as findings in support of this ordinance.

Section 2. Purpose & Findings.

- A. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and Chapter 36.73 RCW.
- B. The City Council finds the establishment of the Transportation Benefit District to provide adequate levels of funding for transportation improvements, as authorized in Chapter 36.73 RCW, to be in the public interest.

Section 3. Transportation Benefit District Established – Governance - Powers. A new Chapter 3.70 of the Brier Municipal Code, entitled “Transportation Benefit District,” is adopted and added to read as follows:

#### **Chapter 3.70 Transportation Benefit District**

- 3.70.010 Purpose – Findings.**
- 3.70.020 Transportation Benefit District Established.**
- 3.70.030 Governing Board - Treasurer.**
- 3.70.040 Functions and Authority of District.**
- 3.70.050 Transportation Improvements Funded.**
- 3.70.060 Dissolution of District.**
- 3.70.070 Liberal Construction.**

**3.70.010 Purpose – Findings.**

A. The purpose of this chapter is to establish a Transportation Benefit District pursuant to Chapter 36.73 RCW.

B. The Brier City Council finds it is in the public interest to establish a Transportation Benefit District to fund transportation improvements within the District that are consistent with any existing state, regional, or local transportation plans and are

necessitated by existing or reasonably foreseeable congestion levels.

C. The Brier City Council further finds that it is in the public interest to provide for transportation improvements that, without limitation, improve modal connectivity and address congestion throughout the city and that protect the city's long-term investments in its infrastructure, reduce the risk of transportation facility failure, improve safety, continue optimal performance of the infrastructure over time, and avoid more expensive replacements in the future.

D. The Brier City Council further finds that the City's Transportation Improvement Program shall be annually updated to identify projects that constitute transportation improvements that may be funded by the Transportation Benefit District as funding becomes available.

**3.70.020      Transportation Benefit District Established.**

There is established and created a transportation benefit district to be known as the Brier Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the City of Brier as they now exist or as they may exist following future annexations.

**3.70.030      Governing Board - Treasurer.**

A.      The governing board or "Board" of the Brier Transportation Benefit District shall be the Brier City Council acting in an ex officio and independent capacity. The Board shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW, as may be amended.

B.      The City Treasurer shall act as the ex officio treasurer of the Brier Transportation Benefit District.

C.      The Board shall develop a material change policy to address major plan changes that affect project delivery or the ability of the District to finance the plan, pursuant to RCW 36.73.160(1).

D.      The Board shall issue an annual report meeting the requirements of RCW 36.73.160(2).

**3.70.040      Authority and Functions of District.**

A.      The District shall have and may exercise any and all powers and functions provided by Chapter 36.73 RCW to fulfill the

purposes for which the District is established as described in this chapter.

- B. The Board shall have the authority to establish all fees, taxes, charges, and other revenue sources authorized by Chapter 36.73 RCW, as may be amended. Pursuant to RCW 36.75.065, the Board may, by majority vote, (1) impose a vehicle license fee as provided in RCW 36.73.065(4) and RCW 82.80.140; (2) impose a fee or charge on building construction or land development as authorized by RCW 36.73.065(4) and RCW 36.73.120; and (3) impose a one-tenth of one percent sales tax as authorized by RCW 36.73.065 and RCW 82.14.0455.
- C. When approved by voters pursuant to Chapter 36.73 RCW, the District may assess other taxes, fees, charges, and tolls and impose increases in the same for the uses and purposes identified in this chapter.
- D. The District may issue general obligation bonds or revenue bonds in accordance with the provisions of RCW 36.73.070.

**3.70.050      Transportation Improvements Funded.**

- A. The funds generated by the District shall be used for any purpose allowed by law including the operation of the District, and to acquire, construct, improve, operate, maintain, preserve, provide, and fund transportation improvements within the District that are consistent with any existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW.
- B. Consistent with RCW 36.73.015(6), the funds generated by the District may be used for transportation improvements that preserve and maintain transportation infrastructure, improve public safety, or implement the projects identified in the Brier Transportation Improvement Program, as may be amended.
- C. Consistent with RCW 36.73.020(1), to the extent practicable, the District will consider the following criteria when selecting transportation improvements: (1) protection of long-term investments in its infrastructure, (2) reduced risk of transportation facility failure and improved safety, (3) improved travel time, (4) improved air quality, (5) increases in daily and peak period trip capacity, (6) improved modal connectivity, (7) improved freight mobility, (8) cost-effectiveness of the investment, (9) optimal performance of the infrastructure over time, (10) improved accessibility, as

described in RCW 36.73.020(1)(i), or (11) avoids more expensive infrastructure replacements in the future.

- D. Additional transportation improvements not within the scope authorized by this chapter may only be funded after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

### **3.70.060 Dissolution of District.**

Pursuant to the procedures of Chapter 36.73 RCW, the District shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

### **3.70.070 Liberal Construction.**

This chapter shall be liberally construed to permit the accomplishment of the District's purposes.

Section 4. Corrections. Upon approval of the City Attorney, the City Clerk, and Code Publishing Company, codifier of the ordinance, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, should you need special accommodations please contact Paula Swisher, City Clerk-Treasurer at 425-775-5440 with one week's notice.

For questions or additional information, visit the City's website at : [www.ci.brier.wa.us](http://www.ci.brier.wa.us) or contact Paula Swisher, MMC Clerk-Treasurer at [pswisher@ci.brier.wa.us](mailto:pswisher@ci.brier.wa.us).