Title 14
ROADS AND BRIDGES*

UPDATED: March 8, 2013

Chapters:

14.02 GENERAL PROVISIONS
14.04 OFFICIAL ROAD SYSTEM
14.12 LOAD RESTRICTIONS ON ROADS
14.16 LOAD LIMITS ON BRIDGES*
14.20 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION
14.24 ROAD CONSTRUCTION RULES ADOPTED
14.28 RIGHTS-OF-WAY
14.30 PERMIT SYSTEM FOR COUNTY PROPERTY
14.32 INSTALLATION OF PUBLIC BENCHES
14.38 ROAD CLOSURE AND REOPENING BY PETITION
14.40 ROAD VACATION*
14.42 KING COUNTY ROAD STANDARDS
14.44 UTILITIES ON COUNTY RIGHTS-OF-WAY
14.45 WIRELESS MINOR COMMUNICATION FACILITIES WITHIN COUNTY RIGHTS-OF-WAY
14.46 PUBLIC AND PRIVATE UTILITIES ON KING COUNTY REAL PROPERTY
14.48 SNOW EMERGENCY ROUTES
14.52 SIDEWALKS, PLANTING STRIPS AND STREET TREES
14.56 NON-MOTORIZED VEHICLE PROGRAM
14.60 COMMUTE TRIP REDUCTION
14.65 INTEGRATED TRANSPORTATION PROGRAM
14.70 TRANSPORTATION CONCURRENCY MANAGEMENT
14.75 MITIGATION PAYMENT SYSTEM
14.80 INTERSECTION STANDARDS
14.85 REGIONAL VACTOR WASTE DISPOSAL

***For statutory provisions generally regarding county roads and bridges, see chapters 36.75 through 36.88 RCW.**

14.02 GENERAL PROVISIONS

Sections:

14.02.010 Relationship to comprehensive plan and growth management act.
14.02.020 Financial guarantees authorized.

14.02.010 Relationship to comprehensive plan and growth management act. Title 14 (Roads and Bridges) of the King County Code is hereby amended in accordance with RCW 36.70A to adopt development regulations to implement the King County Comprehensive Plan. (Ord. 11617 § 1, 1994).

14.02.020 Financial guarantees authorized. The department of permitting and environmental review (or its successor organization) is authorized to require all applicants issued permits or approvals under the provisions of the title to post financial guarantees consistent with the provisions of Title 27A. (Ord. 17420 § 35, 2012: Ord. 12020 § 34, 1995).

14.04 OFFICIAL ROAD SYSTEM

Sections:

14.04.010 Official road/street system.
14.04.020 Road index maps.
14.04.030 Maps are exhibits.
14.04.040 Roads/streets included.
14.04.050 Revision of street exhibits.
14.04.060 Additions and deletions made by ordinance.

14.04.070 Streets constructed by Highway Department included.
14.04.080 Inclusion of roads which have reverted to county.
14.04.090 Director's annual report.
14.04.100 Inaccuracies corrected.

14.04.010 Official road/street system. The county executive has been advised by the director of transportation that the need exists for an official King County road/street system. This system will show, by maps and/or exhibits, the roads/streets for which King County has maintenance responsibility. (Ord. 14199 § 190, 2001: Ord. 665 § 1, 1970).

14.04.020 Road index maps. The official King County road/street system will be indicated by the following King County road index maps: Sheets 1, 2, 3, 4; Sheets 2-A, 2-, 2-C, 2-D, 2-E, 2-F, 2-G, 2-H, 2-J, 2-K, 2-L, 3-A, 3-B, 3-C, 3-D, 3-E, and all area insert sheets used in conjunction with the foregoing. A digital code will be employed to indicate King County maintenance responsibilities. (Ord. 665 § 2, 1970).

14.04.030 Maps are exhibits. The aforementioned maps will also be known as exhibits to be indicated by the sheet designation. Computer sheets contained in a loose-leaf binder shall be used as reference exhibits in conjunction with the map exhibits. These computer sheets must be revised periodically to correspond with revisions made on the map exhibits. (Ord. 665 § 3, 1970).

14.04.040 Roads/streets included. Only those roads/streets which are exclusive of state roads and exclusive of roads and streets within incorporated areas of King County shall be considered part of the King County road/street system. (Ord. 665 § 4, 1970).

14.04.050 Revision of street exhibits. It shall be the responsibility of the director of transportation, or his or her appointed representative to revise the King County road/street exhibits. Revisions shall be made as soon as practicable after any change occurs. The director of transportation shall furnish annually a completely revised and current set of exhibits which shall be used for a period of one year as official designator of King County roads/streets. (Ord. 14199 § 191, 2001: Ord. 665 § 5, 1970).

14.04.060 Additions and deletions made by ordinance. Authority for additions to; deletions from; or characteristic changes in the roads/streets on the exhibit sheets shall be by ordinance or by statute as set forth in the Revised Code of Washington. (Ord. 665 § 6, 1970).

14.04.070 Streets constructed by highway department included.* All roads/streets constructed by the Washington State Department of Highways in conjunction with, and/or adjacent to, an Interstate Highway, State Primary or State Limited Access Highway and used as access, exit, frontage road or service road and covered by a maintenance agreement between the Washington State Department of Highways and King County shall be considered a part of the King County road/street system whether or not the state has relinquished any or all claim. (Ord. 665 § 7, 1970).

***For statutory provisions regarding state and county cooperation in highway maintenance, see RCW 47.28.140.**

14.04.080 Inclusion of roads which have reverted to county. The King County road/street system shall include all roads/streets which have reverted to King County by virtue of prescriptive rights as set forth in RCW 36.75.070 and RCW 36.75.080. (Ord. 665 § 8, 1970).

14.04.090 Director's annual report. The director of transportation shall have an annual report prepared of the King County road/street system for study and recommendations. The report shall be submitted by the director on January 2nd or as soon thereafter as possible and practicable. The report must contain all additions and deletions to the road/street system. It must also include all physical changes, mileage in each county council district and any other information considered relevant to a concise and comprehensive representation of the King County road/street system. (Ord. 14199 § 192, 2001: Ord. 665 § 9, 1970).

14.04.100 Inaccuracies corrected. If any inaccuracies appear on the exhibits in conflict with records on file, the inaccuracies shall be corrected on the exhibits and in no case shall affect the provisions of this chapter or the status of the exhibits as official designators of the official King County road/street system. (Ord. 665 § 10, 1970).

14.12 LOAD RESTRICTIONS ON ROADS

Sections:

14.12.010 Road closure policy.
14.12.020 Winter and emergency load restrictions.

14.12.010 Road closure policy.* The following policy is approved and adopted, and henceforth all road closure and load limit restrictions will be disseminated in accordance with this policy insofar as it is possible to do so:

A. A list of roads which will remain open and available for school bus use during thawing conditions will be supplied to each and every school district operating on county roads within King County. This will be accomplished during the month of September of each school year.

B. In the event road closures are required, the school district will be notified prior to one p.m. of the day preceding the road closures on school bus routes, to be effective the following day. If the morning pick-up of children is accomplished, the school district will be permitted to use these routes for the returning of the children to their normal bus stops.

C. School buses will be permitted to turn around at the intersection of a school bus route which is closed, and the open route with the minimum maneuvering possible on the closed road in the intersection area.

D. The county will establish the necessary communications with the school districts to provide the proper notification. The county engineer will initiate road closures and unless specified otherwise, closures shall be county-wide. (Res. 25878, 1963).

***For statutory provisions regarding road closures, see chapter 47.48 RCW; for statutory provisions authorizing the limitation of type or weight of vehicles on county roads or bridges, see RCW 36.75.270. and 46.44.080.**

14.12.020 Winter and emergency load restrictions. The following emergency restrictions shall be in effect on county roads during such periods of freezing and thawing conditions as determined by the King County road engineer:

REGULAR WINTER LOAD RESTRICTIONS

Conventional		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

EMERGENCY LOAD RESTRICTIONS

Conventional Tires		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

A further load restriction of five tons gross on any vehicle may be placed on roads under severe conditions. (Res. 27219, 1964).

14.16 LOAD LIMITS ON BRIDGES*

Sections:

14.16.010 Gross Weight Allowed and Notification.
14.16.015 Limited Special Permits.
14.16.020 Maximum Gross Vehicle Weight.
14.16.030 Alvord "T" Bridge 3130.
14.16.040 Baring Suspension Bridge 509-A.
14.16.055 15 Mile Creek Bridge, Bridge 1384-B
14.16.089 Lake Dorothy Overflow Bridge, Bridge 359-D
14.16.100 Miller River Bridge 999-W.
14.16.170 Enforcement and penalty.

***For statutory provisions authorizing load limits on bridges, see RCW 36.75.270 and 46.44.080.**

14.16.010 Gross weight allowed and notification. It is unlawful for any person to operate a vehicle over any King County bridge when such vehicle has a gross weight that is greater than the posted maximum weight for that bridge, unless the driver is in possession of a limited special permit issued by the county road engineer or designee for the safe use of such bridge.

Notice of closing of individual bridges to certain classes or weights of vehicles shall be:

A. Published in a local newspaper of general circulation, and

B. Posted on signs at each end of subject bridge, on or prior to the date of publication. All signs shall be erected and maintained in accordance with RCW 36.86.040, RCW 46.61.450 and RCW 47.36.030.

Maximum gross weights for vehicles operating over King County bridges shall be established by ordinance in accordance with RCW 36.75.270 and RCW 46.44.080.

The county road engineer shall have the authority by administrative determination to immediately impose temporary gross weight limits on bridges based on the results of an engineering and traffic investigation. The traffic engineer shall have the authority to immediately erect and maintain official traffic control devices for temporary gross weight limits on bridges as directed by the county road engineer and in accordance with Chapter 46.90 RCW, WAC 308-330-265 and K.C.C. 46.04.010. The temporary gross weight limits on bridges shall be in effect for not longer than one year from the date of posting or until the weight limits are established by ordinance. (Ord. 11426 § 1, 1994).

14.16.015 Limited special permits. The county road engineer or designee is authorized to issue limited special permits for the safe use of load limited bridges by emergency vehicles and other vehicles exceeding the posted maximum weight. (Ord. 11426 § 3, 1994).

14.16.020 Maximum gross vehicle weight. Those King County bridges that are posted one legal load are done so pursuant to definitions and standards for maximum gross vehicle weight contained in RCW 46.44, particularly the vehicle weight table of RCW 46.44.041. (Ord. 5701 § 3, 1981).

14.16.030 Alvord "T" Bridge 3130. The use of Bridge 3130 shall be limited to one truck at a time and be prohibited to loads in excess of twenty tons for three axle vehicles, thirty tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 1, 1993: Ord. 5701 § 4, 1981).

14.16.040 Baring Suspension Bridge 509-A. The use of Bridge 509-A shall be prohibited to loads in excess of ten tons until further notice. (Ord. 11832 § 1, 1995: Ord. 5701 § 5, 1981).

14.16.055 15 Mile Creek Bridge, Bridge 1384-B The use of 15 Mile Creek Bridge, Bridge 1384-B, shall be limited to one truck at a time, be prohibited to loads in excess of seventeen tons for three axle vehicles, be prohibited to loads in excess of thirty tons for five axle vehicles, and be prohibited to loads in excess of thirty-two tons for six axle vehicles until further notice. (Ord. 16744 § 1, 2010).

14.16.089 Lake Dorothy Overflow Bridge, Bridge 359-D. The use of Lake Dorothy Overflow Bridge, Bridge 359-D, shall be limited to one truck at a time, and be prohibited to loads in excess of nineteen tons until further notice. (Ord. 16744 § 2, 2010).

14.16.100 Miller River Bridge 999-W. The use of Bridge 999-W shall be limited to one truck at a time and be prohibited to loads in excess of twenty three tons for three axle vehicles until further notice. (Ord. 11095 § 7, 1993: Ord. 5701 § 11, 1981).

14.16.170 Enforcement and penalty. The director of the department of transportation and the county sheriff are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

Any violation of this chapter is a traffic infraction and subject to a penalty of $250. (Ord. 14199 § 193, 2001: Ord. 11426 § 2, 1994: Ord. 5701 § 18, 1981).

14.20 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

Sections:

14.20.010 Standard specifications adopted.
14.20.020 Department of transportation to comply with standards.

14.20.010 Standard specifications adopted. The 1996 English edition of the Standard Specifications for Road, Bridge, and Municipal Construction issued by the Washington State Department of Transportation and the American Public Works Association, Washington State Chapter, is adopted as the standard specifications for road, bridge and drainage construction in King County, except that the provisions of the 1994 edition shall continue in effect on those current projects advertised prior to November 1, 1996 for construction. (Ord. 12656 § 1, 1997: Ord. 11247 § 1, 1994: Ord. 9919, 1991: Ord. 8422, 1988: Ord. 7072, 1984: Ord. 5486 § 1, 1981: Ord. 3134 § 1, 1977: Ord. 1969 § 1, 1974).

14.20.020 Department of transportation to comply with standards. The department of transportation will comply with the Soil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring such compliance. (Ord. 14199 § 194, 2001: Ord. 11247 § 1, 1994: Ord. 336 (part), 1970).

14.24 ROAD CONSTRUCTION RULES ADOPTED

Sections:

14.24.010 Rules adopted.
14.24.020 Enforcement.

14.24.010 Rules adopted. Standards, rules and regulations pertaining to the construction of plat roads and the performance of other road construction work on King County rights-of-way are hereby adopted and approved by the King County council and made an integral part of this chapter. The department of transportation shall print copies of said standards, rules and regulations and subsequent revisions and additions thereto, and make the same available to anyone proposing to do work on King County rights-of-way. It is also made the duty of the department of transportation to prepare and periodically update a county bonding schedule for use in determining appropriate construction, maintenance or restoration bonds for road and drainage facilities developed in compliance with adopted standards. (Ord. 14199 § 195, 2001: Ord. 7990 § 10, 1987: Ord. 5911 § 6, 1982: Res. 22903 (part), 1961).

14.24.020 Enforcement. The director of the department of transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 14199 § 196, 2001: Ord. 2910 § 3 (part), 1976: Res. 22903 (part), 1961).

14.28 RIGHTS-OF-WAY

Sections:

14.28.010 Definitions.
14.28.020 Permit required for improvement or use - Application processing.
14.28.030 Permit - Additional requirements.
14.28.050 Permit - Limited.
14.28.060 Permit - Extended.
14.28.070 Permit - Interpretation.
14.28.080 Compliance required of driveway connections or other access to county road rights-of-way.
14.28.090 Enforcement.
14.28.100 Retroactivity.

14.28.010 Definitions.

A. APPLICANT. "Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

B. DEPARTMENT. "Department" means the department of permitting and environmental review.

C. DEVELOPMENT APPROVAL. "Development approval" means the granting of a building permit, mobile home on-site permit, short subdivision or other county land use approval or approvals.

D. DEVELOPMENT ENGINEER. "Development engineer" means the department employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

E. RIGHT-OF-WAY USE PERMIT.

1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

2. "Right-of-way use permit: extended" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time exceeding one year in duration. (Ord. 17420 § 36, 2012: Ord. 12196 § 2, 1996: Ord. 11700 § 7, 1995: Ord. 7990 § 11, 1987: Ord. 4895 § 1, 1980).

14.28.020 Permit required for improvement or use - Application processing.

A. PERMITS REQUIRED. County road right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued which requires use of privately maintained county right-of-way unless a permit therefor has been issued pursuant to this chapter, except for utility construction work authorized pursuant to K.C.C. Chapter 14.44. This section shall not apply to driveway connections from private property to county road right-of-way.

B. GENERAL PROCEDURES.

1. Upon receipt of an application for right-of-way use permit, limited or extended, the division shall forward copies of the application to the division of real property, which shall determine whether the proposed activity is within county-owned right of way.

2. The division shall be the lead agency for the compliance with the State Environmental Policy Act. In addition, the development engineer shall review applications for compliance with applicable county plans, policies, regulations and standards. Prior to issuing a right-of-way use permit, the division shall determine and secure an appropriate financial guarantee consistent with the provisions of Title 27A.

3. The division shall, when feasible, consolidate right-of-way use permits with other development approvals to prevent duplication and increase efficiency. The fee for a consolidated approval shallbe reduced to the extent separate fees would be duplicative. (Ord. 12020 § 43, 1995: Ord. 7990 § 12, 1987: Ord. 4895 § 2, 1980).

14.28.030 Permit - Additional requirements.

A. PLANS. Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. 9.04 and Ordinance No. 4463, K.C.C. 19.20, may be required when considered necessary by the development engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant, and, if the plan is returned, it shall be returned to the applicant.

B. SURVEY. When considered necessary by the development engineer to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act.

C. DEDICATION. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

D. ILLEGAL SUBDIVISION. A permit shall not be issued to provide access to a lot or parcel created in violation of state and county subdivision regulations. (Ord. 11700, § 8, 1995: Ord. 7990 § 13, 1987: Ord. 4895 § 7, 1980).

14.28.050 Permit - Limited.

A. Upon filing of a complete application, payment of the fee, and posting of the required financial guarantee for construction, maintenance, and restoration of the right-of-way consistent with the provisions of Title 27A, the division may issue a permit authorizing the limited use of county road right-of-way, for use by designated private parties for a specific use which is less than one year in duration.

B. The permit may require construction and restoration of the right-of-way to adopted standards based on the nature and duration of the specific use, and subject to division inspection. In addition, conditions may be set to assure the compliance with county plans, policies, standards and regulations. Such conditions may require performance in excess of adopted road standards.

C. The permit applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements to the county right-of-way during the period of time the permit is in effect.

D. The permit applicant may apply for one one-year extension to the right-of-way use permit: limited, upon written application for an extension, payment of the fees, and being found to have fully complied with the conditions and requirements of the original permit. The application for extension may only be made after the first six months of the original permit life. (Ord. 12020 § 44, 1995: Ord. 7990 § 14, 1987: Ord. 4895 § 5, 1980).

14.28.060 Permit - Extended.

A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post financial guarantees consistent with the provisions of Ordinance 12020 for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies, and regulations.

C. The department of transportation shall place and maintain permanent sign(s) denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;

2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;

3. A statement that the owner or owners of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;

4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;

5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner or owners; and

6. The acknowledged signature or signatures of the owner or owners of such parcel. (Ord. 14199 § 197, 2001: Ord. 12020 § 45, 1995: Ord. 7990 § 15, 1987: Ord. 4895 § 6, 1980).

14.28.070 Permit-Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right or ownership interest in any county right-of-way. Every right-of-way use permit shall state on its face that any county right-of-way opened pursuant to this chapter shall be open to use by the general public except in those cases where specific conditions in a right-of-way use permit: limited, restrict the use of the right-of-way for safety reasons. (Ord. 4895 § 10, 1980).

14.28.080 Compliance required of driveway connections or other access to county road rights-of-way. No driveway connection or other access from private property to a county road right-of-way shall be built or maintained which does not comply with the King County road standards adopted by Ordinance No. 4463, K.C.C. 19.20. (Ord. 4895 § 9, 1980).

14.28.090 Enforcement. The director of the department of transportation and the director of the department of permitting and environmental review are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 17420 § 37, 2012: Ord. 14199 § 198, 2001: Ord. 4895 § 11, 1980).

14.28.100 Retroactivity. All access approvals, trail permits and right-of-way use permits issued by King County division of real property prior to June 20, 1980, shall not be affected by the provisions of this chapter. (Ord. 4895 § 3, 1980).

14.30 PERMIT SYSTEM FOR COUNTY PROPERTY

Sections:

14.30.010 Definitions.
14.30.020 Permit Requirement.
14.30.025 Inspection fee.
14.30.030 Permit Issuance.
14.30.040 Liability.
14.30.050 Additional Requirements.
14.30.060 Permit application processing fee.
14.30.070 Interpretation.
14.30.080 Enforcement.

14.30.010 Definitions.

A. "County property" herein means all county real property, including but not limited to recreational trails, county road rights-of-way and dedicated open space.

B. "Special Use Permits" means a permit for the use of county property issued pursuant to this chapter.

C. "Custodial Departments" means those county departments whose function it is to manage and control county use of said rights-of-way or other county property. (Ord. 6254 § 1, 1982).

14.30.020 Permit requirement.

A. Special use permits shall be required for any use of county property except uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C. chapter 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a "Special Use" permit upon county property, the property services division shall determine whether the proposed use is upon county owned property.

C. The property services division shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the property services division. If a custodial department recommends denial, the property services division shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the property services division shall evaluate the feasibility of the proposed use, its impact on other uses of the county property and its impact on public health and safety. Based on this evaluation, the property services division shall determine whether the permit should be issued.

F. In all cases, the property services division shall forward the application to the department of permitting and environmental review for recommendations on critical area issues and the property services division shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 17420 § 38, 2012: Ord. 16266 § 1, 2008: Ord. 11792 § 11, 1995: Ord. 9614 § 106, 1990: Ord. 6254 § 2, 1982).

14.30.025 Inspection fee. The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of transportation, for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of transportation. (Ord. 14199 § 199, 2001: Ord. 7025 § 5, 1984).

14.30.030 Permit issuance.

A. Upon filing of a complete application, necessary approval of said application and the payment of the administrative fee and posting of any required bond, the real property division* may issue a permit authorizing the designated use of county property by the permittee.

B. The permit may require restoration of the county property to standards prescribed by the custodial department and the real property division* in view of the nature and duration of the special use. In addition, conditions may be set by the real property division* to assure compliance of the permit with county policies, ordinances and other applicable laws and regulations.

C. The permit applicant may be required to post a performance bond in an amount which will:

1. Guarantee the use will be in compliance with standards and conditions prescribed by the real property division*:

2. Guarantee restoration of the county property to a condition consistent with the special use permit and the county's own use of its property. (Ord. 6254 § 3, 1982).

14.30.040 Liability. The permit applicant shall be solely responsible for the adequate operation and maintenance of any improvements constructed by the permittee to the county property and shall assume liability for all injuries to persons or property as the result of activities pursuant to a special use permit. (Ord. 6254 § 4, 1982).

14.30.050 Additional Requirements.

A. Survey. When considered necessary by the real property division* to adequately determine the limits of the county property, the permit applicant shall cause the county property to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. The cost of such survey shall be paid by the permit applicant.

B. Dedication. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill any county policy, ordinance or laws. (Ord. 6254 § 5, 1982).

***Reviser's note: Ordinance 10553 renamed and transferred the powers, duties and functions to the property services division.**

14.30.060 Permit application processing fee.

A. An application fee as set forth in K.C.C. 4A.675.040 for the administrative costs and expenses incurred in the processing of the special use permit application shall be paid thereto upon filing of the application. The fee is nonrefundable. However, the real estate services section manager shall have the authority to waive the fees for permits when waiver of the fees is in the best interest of the public health, safety and welfare.

B. The real estate services section shall have the authority to charge an annual fee for uses of county property where appropriate considering the duration of the proposed use.

C. The real estate services section shall have the authority to require applicants to reimburse the real estate services section for the actual costs all expenses incurred by the real estate services section as a result of issuance, renewal or amendment of a special use permit, to the extent the costs and expenses exceed the costs of processing the application recovered by the application fee. The payment of actual costs shall be made at the time of permit issuance. (Ord. 17515 § 7, 2013: Ord. 16295 § 6, 2008: Ord. 14264 § 4, 2001: Ord. 13327 § 4, 1998: Ord. 7022 § 1, 1984: Ord. 6254 § 6, 1982).

14.30.070 Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right of ownership interest in any county property. (Ord. 6254 § 7, 1982).

14.30.080 Enforcement. The manager of the real property division and director of the applicable custodial department are authorized to enforce the provisions of this chapter, pursuant to K.C.C. 23. (Ord. 6254 § 8, 1982).

14.32 INSTALLATION OF PUBLIC BENCHES

Sections:

14.32.010 Definitions.
14.32.020 Permit - Required for each bench.
14.32.030 Permit - Application - Bench plans.
14.32.040 Consent of property owner.
14.32.050 Bench owner to sign permit application - Inspection fee.
14.32.060 Permit - Fee payment.
14.32.070 Permit - Expiration - Renewal application and fee.
14.32.080 Transfer of bench ownership or title.
14.32.090 Permit - Grounds for denial.
14.32.100 Permit - Withdrawal of consent by property owner.
14.32.110 Permit - Time limit for acceptance and fee payment.
14.32.120 Permit - Cancellation after installation delay.
14.32.130 Permit - Protest of nearby property owner.
14.32.140 Distance of bench from curb.

14.32.150 Height and length of bench.
14.32.160 Bench to display name and permit number of permittee.
14.32.170 Maintenance of bench by permittee.
14.32.180 Location and space permitted advertising.
14.32.190 Use of words misleading to traffic.
14.32.200 Disposition of bench on revocation of permit - Recovery by permittee.
14.32.210 Refund of fees on revocation of permit.
14.32.220 Enforcement.
14.32.230 Bond.
14.32.240 Schedule of liability limits for bonds and insurance policies.

14.32.010 Definitions.

A. "Bench" means a seat located upon public property along any public thoroughfare for the accommodation of passerby or persons awaiting transportation.

B. "Street" means any public thoroughfare including the sidewalk, the parkway and any other public property bordering upon a public thoroughfare. (Res. 9793 Para. 1, 1945).

14.32.020 Permit - Required for each bench. No person shall install or maintain any bench on any street without a permit therefor from the county road engineer, who shall hereafter be referred to as the engineer. A separate permit must be obtained for each bench, which permit shall be valid only for the particular location specified thereon. Each permit shall bear a separate number and not more than two permits shall be issued for any one location. (Res. 9793 Para. 2, 1945).

14.32.030 Permit - Application - Bench plans. No bench permit shall be issued except upon written application, made upon a form prescribed by the engineer, showing the proposed location of each bench, the advertising, if any, to appear thereon and such other information as the engineer may require.

Detailed plans and specifications of each bench shall be supplied by the applicant. (Res. 9793 Para. 3(a) and (b), 1945).

14.32.040 Consent of property owner. Each application must be accompanied by a writing signed by the owner or person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, giving his consent to the installation and maintenance of the bench. (Res. 9793 Para. 3(c), 1945).

14.32.050 Bench owner to sign permit application - Inspection fee. Each application must be signed by the owner of the bench or benches for which permits are requested, and must be accompanied by an inspection fee of one dollar for each such bench. (Res. 9793 Para. 3(d), 1945).

14.32.060 Permit - Fee payment. If the application is granted, an additional fee of two dollars shall be collected at the time of the issuance of the permit for each bench for which a permit is issued. (Res. 9793 Para. 3(e), 1945).

14.32.070 Permit - Expiration - Renewal application and fee. Each permit shall expire on July 1st next following the date of issuance unless renewed. A fee of two dollars for each bench shall be charged for each annual renewal of the permit. Application for renewal must be made prior to the expiration date, and must be accompanied by the renewal fee. (Res. 9793 Para. 3(f), 1945).

14.32.080 Transfer of bench ownership or title. Whenever a bench for which a permit has been issued is sold or title or control thereof assigned or transferred, a new permit must be obtained for its maintenance. (Res. 9793 Para. 3(g), 1945).

14.32.090 Permit - Grounds for denial. The application shall be denied if the engineer finds that the maintenance of the bench would tend to obstruct passage along any public thoroughfare or to create a hazard or would otherwise be detrimental to the public safety, welfare or convenience. (Res. 9793 Para. 4(a), 1945).

14.32.100 Permit - Withdrawal of consent by property owner. If the abutting owner withdraws his consent to the continued maintenance of the bench, and gives written notice thereof to the engineer, then at the expiration of the current term of the permit, a renewal of the permit shall be denied. The engineer shall inform the permittee of the receipt of such notice. (Res. 9793 Para. 4(c), 1945).

14.32.110 Permit - Time limit for acceptance and fee payment. The application shall be cancelled and denied if the applicant fails to deposit the annual fee and accept the permit within ten days after notice of the approval of the application by the engineer. (Res. 9793 Para. 4(d), 1945).

14.32.120 Permit - Cancellation after installation delay. Any permit issued under this chapter shall be cancelled and revoked if the permittee fails to install the bench within sixty days after the date of the issuance of the permit. (Res. 9793 Para. 4(e), 1945).

14.32.130 Permit - Protest of nearby property owner. The application shall be cancelled and denied, or the permit revoked, as the case may be, if sixty percent of the property owners and/or tenants living or having their place of business within two hundred feet of the location of the bench or benches protest the same. (Res. 9793 Para. 4(f), 1945).

14.32.140 Distance of bench from curb. No permittee shall locate or maintain any bench at a point less than eighteen inches or more than thirty inches from the face of the curb, and each bench must be kept parallel with the curb. (Res. 9793 Para. 5(a), 1945).

14.32.150 Height and length of bench. No bench shall be more than forty-two inches high nor more than two feet, six inches wide, nor more than seven feet long, over all. (Res. 9793 Para. 5(b), 1945).

14.32.160 Bench to display name and permit number of permittee. Each bench must have displayed thereon, in a conspicuous place, the name of the permittee and the permit number. (Res. 9793 Para. 5(c), 1945).

14.32.170 Maintenance of bench by permittee. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location, and to inspect each bench periodically. (Res. 9793 Para. 5(d), 1945).

14.32.180 Location and space permitted advertising. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surfaces of the backrest, and not more than seventy-five percent of each such surface shall be so used. No pictures or representations in irregular contour shall appear on any bench. All advertising shall be subject to the approval of the engineer. (Res. 9793 Para. 6(a), 1945).

14.32.190 Use of words misleading to traffic. No advertisement or sign on any bench shall display the words "Stop," "Look," "Drive-In," "Danger" or any other word, phrase, symbol or character calculated to interfere with, mislead or distract traffic. (Res. 9793 Para. 6(b), 1945).

14.32.200 Disposition of bench on revocation of permit - Recovery by permittee. After the revocation of any permit, the engineer may remove and store the bench, if the permittee fails to do so within ten days after notice.

The permittee may recover the bench, if, within sixty days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars for removal and five dollars a month for storage, for each such bench. After sixty days, the engineer may sell, destroy or otherwise dispose of the bench at his discretion.

All of the foregoing shall be at the sole risk of the permittee and shall be in addition to any other remedy provided by law for the violation of this chapter. (Res. 9793 Para. 7, 1945).

14.32.210 Refund of fees on revocation of permit. No fee paid pursuant to this chapter shall be refunded in the event the application is denied or the permit revoked, except that when for any cause beyond the control of the permittee a permit is revoked within sixty days after the date of the issuance or last renewal thereof, the two-dollar fee therefor for the current year may be refunded to the permittee, upon written demand filed within six months after the date of the revocation. (Res. 9793 Para. 9, 1945).

14.32.220 Enforcement. The director of the department of transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 14199 § 200, 2001: Ord. 2910 § 3(part), 1976: Res. 9793 (part), 1945).

14.32.230 Bond. No permit shall be issued unless the applicant posts and maintains with King County a surety bond or policy of public liability insurance, approved by the engineer and conditioned as hereinafter provided, viz: that permittee will indemnify and save harmless the county of King, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of or which may be caused by or arise out of such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue. (Res. 9793 Para. 10, 1945).

14.32.240 Schedule of liability limits for bonds and insurance policies. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than five thousand dollars for bodily injuries to or death of one person. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby, and shall not be less than the amount specified in the following schedule:

Number of Bench Permits	Limits of Liability
1 to 10	$10,000.00
11 to 50	20,000.00
51 to 100	40,000.00
101 or more	80,000.00

(Res. 9793 Para. 11, 1945).

14.38 ROAD CLOSURE AND REOPENING BY PETITION

Sections:

14.38.010 Authority.
14.38.020 Petitions for closure.
14.38.025 Petitions for reopening.
14.38.030 Determination.
14.38.045 Public notice.
14.38.055 Public meeting.

14.38.010 Authority. The department of transportation shall be responsible for receiving and processing all road closure and reopening petitions, and for recommending to the council whether or not the roads identified in the petition should be closed or reopened. The authority to make and issue the recommendations shall be vested in the director, department of transportation. Nothing in this chapter shall be construed to abrogate or abridge the powers of the county road engineer or the council to temporarily close county roads, as may be authorized by law. (Ord. 14734 § 1, 2003: Ord. 12370 § 1, 1996: Ord. 10962 §§ 1, 6, 1993).

14.38.020 Petitions for closure.

A. Petitions to close King County roads shall be filed with the director, department of transportation.

B. The petitions shall include: the names, signatures and legal addresses of the persons filing the petition; the location of the roads or streets that the petitioners wish to have closed, including the intersections delineating the boundaries of the road or street sections to be closed; a map depicting the road or streets sections requested to be closed; and the reasons for petitioning for closure of the street or road. Other information or documents as the petitioners deem pertinent may be included. Petitions for road closures shall include the names and signatures of at least a simple majority of the owners of property residing along the section or sections of road being petitioned for closure and the signatures of at least ten percent of the owners of property being served by arterial roads and neighborhood collector streets to which traffic would be diverted within a distance of six hundred sixty feet with a minimum of twenty parcel owners or one thousand five hundred feet from the road section petitioned for closure.

C. Reasons for petitioning the county for the closure of a road shall be limited to safety hazards posed to pedestrians, contiguous real property and/or traffic such as, but not limited to, traffic speeds, volume, access or types of vehicle using the road or street, the adequacy of road signage and road design considerations.

D. Petitioners shall submit whatever quantitative or other analyses they may possess in support of their petition, such as traffic volumes or counts, or numbers of accidents or incidents that have occurred on

the road or street petitioned to be closed.

E. The director may consider a request for road closure that is not in conformance with the petition provisions of this chapter from any person. The decision of the director on such a request shall not be subject to K.C.C. 14.38.030. (Ord. 14734 § 2, 2003: Ord. 12370 § 2, 1996: Ord. 10962 §§ 2, 5, 1993).

14.38.025 Petitions for reopening.

A. Petitions to reopen King County roads shall be filed with the director, department of transportation.

B. The petitions shall include: the names, signatures and legal addresses of the persons filing the petition; the location of the roads or streets which the petitioners wish to have reopened, including the intersections delineating the boundaries of the road or street sections to be reopened; a map depicting the road or street sections requested to be reopened; and the reasons for petitioning for reopening of the street or road. Other information or documents as the petitioners deem pertinent may be included. Petitions for road reopenings shall include the names and signatures of at least a simple majority of the owners of property residing along the section or sections of road being petitioned for reopening and the signatures of at least ten percent of the owners of property being served by arterial roads and neighborhood collector streets to which traffic has been diverted within a distance of six hundred sixty feet with a minimum of twenty parcel owners or one thousand five hundred feet from the road section petitioned for reopening.

C. Reasons for petitioning the county for the reopening of a road shall be limited to the removal or alleviation of safety hazards, continuity and/or efficiency of the roadway system, neighborhood circulation, accessibility including emergency vehicles, community livability or hardship, and maintenance and public safety.

D. Petitioners shall submit whatever quantitative or other analyses they may possess in support of their petition, such as improved road design considerations, installation of traffic calming devices, improved safety conditions for the road or street that was the subject of the users' petition to be reopened, removal of hazards, continuity and efficiency of the roadway system, neighborhood circulation, accessibility, including emergency vehicles, community livability or hardship, maintenance and public safety.

E. The director may consider a request for road reopening which is not in conformance with the petition provisions of this chapter from any person. The decision of the director on such a request shall not be subject to K.C.C. 14.38.030. (Ord. 14734 § 3, 2003).

14.38.030 Determination.

A. The director, department of transportation, shall do the following upon the receipt of a petition for road closure or reopening:

1. Acknowledge in writing within ten calendar days the receipt of the petition;

2. Refer the petition to the county road engineer to review for completeness. If additional information is required to complete the petition, a final response from the county road engineer may be delayed. In cases where the petition requires extensive research and review, the county road engineer may, upon notifying the petitioners before the expiration of the response period, extend the response period for another thirty days;

3. Once the completed petition has been received, the county road engineer will begin an investigation, determination and develop a recommendation on road closure or reopening to the director. The county road engineer shall first consider alternative safety measures designed, or recommended, to mitigate the specifically stated reasons for the road closure or reopening petition;

4. The county road engineer shall hold a public meeting, as described in section 6 of this ordinance, for the purposes of providing opportunities for open discussion and addressing public comment, within ninety days of the completed petition submittal.

B. The county road engineer's recommendation shall be submitted to the director in writing no later than ninety days after the receipt of the petition.

C. The director shall provide his or her written recommendation to the petitioners within ten days of the receipt of the county road engineer's recommendation on the road closure or reopening petition. The notification shall also indicate the process for council consideration of the director's recommendation on a petition to close or reopen a county road.

D. The director may:

1. Oppose the petition for road closure or reopening with basis for the opposition;

2. Identify alternative measure to address the safety issues cited in the petition for the area defined by the road closure or reopening petition; or

3. Determine that the portion of the road specified in the petition should be:

a. fully closed or reopened;

b. closed or reopened to through traffic only;

c. open to emergency vehicles only;
d. closed or reopened in one direction only;
e. closed or reopened to certain types of vehicles; or
f. closed or reopened in one of the ways specified for an identified and limited time.

E. The recommendation of the director to close or reopen a county road shall be forwarded to the council for consideration and adoption by ordinance.

F. The recommendation of the director to reject a petition to close or reopen a county road shall be conveyed by letter to the council that reserves the option, following the notification, of closing or reopening all or a portion of the road that is the subject of the petition. (Ord. 14734 § 4, 2003: Ord. 14048 § 1, 2001: Ord. 12370 § 3, 1996: Ord. 10962 §§ 3, 4, 1993).

14.38.045 Public notice.

A. A notice of consideration by the county for road closure and reopening requests shall be provided by the department of transportation and placed in an area pertinent to the affected community.

B. All required notice of proposed actions shall contain the following information:

1. The description of the requested action and the proposed change to the function of the road in question;
2. A vicinity map and general location description in nontechnical terms;
3. The procedures and deadlines for filing comments;
4. The time, place and content of a public meeting; and
5. Identification of the responsible county official or officials.

C. A notice shall consist of one or more notice boards to be posted by the department of transportation as follows.

1. Placed in an area pertinent to the affected community
2. Placed for maximum visibility by drivers and pedestrians
3. Maintained in good condition during the notice period;
4. In place within twenty days of receiving the completed petition; and
5. Removed within fifteen days after the public meeting.

D. The department may provide additional notice or may expand the area of notice to inform the affected community of a proposed action. (Ord. 14734 § 5, 2003).

14.38.055 Public meeting.

A. The department shall hold a public meeting to obtain comments from the public or other agencies on a requested action for road closure or reopening. For the purpose of this section “public meeting” means an informal meeting, workshop or other public gathering of people for the purpose of obtaining public comments from interested citizens and other agencies, and providing opportunities for open discussion. A public meeting associated with the review of the requested action shall provide a means for the public to submit comments. A record of each public meeting should be maintained to include documentation of attendance, record of any mailed notice and a summary of public comments.

B. Notice of the time, place and purpose of a public meeting for the department to consider a requested change to the status of a road shall, at a minimum, include a notice board installed in accordance with the provisions of K.C.C. 14.38.045. The department shall endeavor to provide the notice in nontechnical language. The notice shall indicate how the detailed description of the requested action can be obtained by a member of the public.

C. The department shall provide mechanisms to enable public access to additional information. The department shall make available to the public printed and electronic information of the range of options under consideration by the county. The department shall provide records of all petitions, requests and related background information during normal business hours. (Ord. 14734 § 6, 2003).

14.40 ROAD VACATION*

Sections:

14.40.010 Authority.
14.40.015 Procedure.
14.40.017 Referral to zoning and subdivision examiner.
14.40.020 Amount.
14.40.030 Condition precedent.
14.40.040 Deposit.
14.40.050 Manner of payment.
14.40.060 Road classification.

***For statutory provisions regarding county vacation of roads, see chapter 36.87 RCW.**

14.40.010 Authority. Petitions for the vacation of county roads may be granted by the council in accordance with the provisions of RCW Chapter 36.87 as amended by Chapter 185, Laws of 1969 First Extraordinary Session, except as provided herein, and King County shall receive compensation as provided for in this chapter. (Ord. 6471 § 1, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969).

14.40.015 Procedure.

A. The zoning and subdivision examiner shall hold public hearings on vacations which have been recommended for approval by the department of transportation, and provide a recommendation to the King County council, as prescribed by RCW 36.87.060.

B. In the event the report by the department of transportation recommends denial of the vacation petition, the following shall be the operating procedure:

1. Written notification shall be transmitted to the petitioner by the department of transportation citing the rationale for the denial and indicating that the denial may be appealed to the zoning and subdivision examiner for hearing and recommendation to the council. A copy of the notice of denial shall be filed with the council clerk's office.

2. The notice of denial shall be final unless the petitioner files a written appeal including a two hundred dollar administrative fee with the council clerk within thirty calendar days of the issuance of the notice of denial. The petitioner's written appeal shall specify the basis for the appeal and any arguments in support of the appeal.

3. Any appeal filed by a petitioner shall be processed by the zoning and subdivision examiner in the same manner as vacations recommended for approval. (Ord. 14199 § 201, 2001: Ord. 10691 § 1, 1992: Ord. 6471 § 2, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969).

14.40.017 Referral to zoning and subdivision examiner. Road vacation petitions, recommendations, and appeals that have not been introduced by the King County council for review and action as of the effective date of this section, (January 9, 1993), shall be subject to the hearing process before the zoning and subdivision examiner. Road vacations or appeals of denials which have been introduced as ordinances by the council as of the effective date of this section (January 9, 1993) may be referred to the zoning and subdivision examiner for recommendation by motion of the council. (Ord. 10691 § 6, 1992).

14.40.020 Amount. The amount of compensation, if required in this chapter, shall be recommended by the zoning and subdivision examiner and shall be determined by the council according to the following criteria:

A. Vacation of all county roads included in Classes A, B, and C, if granted, shall require compensation at the full appraised value of the vacated road for Class A vacations; at 75% of the full appraised value for Class B vacations; and at 50% of full appraised value for class C vacations as of the effective date of the vacation, which amount, for the purposes of this chapter, may be determined from the records of the department of assessments;

Provided, that the zoning and subdivision examiner may propose and the council shall have the authority to accept real property of equal or greater value in lieu of cash compensation. The council shall have the authority to waive some or all of the compensation, except two hundred dollars administrative costs for processing the vacation of a county road, where the petitioner is providing an alternative road to the county of equal or greater value and said alternative will fulfill the public purposes of the previous transportation circulation plan.

B. Vacation of all county roads included in Class D, or those roads vacated by operation of law under the laws of 1889-1890 and affirmed by council action, if granted, shall require a two hundred dollar fee as compensation for the administrative costs of the vacation.

C. In the recommendation to the council pursuant to K.C.C. 20.24.070, the zoning and subdivision examiner may recommend the acceptance of real property of equal or greater value in lieu of cash compensation, or may recommend the waiver of some or all of the compensation required by this section.

D. When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council.

E. The council may waive some or all of the compensation for any classification of road, if it determines that it would benefit King County to do so. (Ord. 10691 § 2, 1992: Ord. 9164 § 1, 1989: Ord. 7013 § 1, 1984: Ord. 3088 § 1, 1977: Ord. 2759 § 2, 1976).

14.40.030 Condition precedent. The compensation determined to be paid shall be a condition precedent to the vacation of any county road and shall be paid to King County by petitioner within ninety days of receipt of the request for compensation prepared in accordance with K.C.C. 14.40.020. In the event of failure of the petitioner to pay such sum within ninety days, the petition for vacation shall be denied except that if a road proposed for vacation is bordered by more than one parcel of property and if the owners of some, but not all, of those parcels want to have those portions abutting their properties vacated and are willing to pay their prorated share of the required compensation, the department of transportation may so modify the vacation request. (Ord. 14199 § 202, 2001: Ord. 10691 § 5, 1992: Ord. 9164 § 2, 1989: Ord. 2759 § 3, 1976: Ord. 129 § 3, 1969).

14.40.040 Deposit. Each petition for vacation of a road shall be accompanied by a cash deposit in an amount to be determined by the director of the department of transportation, which will be used to defray examination, report, publication, investigative and other costs connected with the application. Such deposit shall not be returned to the petitioner. When deemed necessary by the county executive, he or she may require an additional deposit to cover appraisal costs. (Ord. 14199 § 203, 2001: Ord. 12020 § 46, 1995: Ord. 434 § 1, 1970: Ord. 129 § 4, 1969).

14.40.050 Manner of payment. Payment shall be made to the King County treasurer and shall be credited to the county road fund in the case of Class A and B vacations and in all other cases shall be credited to Fund 316 and earmarked for the acquisition of open space. (Ord. 9164 § 3, 1989: Ord. 129 § 5, 1969).

14.40.060 Road classification. For the purposes of this chapter, all roads within King County are declared to be within one of four classes:

A. A Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which public funds have been expended in the acquisition of said road or property interests are classified A-class roads.

B. B Class. All King County roads or other real property interests conveyed to or held by King County for road purposes acquired at no monetary cost to the county and for which expenditures of funds have been made in the improvement or maintenance of same are classified B-class roads.

C.C Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which no public funds have been expended in the acquisition, improvement or maintenance of same, excluding roads subject to vacation as a matter of law, are classified C-class roads.

D. D Class. All King County roads or other real property interests originally conveyed to King County by the present petitioner for the vacation of said road or property interests for which no public expenditures have been made in the acquisition, improvement or maintenance of same, or any other road not included within classes A, B or C are classified D-class roads. (Ord. 2759 § 1, 1976).

14.42 KING COUNTY ROAD STANDARDS

Sections:

14.42.005 Purpose - intent.
14.42.010 Adoption.
14.42.020 Definitions.
14.42.030 Applicability.
14.42.040 Developments.
14.42.050 References.
14.42.060 Variances.
14.42.070 Penalties.
14.42.075 Withdrawal of approval or stoppage of work - grounds - remedy.

14.42.005 Purpose - intent.

A. Chapter 36.75 RCW authorizes the county to perform all acts necessary and proper for the administration of the county roads. County roads shall be established, laid out, constructed, altered, repaired, improved and maintained by the legislative authority of the county or by private individuals or corporations who are allowed to perform such work under an agreement with the county legislative authority. The work and improvements shall be done in accordance with adopted county standards under the supervision and direction of the county road engineer.

B. The purpose of the King County Road Design and Construction Standards ("the standards") is to set forth specific, consistent and acceptable road design and construction elements for developers and other

private parties constructing or modifying road or right-of-way facilities that require county licenses or permits and to establish uniform criteria to guide the county's own design and construction of new county roads or reconstruction of existing roads. The standards support the county's goals for achieving affordable housing, providing adequate facilities for development in an efficient manner, complying with storm water management and environmental and cultural resource policies, and balance these goals with the general safety and mobility needs of the traveling public.

C. The county requires standardization of road design elements when necessary for consistency and to ensure, so far as practicable, that motoring, bicycling, transit, equestrian and pedestrian public safety needs are met. Considerations include safety, convenience, pleasant appearance, proper drainage, economical maintenance and cultural and environmental resource protection. The standards also provide requirements for the location and installation of utilities within the right-of-way.

D. The standards are intended to assist, but not substitute for, competent work by design professionals. The standards are not intended to unreasonably limit any economically maintained innovative or creative efforts or to lower impact development alternatives that could result in equivalent or improved safety, quality and maintainability. (Ord. 15753 § 1, 2007).

14.42.010 Adoption.

A. "King County Road Standards," 2007, incorporated herein as Attachment A* to Ordinance 15753, are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with the council's direction and intent in adopting these standards, the department of transportation is hereby authorized to develop public rules and make minor changes to the text and drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods. (Ord. 15753 § 2, 2007: Ord. 14199 § 204, 2001: Ord. 11187 § 1, 1993).

***Available in the office of the clerk of the council.**

14.42.020 Definitions.

A. "County road engineer" means the King County road engineer, having authorities specified in RCW 36.75.050 and chapter 36.80 RCW, or his or her authorized representatives.

B. "Development review engineer" means the department of permitting and environmental review employee responsible for the conditioning, review, inspection and approval of right-of-way use permits, and road and drainage improvements constructed as part of development permits administered by the department of permitting and environmental review. The development review engineer or his or her designee shall be a professional civil engineer registered and licensed under the laws of the state of Washington.

C. "Reviewing agency" means the King County department of permitting and environmental review or its successor agency responsible for reviewing subdivisions and other developments within its jurisdiction.

D. "Standards" means King County Road Design and Construction Standards. (Ord. 17420 § 39, 2012: Ord. 15753 § 3, 2007: Ord. 8041 § 3, 1987).

14.42.030 Applicability.

A. The standards apply prospectively to all newly constructed or modified road and right-of-way facilities, both public and private, within King County. The standards apply to modifications of roadway features or existing facilities that are within the scope of reconstructions, required off-site road improvements for land developments or capital improvement projects when so required by King County or to the extent they are expressly referred to in project plans and specifications. These standards are not intended to apply to resurfacing, restoration, and rehabilitation projects as those terms are defined in the Washington state Department of Transportation Local Agency Guidelines Manual, as amended. The county road engineer may in his or her discretion consider the standards as optional goals for the design and construction of resurfacing restoration and rehabilitation projects.

B. The standards shall apply to every new placement and every planned, nonemergency replacement of existing utility poles and other utility structures within the King County right-of-way.

C. Construction shall be performed in accordance with the standards and with due regard to public safety. (Ord. 15753 § 4, 2007 Ord. 11187 § 2, 1993: Ord. 8041 § 4, 1987).

14.42.040 Developments.

A. Any land development that impacts the service level, safety or operational efficiency of roads serving the land development or that is required by other ordinance to improve the roads shall improve those

roads in accordance with these standards. Offsite roadway improvements shall be based on an assessment of the impacts of the proposed land development by the reviewing agency.

B. Any land development abutting and impacting existing roads shall improve the frontage of those roads in accordance with these standards. The extent of improvements shall be based on an assessment of the impacts of the proposed land development by the reviewing agency.

C. Any land development that contains internal roads shall construct or improve those roadways in accordance with these standards, unless otherwise specified in K.C.C. Title 21A.

D. For commercial developments, these standards shall apply unless otherwise determined by the development review engineer or as specified by K.C.C. Title 21A. These standards shall apply to commercial developments with public or dedicated rights-of-way or easements, unless otherwise determined by the development review engineer. (Ord. 15753 § 5, 2007: Ord. 8041 § 5, 1987).

14.42.050 References. The standards implement and are intended to be consistent with the references listed in Section 1.06 of Attachment A* to Ordinance 15753, "King County Road Standards," 2007. Except where the standards provide otherwise, the design detail, construction workmanship and material shall be in accordance with the publications listed in Section 1.07 of Attachment A* to Ordinance 15753. The specifications and guidelines listed in Section 1.08 of Attachment A* to Ordinance 15753 shall be applicable when pertinent, specifically cited in the standards, required as a development condition or when required by state or federal funding authority. (Ord. 15753 § 6, 2007: Ord. 11187 § 3, 1993: Ord. 8041 § 6, 1987).

***Available in the office of the clerk of the council.**

14.42.060 Variances.

A. A road variance is required for any design or construction deviation from these standards. Detailed procedures for applicants requesting variances and appealing variance decisions are contained within a public rule that is available from the county road engineer or the reviewing agency.

B. Any variances from these standards may be granted by the county road engineer upon evidence that the variance is in the public interest and that requirements for safety, function, fire protection, transit needs, appearance and maintainability are fully met, based upon sound engineering and technical judgment.

C. Variance requests for subdivisions should be proposed at the preliminary plat stage and prior to any public hearing. All known variances must be approved prior to approval of the engineering plans for construction. It is the responsibility of the county road engineer to interpret the standards. Any anticipated variances from these standards that do not meet K.C.C. Title 17 shall also require concurrence by the fire marshal. (Ord. 15753 § 7, 2007: Ord. 8041 § 7, 1987).

14.42.070 Penalties. Failure to comply with these standards may be cause for denial of plan or development permit approval, revocation of prior approvals, withholding and reductions of financial guarantees, withholding of final inspection approval, withholding of occupancy certificates, either temporary or permanent, legal action for forfeiture of financial guarantee, code enforcement, and/or other penalties as provided by law. (Ord. 15753 § 9, 2007: Ord. 12020 § 47, 1995: Ord. 8041 § 8, 1987).

14.42.075 Withdrawal of approval or stoppage of work - grounds - remedy. At the discretion of the county road engineer or development review engineer, any significant errors or omissions in the approved plans or information used as a basis for the approvals may constitute grounds for withdrawal of the approvals or stoppage of any or all permitted work, or both. It shall be the responsibility of the applicant, developer or contractor to show cause why the work should continue and to make such changes in plans that may be required by the county road engineer or development review engineer before the plans are reapproved. (Ord. 15753 § 10, 2007).

14.44 UTILITIES ON COUNTY RIGHTS-OF-WAY

Sections:

14.44.010 Purpose.
14.44.020 Construction permit - Required.
14.44.030 Construction permit - Application - Generally.
14.44.040 Right-of-way construction permit application - fee.
14.44.045 Inspection fee.
14.44.050 Construction permit - application - review.
14.44.055 Emergency construction permits - Unfranchised utilities.
14.44.060 Policy on accommodation of utilities.

14.44.070 Coordination of right-of-way construction.
14.44.080 Performance bond required.
14.44.090 Construction permit - Form.
14.44.100 Notification by permittee of construction commenced.
14.44.110 Enforcement.
14.44.115 Productivity and customer service report.

14.44.010 Purpose. The purpose of this chapter is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the critical areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants. (Ord. 16266 § 2, 2008: Ord. 9614 § 107, 1990: Ord. 1711 § 1, 1973).

14.44.020 Construction permit - required.

A. All construction work performed by franchised utilities, telephone and telegraph companies and within King County right-of-way shall require a right-of-way construction permit to be issued by the property services division of the department of construction and facility management; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include but not be limited to the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities.

B. The department of transportation and all other county departments during the construction of capital improvement projects shall install vacant conduit reserved for the future installation of fiber optic cable in accordance with the county's I-Net and Wide Area Network Plans; all capital improvement projects not requiring trenching or modification to the subgrade, such as overlays and shoulder widening, shall be exempted from this requirement. (Ord. 12486 § 1, 1996: Ord. 5275 § 1, 1981: Ord. 1711 § 2, 1973).

14.44.030 Construction permit - Application - Generally. Applications for all right-of-way construction permits shall be submitted, in writing, to the real property division*. The application shall contain whatever information, including plans and specifications, which the real property division* shall require. (Ord. 5275 § 2, 1981: Ord. 1711 § 3, 1973).

***Reviser's note: Ordinance 14199 renamed and transferred the powers, duties and functions to the facilities management division.**

14.44.040 Right-of-way construction permit application - fee. Each application for a right-of-way construction permit requires a fee payable to the real estate services section as set forth in K.C.C. 4A.675.030 for the administrative costs and expenses of processing the application. (Ord. 17515 § 9, 2013: Ord. 16295 § 8, 2008: Ord. 15316 § 2, 2005 Ord. 14264 § 6, 2001: Ord. 13327 § 2, 1998: Ord. 10172 § 1, 1991: Ord. 7025 § 2, 1984: Ord. 7021 § 1, 1984: Ord. 5275 § 3, 1981: Ord. 1711 § 4, 1973).

14.44.045 Inspection fee.

A. The permittee shall pay an inspection fee at the rate of one hundred forty-nine dollars per hour of utility inspection to the department of transportation, road services division. The fees are in addition to any other county fees and are nonrefundable.

B. The fees shall be collected in accordance with administrative procedures developed by the department of transportation, road services division. (Ord. 16296 § 2, 2008: Ord. 15060 § 2, 2004: Ord. 14519 § 1, 2002: Ord. 13329 § 2, 1998: Ord. 11583, 1994: Ord. 11139 § 1, 1993: Ord. 10650 § 1, 1992: Ord. 10176 § 1, 1991: Ord. 9718, 1990: Ord. 9450, 1990: Ord. 8748, 1988: Ord. 7025 § 3, 1984).

14.44.050 Construction permit - application - review.

A. The department of executive services shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of transportation shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The department of natural resources and parks shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed

construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A nonexpanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met. (14498 § 22, 2002: Ord. 13625 § 15, 1999: Ord. 5275 § 4, 1981: Ord. 4273 § 1, 1979: Ord. 1711 § 5, 1973).

14.44.055 Emergency construction permits - Unfranchised utilities.

A. The facilities management division may issue right-of-way construction permits to unfranchised utilities under the following circumstances:

1. When the Seattle-King County department of public health has determined that the proposed work is necessary to address a public health hazard; or

2. When the road services division of the department of transportation has determined that the proposed work is necessary to address actual or imminent damage to county right-of-way or to address hazards to users of county right-of-way.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the facilities management division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050A and C. (Ord. 14199 § 205, 2001: Ord. 11790 § 1, 1995).

14.44.060 Policy on accommodation of utilities. Adoption.

A. "King County Regulations for Accommodation of Utilities on County Road Rights-of-Way 1997" is hereby approved and adopted as the King County policy for utility installation and maintenance operations within King County road rights-of-way. (Ord. 13015 § 1, 1998).

14.44.070 Coordination of right-of-way construction.

A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant.

B. The property services division shall also coordinate the approval of right-of-way construction permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, if it finds that such delay will not create undue economic hardship on the applicant, or if it finds that such delay will allow the county to install conduit for future installation of fiber optic cable.

C. The property services division shall inform the department of transportation of all right-of-way construction permits issued.

D. The property services division shall forward copies of all right-of-way construction permit applications for projects 1,000 feet or longer to the department of information and administrative services. The division of information technology services will determine within 15 working days whether the installation of conduit may be needed for the future installation of fiber optic cable to connect county or other public facilities. (Ord. 12486 § 2, 1996: Ord. 5275 § 5, 1981: Ord. 1711 § 7, 1973).

14.44.080 Performance guarantee required. Prior to final approval of all right-of-way construction permits, the department of transportation shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of K.C.C. Title 27A. (Ord. 14199 § 206, 2001: Ord. 12020 § 48, 1995: Ord. 1711 § 8, 1973).

14.44.090 Construction permit - Form. The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of transportation. (Ord. 14199 § 207, 2001: Ord. 1711 § 9, 1973).

14.44.100 Notification by permittee of construction commenced. The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of transportation for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); and King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit. (Ord. 14199 § 208, 2001: Ord. 1711 § 10, 1973).

14.44.110 Enforcement. The director of the department of transportation and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 14199 § 209, 2001: Ord. 2910 § 5, 1976: Ord. 1711 (part), 1973).

14.44.115 Productivity and customer service report. Concurrent with the annual submittal of the executive proposed budget, on or about October 1 of each year, a report shall be provided to the county council by the property services division or its successor detailing performance measurements for each function within the permit and franchises section or its successor. The performance measurements shall include historical reporting for the current year-to-date and the preceding three years. The data reported is to include, but not be limited to: the number of permits and other transactions processed and the number of employees for each period; the average, longest and shortest periods of time for permits processed by the division for each year; the criteria used to determine the value of easements and of annual fees for use of county property, demonstrating utilization of commonly accepted principles of real estate appraisal; and the appraisal reports and fee calculation formulas for easements and annual fees for uses for all fees assessed in excess of one thousand dollars. (Ord. 14264 § 9, 2001).

14.45 WIRELESS MINOR COMMUNICATION FACILITIES WITHIN COUNTY RIGHTS-OF-WAY

Sections:

14.45.010 Purpose.
14.45.020 Definitions.
14.45.030 Exemptions.
14.45.040 Grant of authority – right-of-way use agreement required.
14.45.050 Grant of authority – effective period.
14.45.060 Application – contents.
14.45.070 Application review.
14.45.080 Application review and inspection fees.
14.45.090 Annual use payment for use of rights-of-way.
14.45.100 Insurance requirements.
14.45.110 Liquidated damages.
14.45.120 Liability and indemnification.
14.45.130 Antenna and equipment cabinets/buildings abutting residential zones.

14.45.010 Purpose. The purpose of this chapter is to grant, through right-of-way use agreements, authority for the placement of minor communication facilities within the county rights-of-way, and to establish standards for right-of-way use agreements which:

A. Compensate the county for the value of the use of the county right-of-way by wireless telecommunications providers; and

B. Reimburse the county for ongoing costs associated with those uses of the county right-of-way; and

C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and

D. Fully protect the public and the county from any harm that may flow from such private use of county right-of-way; and

E. Protect and carry out the authority of the county over activities in the county right-of-way, while recovering costs; and

F. Allow the county to exercise its stewardship responsibilities with regard to county right-of-way in a manner consistent with all applicable county policies and codes, including but not limited to the zoning code, the county comprehensive plan, county road standards; and

G. Otherwise protect the public interests in the development and use of the county right-of-way infrastructure and in preserving and improving the aesthetics of the community. (Ord. 13734 § 3, 2000).

14.45.020 Definitions. The following terms shall be applicable to this chapter:

A. "Right-of-way" is land, property or property interest, such as an easement, usually in a strip, as well as bridges, trestles, or other structures, dedicated to, or otherwise acquired by the county for public motor vehicle transportation purposes, including, but not limited to, roads, streets, avenues, and alleys, whether or not opened, improved or maintained for public motor vehicle transportation purposes.

B. "Right-of-way use agreement" is an agreement between the county and a wireless telecommunications provider through which is granted a site-specific and revocable privilege to use county right-of-way at a location identified in the agreement for wireless telecommunications facilities, and through which are set forth the terms and conditions for exercising the granted privilege to use the county right-of-way.

C. "Wireless telecommunications facility" is the capital, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, pedestals, and electronic equipment within the right-of-way used for the purpose of transmitting, receiving, distributing, providing, or offering wireless telecommunications.

D. "Wireless telecommunications provider" is every person that owns, controls, operates or manages a wireless minor telecommunication facility within the county right-of-way for the purpose of offering wireless telecommunication services (i.e. transmission for hire of information in electronic or optical form, including, but not limited to, voice, video, or data).

E. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite. (Ord. 13734 § 4, 2000).

14.45.030 Exemptions. The following wireless minor telecommunication facilities are not subject to the provisions of this chapter:

A. Facilities located or constructed by King County or under contract to King County; and

B. Facilities for wireless telecommunication service providers that have current franchise agreements pursuant to K.C.C. chapter 6.27A. (Ord. 13734 § 5, 2000).

14.45.040 Grant of authority - right-of-way use agreement required. Wireless minor communication facilities shall only be located or constructed within King County rights-of-way after a right-of-way use agreement is issued by the property services division of the department of construction and facility management. Prior to issuing the agreement, the division shall ensure that the proposed facility is located, designed and proposed to be constructed in a manner that complies with all applicable county policies and codes, including but not limited to the provisions of Ordinance 13734, zoning code, the county comprehensive plan, county road standards, and the Regulation for Accommodations of Utilities on county Roads Right-of-Way adopted by K.C.C. 14.44.060. Furthermore, the right-of-way use agreement shall only allow placement of wireless telecommunication facilities on improved and maintained county road rights-of-way. (Ord. 13734 § 6, 2000).

14.45.050 Grant of authority - effective period. The right-of-way use agreement constitutes authorization for the applicant to use the county right-of-way at the location specified in the agreement for no more than ten years. Failure to comply with the terms and conditions of the right-of-way agreement, including payment of required annual compensation, is cause for revoking of the use agreement. The agreement holder shall remove facilities authorized the agreement from the county right-of-way upon expiration of the agreement, unless renewed, or upon revocation of the agreement for cause. (Ord. 13734 § 7, 2000).

14.45.060 Application - contents.

A. The real estate services section of the facilities management division shall not commence review of any application set forth in this chapter until the applicant has submitted the following:

1. An application form provided by the real estate services section of the facilities management division and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or , if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:
   a. a site plan illustrating the relationship to property lines and other structures on the site,
   b. legal description of the site abutting property, and
   c. proof that the abutting property is a legally recognized lot pursuant to K.C.C. Title 19A;
6. A critical areas affidavit if required by K.C.C. chapter 21A.24;
7. A completed environmental checklist, if required by K.C.C. chapter 20.44; and
8. Payment of any review fees established by Ordinance 13734;

B. The applicant shall attest by written oath to the accuracy of all information submitted for an application. (Ord. 17515 § 10, 2013: Ord. 16266 § 3, 2008: Ord. 13734 § 8, 2000).

14.45.070 Application review. The property services division, roads services division of the department of transportation and the department of permitting and environmental review shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the state Environmental Policy Act, as follows:

A. The property services division shall coordinate the review by all departments of right-of-way use agreement applications.

B. The roads services division shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the right-of-way.

C. The department of permitting and environmental review shall review and evaluate all applications to determine consistency with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also be the lead agency for purposes of any environmental review required under K.C.C. 20.44. (Ord. 17420 § 40, 2012: Ord. 13734 § 9, 2000).

14.45.080 Application review and inspection fees.

A. The following fees shall be required for the administrative costs and expenses of processing and inspecting a wireless right-of-way use agreement application.

Review Agency	**Fee**
Real estate services section of the facilities management division (application processing and coordinating)	as set forth in K.C.C. 4A.675.050
Department of permitting and environmental review (zoning review)	as provided in K.C.C. 27.10.120
Road services division (inspection)	$125 per hour

The application processing and coordination fee to recover the cost of processing the application by the real estate services section shall be paid thereto upon filing of the application, and is nonrefundable.

B. In addition, the real estate services section shall have the authority to require applicants to reimburse the real estate services section for actual costs incurred by the real estate services section as a result of issuance, renewing or amending a wireless right-of-way use agreement under this chapter, to the extent the costs exceed the costs of processing the application recovered by the application processing and coordination fee. The payment of actual cost balances shall be made at the time the wireless right-of-way use agreement is executed. (Ord. 17515 § 12, 2013: Ord. 17420 § 41, 2012: Ord. 16295 § 10, 2008: Ord. 13734 § 10, 2000).

14.45.090 Annual use payment for use of rights-of-way.

A. In consideration for continuing use of the county rights-of-way, an agreement holder shall commit to provide an annual use payment. The amount of the use payment shall be as set forth in K.C.C. 4A.675.060.

B. Use payments shall be paid to the real estate services section of the facilities management division and are due upon the signing of the agreement, prorated to the end of the year, and the first of January every year thereafter. (Ord. 17515 § 14, 2013: Ord. 13734 § 11, 2000).

14.45.100 Insurance requirements.

A. For any right-of-way use agreement, the agreement holder must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than one million dollars ($1,000,000), in an amount approved by the King County office of risk management. All policies must name King County as an additional named insured.

B. All policies shall be placed with insurers having a Bests' rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII rating. The agreement holder shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the office so designated in the application prior to the county's execution of the agreement. (Ord. 13734 § 12, 2000).

14.45.110 Liquidated damages. All right-of-way use agreements may provide for liquidated damages to compensate the county for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. (Ord. 13734 § 13, 2000).

14.45.120 Liability and indemnification.

A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or Ordinance 13734 because of the enforcement of the agreement, or Ordinance 13734 except if such loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the county or its agents.

B. All right-of-way use agreements shall contain the following provision: to the extent permitted by law, the holder of the agreement shall, at its sole cost and expense, indemnify, hold harmless, and defend the county and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third -party claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, repair, maintenance or operation of its wireless telecommunication facilities, or in any way arising out of the agreement holder's enjoyment or exercise of the right-of-way use agreement granted pursuant, or otherwise subject, to Ordinance 13734, regardless of whether the act or omission complained of is authorized, allowed or prohibited by Ordinance 13734 or an agreement. This provision includes, but is not limited to expenses for reasonable legal fees and for disbursements and liabilities assumed by the county as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the agreement, its officers, employees, or agents or to which the agreement holder's negligence shall in any way contribute;

2. Arising out of a agreement holder's failure to comply with the provisions of any federal, state or local statute, ordinance, rule, or regulation applicable to the agreement holder.

C. The county shall give the agreement holder timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by ordinance 13734. In the event any such claim arises, the county or any other indemnified party shall tender the defense thereof to the permit and the agreement holder shall have the right to defend, settle, or compromise any claims arising hereunder and the county shall cooperate fully therein. (Ord. 13734 § 14, 2000).

14.45.130 Antenna and equipment cabinets/buildings abutting residential zones. Antenna and equipment cabinets/buildings abutting zoned UR, RA or R shall be subject to the following:

A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted. This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right-of-way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right-of-way use agreements.

B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within three hundred feet, unless the required excavation will occur within the required buffers of critical areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the critical area. (Ord. 16266 § 4, 2008: Ord. 13734 § 15, 2000).

14.46 PUBLIC AND PRIVATE UTILITIES ON KING COUNTY REAL PROPERTY

Sections:

14.46.010 Purpose.
14.46.020 Permit - Required - Exceptions.
14.46.030 Permit - Issuance authority - Use.
14.46.040 Permit - Privilege limitations.
14.46.050 Permit - Compliance with applicable provisions.
14.46.060 Permit - Terms and conditions.
14.46.070 Permit - application - required information.
14.46.080 Permit - issuance for utility construction work and installation, and other uses, upon, above, over, under and across any place that is not a right-of-way - fees reimbursement of costs.
14.46.090 Review and certification by agencies.
14.46.100 Financial guarantee requirements.
14.46.110 Notice of proposed use and commencement - Departmental coordination of permit approval.
14.46.120 Notice to agencies of construction date.
14.46.130 Permit revocation.

14.46.140 Termination of privileges - Assessment.
14.46.150 Enforcement.
14.46.160 Rights reserved to county - Conformance and payment of cost required.
14.46.170 Rule and regulation promulgation.

14.46.010 Purpose. The purpose of this chapter shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right-of-way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the county Comprehensive Plan, the critical areas code, sound engineering and design standards, and health and sanitation regulations. (Ord. 16266 § 5, 2008: Ord. 9614 § 108, 1990: Ord. 4099 § 1, 1979).

14.46.020 Permit - Required - Exceptions. All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the facilities management division; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities. (Ord. 14199 § 210, 2001: Ord. 4099 § 2, 1979).

14.46.030 Permit - Issuance authority - Use. The facilities management division is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under or across any public place in King County. The permits shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right-of-way. (Ord. 14199 § 211, 2001: Ord. 4099 § 3, 1979).

14.46.040 Permit - Privilege limitations. The permits shall not be construed to convey any vested right in the property. The permits grant only a personal and revocable privilege and license to do one or more acts on the property without possessing any interest in the property. (Ord. 4099 § 4, 1979).

14.46.050 Permit - Compliance with applicable provisions. The issuance of permits authorized in this chapter does not relieve or release the permittee from complying with other applicable statutes, ordinances, restrictions, regulations, rules or obligations in connection with the permittee's proposed use of the property. (Ord. 4099 § 5, 1979).

14.46.060 Permit - Terms and conditions. The permits shall be subject to all terms, conditions and restrictions, imposed by the department responsible for the management of the property to be affected, deemed necessary to preserve all characteristics consistent with public ownership; consequently, the general and specific terms, conditions and restrictions of the permits will vary according to, but not limited to, the following:

A. The property interest owned by King County;
B. All federal, state or local restrictions placed on the use of the property;
C. The purpose for acquiring the property;
D. Plans for the future development of the property;
E. The applicant's proposed use of the property; and
F. The individual characteristics of the property. (Ord. 4099 § 6, 1979).

14.46.070 Permit - application - required information. Applications for all permits shall be submitted, in writing, to the real estate services section of the facilities management division. The application shall contain whatever information, including plans and specifications, the real estate services section requires. (Ord. 16295 § 12, 2009: Ord. 4099 § 7, 1979).

14.46.080 Permit - issuance for utility construction work and installation, and other uses, upon, above, over, under and across any place that is not a right-of-way - fees reimbursement of costs.

A. Each application requires a fee as set forth in K.C.C. 4A.675.070 payable to the real estate services section of the facilities management division for the administrative costs and expenses of processing the application. The fee is nonrefundable. The real estate services section shall have the authority to require applicants to reimburse the real estate services section for the actual cost incurred by the

real estate services section as a result of issuance, renewal or amendment of the permits under this section to the extent the costs exceed the cost of processing the application recovered by the application fee. The payment of actual cost balances shall be made at the time of permit issuance.

B. In addition, the permittee is required to pay an inspection fee as set forth in K.C.C. 4A.675.070.C. to the department responsible for the management of the property to be affected. (Ord. 17515 § 16, 2013: Ord. 16295 § 13, 2008: Ord. 14264 § 8, 2001: Ord. 13327 § 8, 1998: Ord. 7020 § 1, 1984: Ord. 4099 § 8, 1979).

14.46.090 Review and certification by agencies.

A. The property services division shall coordinate the review by all departments of permit applications.

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

C. The Seattle-King County department of public health shall review and evaluate applications for the construction of waterworks, except for domestic service connections, to determine consistency with state and local health and sanitation regulations.

D. The King County fire marshal shall review and evaluate applications for the construction of waterworks to determine consistency with county standards for water mains and fire hydrants.

E. All applications for the construction of sewer or water facilities must be certified by the department of permitting and environmental review as consistent with a sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24.

F. In any case, the property services division shall forward the application to the department for recommendations on critical area issues and the property services division shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 17420 § 42, 2012: Ord. 16266 § 6, 2008: Ord. 11792 § 12, 1995: Ord. 9614 § 109, 1990: Ord. 4099 § 9, 1979).

14.46.100 Financial guarantee requirements. Prior to final approval of all permits, the department responsible for the management of the property to be affected shall determine the amount of the performance guarantee necessary to assure compliance with approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants, and to assure proper restoration of the property and the health and safety of the users of the property. The applicant shall submit the financial guarantee consistent with the provisions of Title 27A. (Ord. 12020 § 49, 1995: Ord. 4099 § 10, 1979).

14.46.110 Notice of proposed use and commencement - Departmental coordination of permit approval.

A. The applicant, at the time of submitting an application for a permit, shall notify all public and private utility entities known to be using or proposing to use the same public place of the applicant's proposed use and the proposed timing of any construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of any proposed construction for the purpose of coordinating other construction work on the property with that proposed by the applicant. The real property division* may delay the commencement date for the applicant's construction work on the property for ninety days or less if it finds that such delay will reduce the inconvenience to the public from construction activities, and it finds that such delay will not create undue economic hardship on the applicant.

B. The real property division* shall also coordinate the approval of permits with the department responsible for the management of the property to be affected and may delay the commencement date for the applicant's construction work for ninety days or less upon making the findings described in subsection A. of this section.

C. The real property division* shall inform the Seattle-King County department of public health of permits for construction of waterworks (except domestic service connections), and the King County fire marshal of permits for waterworks. (Ord. 4099 § 11, 1979).

14.46.120 Notice to agencies of construction date. The permittee is required to give written notice of the date construction will begin to the following agencies: The department responsible for the management of the property to be affected; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for construction of

waterworks. Failure to give such notice is grounds for the revocation or suspension of the permit. (Ord. 4099 § 12, 1979).

14.46.130 Permit revocation. Any permit issued by the authority of this chapter shall be revocable at any time that the department responsible for the management of the property affected shall determine that the public health, safety, general welfare, or public use requires such revocation, and the right to revoke is expressly reserved to King County. At a reasonable time prior to action upon such revocation or proposed revocation, opportunity shall be afforded to the permittee to present for consideration action or actions alternative to the revocation of such permit. (Ord. 4099 § 13, 1979).

14.46.140 Termination of privileges - Assessment. All privileges granted by the permits shall automatically terminate at such time as the permittee ceases to use the property and any facilities authorized by the permit. The permittee may terminate the agreement by written notice to the manager of the Real Property Division. Upon revocation, termination or abandonment of any permit, the permittee shall remove at his expense all facilities placed on such property by the permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the county. If the permittee has not accomplished removal and restoration at the end of a ninety-day period following the effective date of revocation, termination or abandonment, the county may accomplish all of the necessary work and charge all of the costs to the permittee. (Ord. 4099 § 14, 1979).

14.46.150 Enforcement. In addition to other enforcement powers and not in limitation thereto, the manager of the Real Property division is authorized to enforce the provisions of this chapter, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 4099 § 15, 1979).

*** Editor's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.**

14.46.160 Rights reserved to county - Conformance and payment of cost required. The county reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including but not limited to, constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The permittee upon written notice will at his own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work contemplated or ordered by the county according to a time schedule contained in the written notice. (Ord. 4099 § 16, 1979).

14.46.170 Rule and regulation promulgation. The manager of the Real Property division may promulgate any rules and regulations necessary for the operation of this chapter. (Ord. 4099 § 17, 1979).

14.48 SNOW EMERGENCY ROUTES

Sections:

14.48.010 Designation.
14.48.020 Publication.
14.48.030 Snow emergency - Declaration authority - News bulletin.
14.48.040 Coordination of snow removal activities with other jurisdictions.

14.48.010 Designation. Certain arterial highways and school bus routes in King County, to be identified and so designated by the director of transportation, are declared snow emergency routes. Such snow emergency routes shall be the first roads and streets to be sanded and/or cleared of snow. (Ord. 14199 § 212, 2001: Ord. 1503 § 1, 1973).

14.48.020 Publication. The director of transportation shall issue a news bulletin to all newspapers of general circulation serving King County, a listing of all such snow emergency routes. Such listing of snow emergency routes shall be prepared and a news bulletin issued within two weeks of January 29, 1973, and thereafter annually, prior to the second Monday in November. (Ord. 14199 § 213, 2001: Ord. 1503 § 2, 1973).

14.48.030 Snow emergency - Declaration authority - News bulletin. The director of transportation or his or her authorized representative is empowered to declare a snow emergency. The director shall establish guidelines for conditions which will warrant the declaring of a snow emergency.

When a snow emergency is declared, the director shall issue an emergency news bulletin to all radio and television stations and newspapers serving King County, and to the county sheriff, so that there may be coordination for the deployment of personnel and equipment. (Ord. 14199 § 215, 2001: Ord. 1503 § 3, 1973).

14.48.040 Coordination of snow removal activities with other jurisdictions. The director of transportation shall coordinate King County snow removal activities with federal, state, county and local jurisdictions located within or adjacent to King County for the purpose of continuity in clearing snow emergency routes. (Ord. 14199 § 215, 2001: Ord. 1503 § 4, 1973).

14.52 SIDEWALKS, PLANTING STRIPS AND STREET TREES

Sections:

14.52.010 Definitions.
14.52.020 Sidewalk - Repair determination - Responsibility and costs.
14.52.030 Sidewalk - Notice to repair - Cost assessment.
14.52.040 Planting strip maintenance.
14.52.050 Sidewalk - Snow, ice and trash removal required when.
14.52.060 Sidewalk - Violation of K.C.C. 14.52.050 deemed misdemeanor.
14.52.070 Exemption from K.C.C. 14.52.040 and 14.52.050 permitted when.
14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited.

14.52.010 Definitions. Terms used in this chapter with relation to sidewalks, planting strips and curbs shall have the meanings as set forth in this section:

A. "Curb" means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the roadway and to separate the vehicular portion from that provided for pedestrians and to control surface drainage.

B. "Planting strip" means that portion of the right-of-way behind the curb line and between the curb line and the sidewalk or between the sidewalk and the right-of-way line used for the planting of trees, grass, shrubs or ground cover.

C. "Sidewalk" means that property between the curb line and the adjacent property, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete. (Ord. 3027 § 1, 1976).

14.52.020 Sidewalk - Repair determination - Responsibility and costs. Whenever a portion of any street or road, including any boulevard, avenue, lane or place, is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the department of transportation may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience. If the department does so find, the duty, burden and expense of repair shall be the responsibility of the abutting property owner; provided, that the abutting property owner shall not be charged with any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements. (Ord. 14199 § 216, 2001: Ord. 3027 § 2, 1976).

14.52.030 Sidewalk - Notice to repair - Cost assessment. Whenever the department of transportation has determined that a portion of a sidewalk has become unfit or unsafe for public travel, the department shall serve a written notice on the owner of the abutting property, instructing the owner to repair the sidewalk in accordance with standard plans and specifications which shall be attached to the notice. The notice may be delivered in person to the owner, to the resident of the property, or by mail to the last known address of the property owner. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the street where the improvements are to be made. The notice shall specify a reasonable time for such construction or reconstruction and shall also state that in the event the project is not completed within the time period specified, the department of transportation will proceed to have the improvements completed. Following completion, the department will report to the council an assessment roll showing the lots or parcels abutting the project and the name of the owner or owners. Upon expiration of the normal time for hearing protests as specified in RCW 36.88.090, the council shall assess the cost for the improvement against the abutting property owner which shall become a lien against the property if not paid. (Ord. 14199 § 217, 2001: Ord. 3027 § 3, 1976).

14.52.040 Planting strip maintenance. Maintenance of planting strips including trees, shrubbery, grass or other ground cover shall be the responsibility of the abutting property owner. Should the director of transportation find that such property is not being properly maintained, a notice shall be forwarded as provided in K.C.C.14.52.030, specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department of transportation will have the maintenance performed, and the cost will be assessed against the property owner as provided in K.C.C. 14.52.030. (Ord. 14199 218, 2001: Ord. 3027 § 4, 1976).

14.52.050 Sidewalk - Snow, ice and trash removal required when. It is unlawful for any person, firm or corporation owning real property within the unincorporated area to permit the accumulation of snow, ice, trash or any other matter on an existing sidewalk which impedes the normal flow of pedestrian traffic. In the event the property is owned by a person not a resident of King County, a reasonable period of time shall be provided for the owner or his agent to remove the material. If such removal is not accomplished within a reasonable period of time, the director of transportation may have the sidewalk cleaned and the cost thereof shall be a lien on the property. (Ord. 14199 § 219, 2001: Ord. 3027 § 5, 1976).

14.52.060 Sidewalk - Violation of K.C.C. 14.52.050 deemed misdemeanor. Each day any sidewalk, or driveway portion thereof, is permitted to remain in a hazardous condition as specified in Section 14.52.050 of this chapter shall be considered and shall constitute a separate violation. Violation of Section 14.52.050 shall constitute a misdemeanor and shall be punished as provided by law. (Ord. 3027 § 6, 1976).

14.52.070 Exemption from K.C.C. 14.52.040 and 14.52.050 permitted when. Residents whose property is substantially higher or lower in elevation than the street who do not have street access from one or more sides of their property may apply for an exemption from the provisions of Sections 14.52.040 and 14.52.050 of this chapter. Exemptions may be granted by the county engineer based upon standards which shall be established by the department. (Ord. 3027 § 7, 1976).

14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited.

A. Notwithstanding any provision of franchise agreements, street trees planted within the public right-of-way along roads under the jurisdiction of King County shall not be removed or cut back so as to generally damage the aesthetic quality of the tree. Such trimming, when required by power or telephone companies to safeguard their wires, shall be done in a manner that preserves the general appearance of the tree. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and such traffic warning or regulatory signs that are in place. (Ord. 3027 § 8, 1976).

14.56 NON-MOTORIZED VEHICLE PROGRAM

Sections:

14.56.010 Findings and declaration of purpose.
14.56.020 Program established.
14.56.030 Duties and responsibilities.

14.56.010 Findings and declaration of purpose. Non-motorized transportation, in the form of pedestrian, bicycle and equestrian travel in King County, should be safe. The prevention of accidents is a paramount element in the design and operation of all county transportation facilities as well as in developed and newly developing communities in the county. This policy is consistent with the King County Comprehensive Plan and the plans and programs for county parks and recreation. Therefore, it is the intent of the King County council to seek a coordinated administration of these non-motorized transportation goals and policies through the development of a functional plan which defines service levels, facility standards, funding mechanisms, project engineering, and design and operation to be conducted through a public review process. (Ord. 8421 § 2, 1988).

14.56.020 Program established. There is established a non-motorized vehicle program to meet the following goals and objectives:

A. To identify and document the needs of non-motorized transportation in King County, including bicyclists, equestrians, pedestrians, and special populations;

B. To determine ways that the existing county transportation network, including transit, can be made more responsive to the needs of non-motorized users;

C. To inform and educate the public on issues relating to non-motorized transportation;

D. To institute the consideration of non-motorized transportation in all related county-funded programs, and to encourage the same consideration on an interlocal and regional basis;

E. To improve non-motorized transport users and motorists compliance with traffic laws; and

F. To guide development of a county functional plan for non-motorized transportation, to implement the adopted policies established in the county comprehensive plan, the county transportation plan, and current programs within county government. (Ord. 14048 § 2, 2001: Ord. 8421 § 3, 1988).

14.56.030 Duties and responsibilities. The department of transportation shall carry out the following duties and responsibilities:

A. Implement the non-motorized vehicle program;

B. Provide support to any ad hoc non-motorized advisory committee; and

C. Work with governmental agencies to identify, develop and promote programs that encourage the use of non-motorized modes of transportation. (Ord. 14048 § 3, 2001: Ord. 8421 § 4, 1988).

14.60 COMMUTE TRIP REDUCTION

Sections:

14.60.010 Definitions.
14.60.020 Commute trip reduction plan, base year values and zones.
14.60.030 Applicability.
14.60.040 Employer program requirements.
14.60.050 Schedule for submittal, review and implementation.
14.60.060 Criteria for goal attainment.
14.60.070 Credits, goal and program modifications, and exemptions.
14.60.080 Appeals.
14.60.100 Administrative rules and procedures.

14.60.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Affected employee" means a full-time employee who begins his or her regular work day at a single work site between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least twelve contiguous months who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

B. "Affected employer" means an employer that employs one hundred or more affected employees at a single work site covered by the CTR Plan. Construction work sites are excluded from this definition when the expected duration of the construction is less than two years.

C. "Alternative commute mode" means any means of transportation to and from work other than driving a single-occupant motor vehicle, including scheduled work from home and work schedules that result in fewer commute trips.

D. "Baseline measurement" means the survey of affected employees conducted by an affected employer to determine the drive-alone rate and VMT per affected employee.

E. "Carpool" means a motor vehicle occupied by two to six people who are at least sixteen years old traveling together for their commute trip that results in the reduction of at least one motor vehicle commute trip.

F. "Commute trips" mean trips made from a worker's home to a work site for a regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays.

G. "CTR plan" means the county's commute trip reduction plan, as adopted by Ordinance 17034, to regulate and administer the CTR programs of affected employers' worksites within unincorporated King County.

H. "CTR program" means an affected employer's program, approved by the director, including strategies to reduce affected employees' VMT per employee and drive-alone rate.

I. "Director" means the director of the department of transportation or his or her authorized designee.

J. "Drive-alone rate" means the percentage of affected employee commute trips made by single occupants of motor vehicles, including motorcycles.

K. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public,

nonprofit or private, that employs workers.

L. "Exemption" means a waiver from CTR program requirements granted to an employer by the county based on unique conditions that apply to the employer or worksite.

M. "Full-time employee" means a person other than an independent contractor, whose position is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

N. "Good faith effort" means that an employer has met the minimum requirement identified in RCW 70.94.531.

O. "Mode" means the means of transportation used by employees, such as single-occupant motor vehicle including motorcycle, rideshare vehicle such as carpool or vanpool, transit, bicycle and walking.

P. "Single work site" means a building or group of buildings occupied by one or more major employers which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

Q. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

R. "Vanpool" means a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

S. "VMT per employee" means the sum of the distance in miles of individual vehicle commute trips made by affected employees over a set period divided by the number of affected employees during that period.

T. "Week" means a seven day calendar period, starting on Monday and continuing through Sunday.

U. "Weekday" means any day of the week except Saturday or Sunday. (Ord. 17034 § 1, 2011: Ord. 13321 § 1, 1998: Ord. 10733 § 1, 1993).

14.60.020 Commute trip reduction plan, base year values and zones.

A. The 2011 King County Commute Trip Reduction Plan, which is Attachment A* to Ordinance 17034, is hereby adopted.

B. The CTR plan lists the county's goals for reducing VMT per employee and the drive-alone rate for the unincorporated urban area and for two affected employers. The director shall set goals for reducing VMT per employee and the drive-alone rate for any affected employer not listed in the CTR plan.

C. The department website shall include a notice of the adoption of the CTR plan and an explanation of its applicability to affected employers. The director shall notify the affected employers listed in the CTR plan and any other employer who becomes an affected employer of the CTR plan and its requirements. (Ord. 17034 § 2, 2011: Ord. 13321 § 2, 1998: Ord. 10733 § 2, 1993).

14.60.030 Applicability. This chapter applies to any affected employer at any single work site within unincorporated King County. Employees will be counted only at their primary work site. It is the responsibility of the employer to notify the director of a change in status as an affected employer. An employer that becomes an affected employer after March 14, 2011, must identify itself to the director [as an affected employer]* within ninety calendar days after becoming an affected employer. An affected employer shall continue to be treated as an affected employer for twelve months after it notifies the director that it no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months. If the employer no longer employs one hundred or more affected employees at the end of the twelve month period, that employer is no longer an affected employer. If an employer becomes an affected employer within twelve months after it ceased to be an affected employer, the employer shall be treated as if it was continuously an affected employer. If an employer becomes an affected employer more than twelve months after it ceased to be an affected employer, that employer shall be treated as a new affected. (Ord. 17034 § 3, 2011: Ord. 10733 § 3, 1993).

***Reviser's note: Language not underlined in Ordinance 17034. See K.C.C. 1.24.075.**

14.60.040 Employer program requirements.

A. An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2), to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and the drive-alone rate. The employer's CTR program description shall be prepared according to a format provided by the director. The employer's CTR program must meet the requirements of RCW 70.94.531.

B. When approving the CTR program, the director shall list all records to be maintained to document the employer's program and progress toward reducing VMT per employee and the drive-alone rate. Records shall be retained for a minimum of forty-eight months. (Ord. 17034 § 4, 2011: Ord. 13321 § 3, 1998: Ord. 10733 § 4, 1993).

14.60.050 Schedule for submittal, review and implementation.

A. Not more than ninety days after the director determines that an employer has become an affected employer, the affected employer shall perform a baseline measurement consistent with the rules established by the state department of transportation under RCW 70.90.537. The director shall use this baseline measurement to set CTR program goals for the affected employer and shall notify the employer of these CTR program goals. The affected employer shall then have ninety days to develop a CTR program in consultation with the director and to submit it to the director for approval.

B. The director shall approve or disapprove the affected employer's CTR program within ninety days. When approving an affected employer's CTR program, the director shall establish the employer's reporting date and a schedule for conducting CTR program surveys of affected employees. Every two years on the affected employer's reporting date, the affected employer shall submit a CTR program report using a format provided by the director. The employer shall implement its CTR program within ninety days after the director approves it.

C. In response to recommended modifications, the employer shall submit a revised CTR program, including the requested modifications or equivalent measures, within thirty days of receipt. The director shall review the revised CTR program and notify the employer of acceptance or rejection within thirty days. If a revised program is not accepted, the director has the discretion to require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. The director shall issue a final decision on the required program within ten working days of the conference.

D. At least thirty days before a CTR program is to be implemented, a CTR program report is due or program modifications are to be implemented, an employer may request an extension of up to ninety days to complete this action. The director shall grant all or part of the extension request or deny the request within ten working days of receipt. If the director fails to respond within ten working days, the extension is automatically granted for thirty calendar days.

E. The director shall complete review of the employer's CTR program report, survey results, modification request or exemption request within thirty calendar days of receipt. The director shall notify the employer of the decision to approve or disapprove the employer's CTR program report, survey results, modification request or exemption request including the cause for disapproval. If the director does not notify the employer by the deadlines in this section, the employer's CTR program report, survey results, modification request or exemption request shall be deemed accepted. (Ord. 17034 § 5, 2011: Ord. 13321 § 4, 1998: Ord. 10733 § 5, 1993).

14.60.060 Criteria for goal attainment.

A. If an employer meets either or both of its goals for reducing VMT per employee and the drive-alone rate, the employer has satisfied the objectives of the CTR plan and will not be required to modify the CTR program.

B. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) but has not met its goal, no additional modifications to the CTR program are required. An employer is presumed to act in good faith if failure to implement a CTR program is the result of an inability to reach agreement with a union, provided that the employer requests the union to approve any CTR program provision that is subject to collective bargaining and the employer advises the union that the employer is subject to this chapter.

C. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2), and fails to meet the applicable VMT reduction or drive-alone goal, the director shall notify the employer of potential modifications to the CTR program and shall direct the employer to revise the CTR program within thirty days to incorporate the modifications to comply with the requirements of RCW 70.94.531. The employer shall submit a modified CTR program to the director. The director shall review the revised program and notify the employer that it is accepted or rejected. The director has the discretion to require the employer to attend a conference with program review staff for the purpose of reaching consensus on a revised CTR program. The director shall issue a final decision on the required program within ten working days of the conference. (Ord. 17034 § 6, 2011: Ord. 13321 § 5, 1998: Ord. 10733 § 6, 1993).

14.60.070 Credits, goal and program modifications and exemptions.

A. Beginning one year after the director has approved its CTR program, an employer may request a modification of CTR program goals under the following conditions:

1. The employer demonstrates that it requires employees to use the vehicles they drive to work during the work day for work purposes. Under this condition, the applicable goals will not be changed, but those employees who need daily access to the vehicles they drive to work will not be included in the calculations of proportion of VMT per employee and the drive-alone rate used to determine the employer's progress toward program goals. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode exists for these employees and that the vehicles cannot reasonably be used for carpools or vanpools;

2. The employer demonstrates that it has significant numbers of its employees assigned to variable work schedules which makes it unreasonable to expect that such employees regularly participate in CTR programs. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode program can be developed for these employees. Under this condition, the applicable goals will not be changed, but those employees who are assigned to variable work schedules will not be included in the calculations of the proportion of VMT per employee and the drive-alone rate used to determine the employer's progress toward program goals; and

3. The employer demonstrates that opportunities for alternative commute modes do not exist due to factors related to the work site, its work force or characteristics of the business that are beyond the employer's control; and the employer clearly demonstrates why the work site is unable to achieve the applicable goal. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

B. An affected employer may request an exemption from all CTR program requirements for a particular work site. The employer must demonstrate that it would experience undue hardship in complying with the program requirements as a result of the characteristics of its business, its work force or its location or locations. The director may grant an exemption only if the employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive-alone trips and VMT per employee.

C. The director shall approve or disapprove modification or exemption requests within thirty days of receipt. The director shall review annually all employers receiving modifications or exemptions and shall determine whether the exemptions will be in effect during the following program year. (Ord. 17034 § 7, 2011: Ord. 13321 § 6, 1998: 10733 § 7, 1993).

14.60.080 Appeals. Any affected employer may request reconsideration of a decision by the director. A written appeal to the hearing examiner must be filed within the time period prescribed by K.C.C. chapter 20.24. The appeal must state the decision being appealed and the grounds for the appeal. The appeal shall be reviewed in accordance with K.C.C. chapter 20.24. (Ord. 17034 § 8, 2011: Ord. 13321, § 7, 1998: Ord. 10733 § 8, 1993).

14.60.100 Administrative rules and procedures. The director of the department of transportation is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this act. (Ord. 13321 § 9, 1998: Ord. 10733 § 10, 1993).

14.65 INTEGRATED TRANSPORTATION PROGRAM

Sections:

14.65.010 Components of the integrated transportation program.
14.65.020 Procedures for mitigation payment system and intersection standards.
14.65.025 Administrative rules – mitigation payment system, intersection standards.
14.65.030 Filing appeals - mitigation payment system, intersection standards.
14.65.040 Grounds for appeal - mitigation payment system, intersection standards.

14.65.010 Components of the integrated transportation program. There are three components of the integrated transportation program. These components are as follows:

A. Transportation concurrency management (TCM), by which King County regulates new development based on adequate transportation improvements needed to maintain level of service standards, in accordance with RCW 36.70A.070(6), the King County Comprehensive Plan and K.C.C. chapter 14.70.

B. Mitigation payment system (MPS), by which King County applies transportation impact fees to new development for collecting a fair and equitable share of transportation improvement costs that are needed in accordance with RCW chapter 82.02, the King County Comprehensive Plan and K.C.C. chapter 14.75.

C. Intersection standards (IS), by which King County evaluates intersections affected by new development to assure safe and efficient operation and that improvements to mitigate the adverse

impacts of such developments are completed, in accordance with the state Environmental Policy Act (SEPA), K.C.C. 20.44.080, and the King County Comprehensive Plan and K.C.C. chapter 14.80. (Ord. 14050 § 1, 2001: Ord. 11617 § 3, 1994).

14.65.020 Procedures for mitigation payment system and intersection standards.

A. Following the submission of a development application, the department of transportation shall determine the transportation impact fee to be paid under K.C.C. chapter 14.75 and shall determine the traffic impacts of the proposed development on roadway intersections that will be adversely impacted and which must be mitigated using K.C.C. chapter 14.80.

B.1. The vehicular trips expected to be generated by a proposed development shall be calculated as of the time of application, using standard generation rates published by the Institute of Transportation Engineers, other standard references or from other documented information and surveys approved by the department of transportation.

2. The department of transportation may approve a reduction in generated vehicle trips calculated under subsection B.1. of this section based on the types of land uses that are to be developed, on the expected amount of travel internal to the development, on the expected pass-by trips from existing traffic or on the expected reduction of vehicle traffic volumes. Such a reduction shall be used when calculating mitigation payment system and intersection standards, including any impact and mitigation fees and costs for which the development shall be liable.

3. The calculation of vehicular trip reductions as described in this section shall be based in all cases upon sound and recognized technical information and analytical process that represent current engineering practice. In all cases, the department of transportation shall have final approval of all such data, information and technical procedures used to calculate trip reductions.

C. Intersection level of service shall be calculated according to the most recent Highway Capacity Manual or an alternative method approved by the department of transportation.

D. The intersection standard for all intersections shall be "E" as required by the K.C.C. chapter 14.80 and calculated according to the most recent Highway Capacity Manual or approved alternative method.

E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and road design, the standards in subsection D of this section shall be used in the integrated transportation program for the determination of traffic impacts for the state Environmental Policy Act evaluation of a proposed development.

F. Fees for the mitigation payment system and intersection standards shall be as follows:

1. All developments subject to the mitigation payment system fees shall pay an administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the time of application for a mitigation payment system determination. Payment for impact mitigation fees under mitigation payment system shall be paid at the time a development permit is issued, but residential developments may defer payment until building permits are issued, except as otherwise provided in K.C.C. 14.75.075; and

2. Administrative fees shall not be charged for intersection standards review, but the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the director.

G. The need for the environmental assessment of a proposed development must be determined by the department of permitting and environmental review, following the filing of a completed permit application. Impacts on the road system will be mitigated through mitigation payment system fees. Impacts on intersections will be mitigated through K.C.C. chapter 14.80.

H. Nothing in this chapter shall cause a developer to pay mitigation and impact fees more than once for the same impact. Improvements and mitigation measures shall be coordinated by the director with other such improvements and measures attributable to other proposed developments, and with the county road improvement program so that the county road system is improved efficiently and effectively, with minimum costs to be incurred by public and private entities. This title does not supersede or replace the county state Environmental Policy Act authority as enacted in K.C.C. chapter 20.44. (Ord. 17420 § 43, 2012: Ord. 17190 § 1, 2011: Ord. 14050 § 2, 2001: Ord. 14048 § 5, 2001: Ord. 12616 § 1, 1997: Ord. 11617 § 4, 1994).

14.65.025 Administrative rules – mitigation payment system, intersection standards. For MPS and IS the director may adopt such administrative rules and procedures as are necessary to implement this chapter. (Ord. 14050 § 3, 2001: Ord. 11617 § 64, 1994).

14.65.030 Filing appeals – mitigation payment system, intersection standards.

A. Appeals of the department's final decisions relative to MPS and IS shall be filed with the director or the director's designee.

B. The appeals shall be in written form, stating the grounds for the appeal, and shall be filed within ten calendar days of the receipt of notification of the department's final appealable decision in the matter being appealed. (Ord. 14050 § 4, 2001: Ord. 11617 § 5, 1994).

14.65.040 Grounds for appeal - mitigation payment system, intersection standards.

A. For appeals of the MPS fee, the appellant must show that the department:

1. Committed an error in:

a. calculating the development's proportionate share, as determined by an individual fee calculation or, if relevant, as in the fee schedule; or

b. granting credit for benefit factors;

2. Based on the final decision upon incorrect data; or

3. Gave inadequate consideration to alternative data or mitigation submitted to the department.

B. For appeals of IS improvements, the appellant must show that:

1. The department committed a technical error;

2. Alternative data or a traffic mitigation plan submitted to the department was inadequately considered; or

3. Conditions required by the department are not related to improvements needed to serve the proposed development. (Ord. 14050 § 5, 2001: Ord. 12616 § 2, 1997: Ord. 11617 § 6, 1994).

14.70 TRANSPORTATION CONCURRENCY MANAGEMENT

Sections:

14.70.205 Authority and purpose.
14.70.210 Definitions.
14.70.220 Transportation adequacy measure and travel time standards.
14.70.230 Concurrency analysis and test.
14.70.240 Requirement for concurrency.
14.70.260 Appeals.
14.70.270 Update of the transportation concurrency map.
14.70.285 Minor developments and certain public and educational facilities.
14.70.290 Intergovernmental coordination.
14.70.300 Relationship to state Environmental Policy Act.

14.70.205 Authority and purpose.

A. This chapter is enacted under King County's powers as a home rule charter county, Article XI, Section 11 of the Washington State Constitution and the Growth Management Act, chapter 36.70A RCW.

B. It is the purpose of this chapter to:

1. Ensure that county level of service standards are achieved "concurrently" with development, as required by the Growth Management Act and the Comprehensive Plan, by denying approval of development that would cause the level of service on transportation facilities to decline below county standards;

2. Ensure that the concurrency program directly reflects the financial commitments of the adopted CIP currently in effect; and

3. Ensure that the transportation concurrency policies established by the county council are carried out through technical procedures approved by the council. (Ord. 14050 § 7, 2001).

14.70.210 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Average travel speed" means the average speed in miles per hour of a vehicle over a certain length of road.

B. "Capital improvement program" or "CIP" means the expenditures and revenues programmed by King County for capital purposes for road improvements over the next six-year period in the adopted CIP currently in effect.

C. "Comprehensive Plan: means the adopted King County Comprehensive Plan.

D. "Concurrency" means transportation facilities are in place at the time of development or that a financial commitment is in place to complete within six years the improvements needed to maintain the county level of service standards, according to RCW 36.70A.070(6).

E. "Concurrency map" means the map displaying the concurrency status of all areas of unincorporated King County for residential and commercial land uses based upon the concurrency test. The map shall signify concurrency service status as designated in K.C.C. 14.45.060.

F. "Concurrency status" means whether or not an area passes the concurrency test.

G. "Concurrency test" means determining whether or not an area meets level of service standards as described in K.C.C. 14.70.220.

H. "Department" means the King County department of transportation or its successor agency.

I. “Development” means specified changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings or improvements on the land in a manner that increases the amount of vehicle traffic generated by the existing use of the land, and that requires a development permit from King County. This definition does not pertain to the rezoning of land or a grading permit.

J. “Development application” means the request made to the department permitting and environmental review, or its successor agency, for approval of a development.

K. “Development approval” means an order, permit or other official action of the department of permitting and environmental review or its successor agency granting, or granting with conditions, an application for development.

L. “Development units” means the number of dwelling units for residential development.

M. “Director” means the director of the department.

N. “Financial commitment” consists of:

1. Revenue designated in the adopted CIP. The adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the funds will be timely put to those ends. Projects to be used in the concurrency analysis are fully funded for construction in the six years of the CIP. This funding commitment is reviewed through the annual budget process; or

2. Revenue that is assured by an applicant in a form approved by the county in a voluntary agreement.

O. "Highways of statewide significance that are not limited access and that function similar to county arterials" means segments of highways of statewide significance that:

1. Allow driveways and side streets to connect directly to the highway;

2. Provide primary connections between major centers of activity; and

3. Function as high traffic corridors for intraarea travel between business districts and communities or rural towns.

P. “Level of service standard” means the travel time standards that are adopted in the Comprehensive Plan and in this chapter.

Q. “Peak period” means the one-hour weekday afternoon period during which the greatest volume of traffic uses the road system. For concurrency purposes, this period shall be in the afternoon of a typical weekday.

R. “Road classification” means the classification of roadways as determined by the county council by ordinance based on the function and design of a specific road.

S. “Rural Area” means a Rural Area as defined in the Comprehensive Plan.

T. "Rural Mobility Area" means one of the rural towns as defined by the Comprehensive plan.

U. "Rural Neighborhood Commercial Center" means the large rural neighborhood commercial centers of Cottage Lake, Maple Valley, Preston and Cumberland.

V. “Rural Town” means a Rural Town as defined in the Comprehensive Plan.

W. "Segment" means a portion of an arterial used in level of service standard calculation and defined consistent with methodology described in Federal Highway Administration Report FHWA-PL-98-035, March 1993, or as updated and used to calculate level of service.

X. “Transportation facilities” means principal, minor and collector arterial roads, state highways and high occupancy vehicle facilities as well as associated sidewalks, bike lanes and other facilities supporting nonmotorized travel. Transportation facilities include any such a facility owned, operated or administered by the state of Washington and its political subdivisions, including the county and cities.

Y. "Travel shed" means a geographic area within which all development would be likely to use or be affected by traffic on arterials within the travel shed.

Z. “Travel time” means the time it takes a vehicle to travel from one specified point to another.

AA. “Travel time standard” means the level of service standard used to judge the performance of arterial road segments. The level of service standard is identified by ranges of average travel speed by road classification.

BB. “Urban Growth Area” means an Urban Growth Area as defined in the King County Comprehensive Plan. (Ord. 17420 § 44, 2012: Ord. 16266 § 7, 2008: Ord. 15839 § 1, 2007: Ord. 15030 § 1, 2004: Ord. 14580 § 1, 2003: Ord. 14050 § 8, 2001).

***Reviser's note: Not underlined in Ordinance 16266. See K.C.C. 1.24.075.**

14.70.220 Transportation adequacy measure and travel time standards.

A. Concurrency shall be determined by the application of travel time standards to principal and minor arterials associated with travel sheds as defined in this chapter. This may also include portions of certain highways of statewide significance that are not limited access and that function similar to county arterials. Travel time data for collector arterials shall not be included as part of the concurrency test. Selected collector arterials shall be monitored using traffic counts. If counts indicate congestion could be

approaching level of service standards on one or more collector arterials, travel time data shall be collected for all collector arterials, and such collector arterial data shall be included in the concurrency test.

B.1. The travel time standards are levels of service based on average travel speed in miles per hour, and the standards vary by road classification. The travel time standard for the Urban Growth Area and the Rural Mobility Areas is level of service E. The travel time standard for the Rural Area is level of service B. The travel time standard for the Rural Neighborhood Commercial Centers is level of service D. The travel time standard for the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F.

2. The following table identifies the range of travel speeds for the travel time levels of service.

ROAD LEVELS OF SERVICE				
Road Classification:	**I** (State Routes)	**II** (Principal Arterials	**III** (Minor Arterials)	**IV** (Collector Arterials)
LEVEL OF SERVICE	**AVERAGE TRAVEL SPEED (MILES PER HOUR)**			
A	>42	>35	>30	>25
B	>34 – 42	>28 – 35	>24 – 30	>19 – 25
C	>27 – 34	>22 – 28	>18 – 24	>13 – 19
D	>21 – 27	>17 – 22	>14 – 18	>9 – 13
E	>16 – 21	>13 – 17	>10 – 14	>7 – 9
F	<=16	<=13	<=10	<=7

(Ord. 16266 § 8, 2008: Ord. 15839 § 2, 2007: 15030 § 2, 2004: Ord. 14580 § 2, 2003: Ord. 14375 § 1, 2002: Ord. 14050 § 9, 2001).

14.70.230 Concurrency analysis and test.

A. The department shall perform a concurrency analysis and test for each travel shed to determine whether areas within the travel sheds are concurrent. The test for each area shall be based on the level of service analysis results for the entire travel shed. Areas shall be deemed concurrent if eighty-five percent of the arterials within their travel shed meet level of service standards.

B. The department shall use the concurrency map currently in effect when making a concurrency determination for a proposed development. The concurrency map displayed in Attachment A to Ordinance 17513* is adopted as the official concurrency map for King County. The department shall make a determination of concurrency according to the status indicated on the adopted concurrency map for the area in which the proposed development is located. Attachment B to Ordinance 17513* is a map indicating the boundaries of the travel sheds. (Ord. 17513 § 1, 2013: Ord. 17253 § 1, 2012: Ord. 17040 § 1, 2010: Ord. 16763 § 1, 2010: Ord. 16266 § 9, 2008: Ord. 15030 § 3, 2004: Ord. 14580 § 3, 2003: Ord. 14375 § 2, 2002: Ord. 14050 § 10, 2001).

***Available in the office of the clerk of the council.**

14.70.240 Requirement for concurrency.

A. The department of permitting and environmental review shall accept applications for a development approval only for development in areas that pass the concurrency test as shown on the concurrency map in effect at the time of application.

B. Concurrency is valid for the development permit application period and subsequently for the same time as the development approval. (Ord. 17420 § 45, 2012: Ord. 16266 § 10, 2008: Ord. 15030 § 4, 2004: Ord. 14050 § 11, 2001).

14.70.260 Appeals.

A. Any issues relating to the adequacy of the concurrency analysis and test or to the accuracy of the concurrency map shall be raised to the county council during the annual council consideration of the concurrency map as provided in K.C.C. 14.70.270.

B. There is no administrative appeal of the department of permitting and environmental review's final decision of concurrency denial or approval based on the concurrency map. (Ord. 17420 § 46, 2012: Ord. 16266 § 11, 2008: Ord. 15030 § 5, 2004: Ord. 14580 § 6, 2003: Ord. 14375 § 3, 2002: Ord. 14050 § 13, 2001).

14.70.270 Update of the transportation concurrency map.

A. The concurrency map shall be updated annually as part of the budget process or when authorized by the county council by ordinance. The update process shall include the most recently adopted roads CIP, updated traffic volumes and updated travel time surveys and standards and methodologies as described in K.C.C. 14.70.220 and 14.70.230. The concurrency map shall be submitted to council for its approval by ordinance. The updates shall be deemed adequate for the purposes of

concurrency analysis and the concurrency map shall be used to determine the concurrency of proposed development projects.

B. An annual report shall be prepared by the road services division on the concurrency program update. The annual report shall explain the technical assumptions, land use changes, network changes and other parameters used to update the concurrency map and/or travel shed boundary map. The annual report shall be submitted to the council along with the annual update required by subsection A. of this section. A paper copy and an electronic copy of the report shall be filed with the clerk of the council, who shall retain the paper original and shall forward electronic copies to each councilmember and to the lead staff of the council's transportation, economy and environment committee, or its successor.

C.1. An independent expert review panel on concurrency shall be established to:

a. review the annual report on the concurrency update; and

b. evaluate proposed changes to the transportation concurrency process, analysis and test developed by the road services division.

2. The panel shall be comprised of four to six persons and include representation from the development community, the environmental community, transportation planning professionals, the unincorporated area, the public at large and multimodal transportation interest groups. Each representative shall be appointed by the executive and confirmed by the council.

3. A summary of the panel's review of the annual report on the concurrency update and its evaluation of proposed changes to the transportation concurrency process, analysis and test shall be included with the submittal of the annual report to the council.

D. The concurrency map is a result of the concurrency analysis and test, as described in subsection A. of this section. The concurrency map indicates if an area does or does not comply with adopted level of service standards. Any changes to the concurrency status of an area or areas on the concurrency map other than those resulting from the update process may only be accomplished by the council, through an ordinance, by changing any combination of the adopted level of service standards, or the list of funded projects in the most recently adopted CIP. (Ord. 17420 § 47, 2012: Ord. 17253 § 2, 2012: Ord. 16266 § 12, 2008: Ord. 15840 § 1, 2007: Ord. 15839 § 4, 2007: Ord. 15030 § 6, 2004: Ord. 14580 § 2003: Ord. 14375 § 4, 2002: Ord. 14050 § 14, 2001).

14.70.285 Minor developments and certain public and educational facilities. The following minor developments and public and educational facilities are subject to the concurrency test using level of service standard F:

A. Short subdivisions within the Urban Growth Area:

B. Any multifamily residential structure or structures totaling eight dwelling units or less within the Urban Growth Area;

C. Any new public senior high school within the Urban Growth Area and any modification to an existing public senior high school regardless of location, including any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities, only if the school prepares and implements a transportation demand management plan. New public high schools outside the Urban Growth Area must meet the Rural Area standard level of service B in the provisions of this chapter. This high school transportation demand management plan shall be submitted to and approved by the director of the department or the director's designee before the issuance of the building permit. The high school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school district and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals. A high school may voluntarily choose to prepare and implement a transportation demand management plan for any expansion of an existing public high school facility that would not generate new trips during the peak period;

D. Parks, as defined in K.C.C. 21A.06.835;

E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban Growth Area;

F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban Growth Area;

G. Building permits for single-family structures;

H. The construction of a structure for a nonresidential use generating no more than twelve peak-period trips;

I. Any development that will not increase the traffic volumes in the peak period;

J. Any public elementary, middle or junior high school facilities, including new facilities and any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities;

K. Private elementary, middle or junior high schools. To qualify for the travel time level of service F standard, a school must prepare and implement a transportation demand management plan submitted to and approved by the director of the department or the director's designee before the issuance of the building permit. The school demand management plan shall pertain to the entire school and shall specify

measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals; and

L. Short subdivisions in the Rural Area, if for each lot that is created, up to four lots, one rural transferable development right under K.C.C. chapter 21A.37 is purchased from the same travel shed; provided however, where the short subdivision is creating only two lots, the property has been owned by the applicant for five or more years, and the property has not been subdivided in the last ten years then no purchase of a TDR shall be required to satisfy the transportation concurrency requirement. (Ord. 16266 § 13, 2008: 15030 § 9, 2004).

14.70.290 Intergovernmental coordination.

A. The county may enter into agreements and continue existing agreements with other local governments and the state of Washington to coordinate concurrency standards, impact fees and other mitigation.

B. The county may apply concurrency standards, fees and mitigation to development in the county that impacts transportation facilities in other local governments and the state of Washington. Development approvals by the county may include conditions and mitigation that will be imposed on behalf of, and implemented by, other local governments and the state of Washington.

C. The county may receive impact fees or other mitigation based on or as a result of development proposed in other jurisdictions that impacts the county. The county may agree to accept and implement conditions and mitigation that are imposed by other jurisdictions on development in those jurisdictions.

D. The county shall not require fees or mitigation for transportation facilities of other agencies unless an agreement has been executed between the county and the affected agency. (Ord. 15030 § 9, 2004: Ord. 14050 § 16, 2001).

14.70.300 Relationship to state Environmental Policy Act. A determination of concurrency shall be an administrative action of King County that is categorically exempt from the state Environmental Policy Act. (Ord. 14050 § 17, 2001).

14.75 MITIGATION PAYMENT SYSTEM

Sections:

14.75.010 Authority and purpose.
14.75.020 Definitions.
14.75.030 Scope and use of impact fees.
14.75.040 Fee schedules and establishment of service districts.
14.75.050 Calculation of MPS fees.
14.75.060 Multifamily Residential MPS fee schedule.
14.75.070 Payment of fees.
14.75.080 Administrative fees.
14.75.090 Administrative fee for preliminary fee calculation.
14.75.100 Project list.
14.75.110 Funding of projects.
14.75.120 Refunds.
14.75.130 Exemptions for schools.
14.75.140 Exemption or reduction for low and moderate income housing.
14.75.150 Request for final decision needed to appeal.
14.75.160 Necessity of compliance.

14.75.010 Authority and purpose.

A. The department is authorized to impose transportation impact fees on new development pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, Laws of 1990, 1st Ex. Sess., chapter 17, RCW Chapter 82.02.

B. The purposes of this chapter are to:

1. Ensure that financial commitments are in place so that adequate transportation facilities are available to serve new growth and development;

2. Promote orderly growth and development by establishing standards requiring that new growth and development pay a proportionate share of the cost of new transportation facilities needed to serve new growth and development;

3. Ensure that transportation impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact;

4. Implement the transportation policies of the transportation element of the King County Comprehensive Plan; and

5. Provide additional funding for growth-related transportation improvements identified by the King County Comprehensive Plan as reasonable and necessary to meet the future growth needs of King County. (Ord. 11617 § 35, 1994).

14.75.020 Definitions.

A. Corridor. Corridor means the road or set of roads within the county in which vehicle trips to or from a development will take place. Vehicles have flexibility as to an exact route within a corridor but little choice as to whether to use the corridor.

B. MPS project. MPS project means a growth-related road improvement, which is a system improvement, that is selected by the King County council for joint private and public funding pursuant to this chapter and that is located:

1. On a county road in unincorporated King County; or

2. On a city road in a city within King County when the city has an ordinance implementing the Growth Management Act of 1990, RCW. Chapter 82.02, and when King County has an appropriate interlocal agreement with the city; or

3. On a state road in King County once the Washington State Department of Transportation (WSDOT) has adopted procedures that will enable it to plan for and fund growth-related improvements to state roads in a manner that satisfies the requirements of the Growth Management Act of 1990, RCW Chapter 82.02, and once King County has an appropriate interlocal agreement with WSDOT.

C. Project cost. Project cost means the estimated cost of constructing an MPS project, including the costs of design and right-of-way acquisition.

D. Development improvements. Development improvements means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the development, and are not system improvements. No transportation improvement or facility that is considered a development improvement shall be included in the MPS project list.

E. Service district. Service district means geographic area defined by the county, or intergovernmental agreement, in which a defined set of transportation facilities provide service to development within the district. Service districts shall be designated on the basis of sound planning or engineering principles. Development in a service district may, and will likely be found to, impact roadways and intersections both inside and outside the service district, and the MPS fee will reflect a charge for all such impacts. The MPS service districts shall be the MPS zones.

F. Traffic impacts. Traffic impacts means the diminishment of capacity of a roadway or intersection by the addition of new vehicle trips. Effects of new vehicle trips that are not quantifiable or to the extent that the effects cannot be mitigated fully by the addition of new capacity - such as safety hazards and inadequate signalization - are not traffic impacts for MPS purposes. (Ord. 11617 §§ 36-41, 1994).

14.75.030 Scope and use of impact fees. Impact fees:

A. Shall only be imposed for transportation improvements that are reasonably related to the traffic impacts of the new development;

B. Shall not exceed a proportionate share of the costs of transportation improvements that are reasonably related to the new development;

C. Shall be used for transportation improvements that will reasonably benefit the new development;

D. Shall not be used to correct existing deficiencies; and

E. Shall not be imposed to mitigate the same off-site traffic impacts that are being mitigated pursuant to any other law. (Ord. 11617 § 42, 1994).

14.75.040 Fee schedules and establishment of service districts.

A. Fee schedules stating the amount of the mitigation payment system fee that residential development shall pay for development subject to mitigation payment system fees are set forth in subsection E. of this section as described in subsection D. of this section. Subsequent fee schedules shall be established in accordance with K.C.C. 14.75.050. All other development shall pay a mitigation payment system fee individually calculated by the department, as set forth in K.C.C. 14.75.050.B. The mitigation payment system administrative fee, which all developers shall pay, is set forth in K.C.C. 14.75.080 and 14.75.090.

B. For purposes of this chapter, the county is divided into service districts as set forth in Attachment A to Ordinance 13696*. In each service district, similar types of residential development shall pay the same mitigation payment system fee, unless the amount of the fee is altered because:

1. Unusual circumstances exist and the department adjusts the amount of the fee as provided in subsection C. of this section; or

2. The developer submits studies or data showing that the fee as set forth in the applicable schedule or as calculated by the department is in error, as provided in K.C.C. 14.75.150.

C. The department may adjust the standard impact fee as set forth in the fee schedules at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that mitigation payment system fees are imposed fairly. The department shall set forth its reasons for adjusting the standard mitigation payment system fee in written findings.

D. The multifamily residential fee shall be determined based on the appropriate single family fee shown in subsection E. of this section multiplied by 0.6. The residential mitigation payment system fee for any unincorporated area not within a zone listed on the King County residential fee schedule shall be one hundred eighty-nine dollars.

***Available at the office of the clerk of the council.**

E. King County residential fee schedule.

Zone	$Fee	Zone	$Fee	Zone	$ Fee	Zone	$Fee
70	$43	**71**	$42	**75**	$37	**83**	$23
85	$17	**88**	$24	**90**	$32	**113**	$227
115	$173	**120**	$188	**121**	$168	**124**	$120
126	$270	**128**	$150	**129**	$272	**130**	$377
132	$521	**133**	$1	**134**	$6033	**135**	$3039
136	$6199	**137**	$4486	**138**	$2596	**139**	$2583
140	$1419	**141**	$1453	**142**	$647	**143**	$477
144	$579	**145**	$105	**146**	$518	**147**	$47
148	$49	**149**	$21	**176**	$79	**177**	$103
178	$99	**179**	$94	**180**	$152	**181**	$154
182	$166	**183**	$195	**184**	$227	**185**	$544
187	$231	**188**	$181	**189**	$279	**194**	$242
195	$195	**196**	$227	**215**	$224	**216**	$253
223	$310	**226**	$191	**227**	$195	**232**	$185
233	$182	**234**	$216	**235**	$490	**236**	$177
239	$334	**240**	$187	**241**	$226	**242**	$167
243	$214	**257**	$308	**258**	$454	**259**	$464
260	$221	**263**	$490	**264**	$1232	**265**	$290
266	$1430	**267**	$182	**268**	$261	**269**	$273
270	$178	**271**	$641	**272**	$508	**273**	$503
274	$311	**275**	$146	**276**	$146	**277**	$194
278	$210	**279**	$139	**280**	$199	**281**	$259
282	$701	**283**	$851	**284**	$207	**287**	$257
289	$421	**290**	$398	**292**	$774	**295**	$3806
296	$6450	**297**	$1120	**298**	$741	**299**	$2027
300	$759	**301**	$261	**302**	$1108	**303**	$4798
304	$499	**305**	$2926	**306**	$3025	**307**	$1166
311	$1077	**312**	$3685	**313**	$1140	**314**	$1140
318	$1245	**331**	$1424	**335**	$1360	**336**	$1685
337	$6368	**338**	$2976	**339**	$3954	**342**	$1090
345	$969	**346**	$2183	**347**	$205	**348**	$2392
349	$1829	**350**	$263	**363**	$3293	**365**	$824
366	$283	**367**	$1519	**369**	$366	**370**	$176
371	$274	**374**	$840	**376**	$1002	**378**	$601
379	$980	**380**	$1198	**381**	$537	**382**	$6518
383	$5292	**384**	$5623	**385**	$6250	**386**	$4539
387	$5351	**388**	$2618	**389**	$2432	**390**	$2982
391	$6394	**392**	$3264	**393**	$4054	**394**	$5845
395	$1493	**396**	$6655	**397**	$4123	**398**	$2447
399	$3350	**400**	$2361	**401**	$2582	**402**	$1542
403	$1394	**404**	$847	**405**	$874	**406**	$2580
407	$2113	**408**	$1032	**409**	$729	**410**	$589
411	$364	**416**	$693	**417**	$729	**418**	$941
421	$303	**424**	$626	**425**	$262	**426**	$409
427	$289	**428**	$210	**431**	$453	**432**	$895
433	$488	**434**	$913	**435**	$741	**436**	$1686
437	$931	**439**	$339	**440**	$491	**441**	$1029

442	$556	**443**	$711	**449**	$1109	**450**	$903
451	$1056	**452**	$1655	**453**	$925	**454**	$997
456	$366	**460**	$430	**461**	$246	**465**	$92

Any unincorporated residential fee not otherwise listed in this subsection E. is $189. (Ord. 17190 § 2, 2011: Ord. 16955 § 1, 2010: Ord. 16789 § 1, 2010: Ord. 14537 § 2, 2002: Ord. 14495 § 1, 2002: Ord. 13696 § 1, 1999: Ord. 11617 § 43: 11617 Attachment B, 1994).

14.75.050 Calculation of MPS fees.

A. The department shall calculate the MPS fees set forth in the fee schedules, K.C.C. 14.75.040, by means of a computer modeling system that:

1. Incorporates the service districts adopted in K.C.C. 14.75.040B.

2. Within each service district of the county, determines the standard fee for similar types of residential development, which shall be reasonably related to each development's proportionate share of the cost of the transportation improvement projects being funded by this chapter and shall reasonably reflect the average fee for similar development in the same service district; and

3. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

B. When a development's fee is not determined by the fee schedules adopted in K.C.C. 14.75.040, the department shall calculate the MPS fee by means of a computerized modeling system, which is the same system used to determine the fee schedules, and which:

1. Determines the development's proportionate share of the cost of the transportation improvement projects being funded by this chapter; and

2. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

C. The department's computer model shall calculate proportionate share for use in either fee schedules or individual calculations by:

1. Determining the number of peak hour vehicle trips generated by development that will benefit from the vehicle capacity added, or to be added, by the road improvements on the MPS project list;

2. Determining the unit cost of added capacity for each MPS project by dividing the estimated cost of each project by the amount of capacity added; and

3. Multiplying the number of peak hour trips added to each MPS project by the unit cost of added capacity for those projects.

D. In calculating proportionate share, the department's modeling system shall:

1. Recognize that a development's traffic will use a corridor rather than a particular roadway;

2. Use trip generation rates published by the Institute of Transportation Engineers (ITE) unless:

a. actual measurements of the rate of trip generation by similar developments in King County are available, and the director determines that these local measurements are more accurate; or

b. ITE trip generation rates for the proposed development are not available, in which case the director:

(1) may use published rates from another source; or

(2) may calculate the rate from data about the population of the proposed development;

(3) may require the developer to obtain actual measurements of trip generation rates by similar developments in King County;

3. Reduce the trip generation rate to reflect reductions in traffic that will occur because of transportation strategies, as described in the administrative rules for this title;

4. Identify all roadways and intersections that will be impacted by traffic from each development for as far from the development as the model can measure;

5. Identify when the capacity of an MPS project has been fully utilized;

6. Update the data in the model as often as practicable;

7. Estimate the cost of constructing the projects on the MPS project list as of the time they are placed on the list, and then update the cost estimates periodically, considering the:

a. availability of other means of funding transportation facility improvements;

b. cost of existing transportation facility improvements; and

c. methods by which transportation facility improvements were financed;

8. Update the fee collected against a project which has already been completed, through an advancement of county funds, at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area; and

9. Charge a development for the total traffic entering and exiting the development during the peak hour.

E. The department's modeling system shall reduce the calculated proportionate share by giving credit for the following benefit factors:

1. A fifteen-percent credit in recognition that some of the trips from a development paying an MPS fee may begin or end within a jurisdiction with which the county has executed a reciprocal MPS agreement, or within another development which is or has been subject to MPS requirements;

2. Past or future payments made or reasonably anticipated to be made by a development to pay for particular transportation improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or proratable to the same projects being funded by the development's MPS fee; or

3. The value of any dedication of land for, improvement to or new construction of any system improvements provided by the developer to transportation facilities that are identified in the MPS project list and that are required by the county as a condition of approving the development activity. When an MPS project is constructed on both on-site and off-site land, the department shall determine, in light of all the circumstances, what proportion of the developer's costs should fairly and reasonably be attributed to the work done on off-site land.

F. The department shall review the fifteen-percent factor periodically and propose revisions to the factor when appropriate to reflect the actual number of trips generated by new development which also begin or end in other developments which have previously been subject to a fee for the same impact.

G. If the credit determined according to K.C.C. 14.75.050E.3 exceeds the amount of the developer's MPS fee, the department shall reimburse the developer from MPS fees collected from other developers for the same MPS project.

H. The amount of credit determined according to K.C.C. 14.75.050E.3 shall be credited proportionately among all the lots in the development and the MPS fee for each lot for which a building permit is applied shall be reduced accordingly.

I. The department shall use the information from the computerized modeling system to prepare a draft fee schedule list periodically. The council shall establish by ordinance the fee schedule applicable to each service area in the county by adopting, with or without modification, the department's draft fee schedules.

J. The department shall present to the council in administrative rules the proposed changes in the service district boundaries, set forth in K.C.C. 14.75.040B, as often as is necessary to ensure that the service district boundaries conform to sound planning or engineering principles.

K. To the extent practicable, and in accordance with sound planning or engineering principles, the department shall develop and propose to the council for adoption precalculated fee schedules applicable to types of development in addition to residential development. (Ord. 13696 § 2, 1999: Ord. 11617 § 44, 1994).

14.75.060 Multifamily Residential MPS fee schedule. Fees for multifamily residential dwelling units shall be sixty (60) percent of the fees charged to single family residential dwelling units. (Ord. 11617 § 45, 1994).

14.75.070 Payment of fees.

A. Except as otherwise provided in K.C.C. 14.75.075, all developers shall pay an mitigation payment system fee in accordance with the provisions of this chapter at the time that the applicable development permit is ready for issuance. The fee paid shall be the amount in effect as of the date of permit application.

B. All developers shall pay an mitigation payment system administrative fee at the time of application for a development permit as prescribed in K.C.C. 14.75.080 and 14.75.090. Except as otherwise provided in K.C.C. 14.75.075, a development permit shall not be issued until the mitigation payment system fee is paid.

C. An individually determined mitigation payment system fee shall be calculated at the time of application for a development permit, after transmittal to the department of the information provided by the developer to DDES. The department's determination of the development's traffic impacts shall be transmitted to DDES for use in its review under the state Environmental Policy Act.

D. The fee as initially calculated after application for a development permit shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development or the development's total peak hour trips.

E. A developer may obtain a preliminary determination of the mitigation payment system fee before application for a development permit, by paying a processing fee under K.C.C. 14.75.080 and providing the department with the information needed for processing.

F. Mitigation payment system fees may be paid under protest in order to obtain a permit or other approval of development activity. (Ord. 17190 § 4, 2011: Ord. 11617 § 46, 1994).

14.75.075 Payment of fees - deferral.

A.1. An applicant for a residential subdivision, short subdivision, urban planned development or planned unit development may defer payment of the mitigation payment system fee required by K.C.C. 14.75.070 if the applicant:

a. records the subdivision or short subdivision;

b. submits to the department of permitting and environmental review a signed and notarized deferred mitigation payment system fee application and acknowledgement form for either one or more single detached dwelling units in the same development or all of the dwelling units in a multifamily residential building for which the property owner wishes to defer payment of the mitigation payment system fees; and

c. pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2. Unless the mitigation payment system fee is subsequently deferred under subsection B. of this section, the fee deferred under this subsection shall be paid at the time the building permit is issued.

B. A building permit applicant may defer payment of the mitigation payment system fee required by K.C.C. 14.75.070 for a single detached dwelling unit, condominium unit, or all of the dwelling units in a multifamily residential building until the earlier of the seven days after the date of the sale of a single detached dwelling unit, a condominium unit or a multifamily residential building or eighteen months after issuance of the original building permit, but only if before issuance of the building permit, the applicant:

1. Submits to the department of permitting and environmental review a signed and notarized deferred mitigation payment system fee application and acknowledgement form for each single detached dwelling unit, condominium unit or all of the dwelling units in a multifamily residential building for which the applicant wishes to defer payment of the mitigation payment system fees;

2. Records at the applicant's expense a covenant and lien that:

a. requires payment of the mitigation payment system fee to the department of permitting and environmental review at the earlier of seven days after the date of sale or eighteen months after issuance of the original building permit;

b. provides that if the mitigation payment system fee is paid through escrow at closing of sale, in the absence of an agreement between the buyer and the seller to the contrary, the mitigation payment system fee shall be paid from the seller's proceeds;

c. provides that the seller bears strict liability for the payment of the mitigation payment system fee;

d. requires the seller or seller's agent of property subject to the covenant and lien to provide written disclosure of the covenant and lien to a purchaser or prospective purchaser. Disclosure of the covenant must include the amount of mitigation payment system fee payable and that the fee is to be paid to the department of permitting and environmental review on the date of sale; and

e. makes the applicant legally liable for payment of the mitigation payment system fee if the fee is not paid by the earlier of seven days after the date of sale or eighteen months after the building permit has been issued; and

3. Pays the nonrefundable administrative deferral fee in K.C.C. 14.75.080.

C. The administrative deferral fee paid under K.C.C. 14.75.080 shall not be credited against the mitigation payment system fee required by K.C.C. 14.75.070.

D. Payment of mitigation payment system fees deferred under subsection A. or B. of this section shall be made by cash, escrow company check, cashier's check or certified check.

E. Upon receipt of payment of mitigation payment system fees deferred under subsection A. or B. of this section, the department of permitting and environmental review shall execute a lien release for each single detached dwelling unit, condominium unit, or multifamily residential building for which the mitigation payment system fees have been received. Unless an agreement to the contrary is reached between buyer and seller, the seller, at the seller's expense, shall be responsible for recording the lien release.

F. Compliance with the requirements for deferring mitigation payment system fees under subsection A. or B. of this section constitutes compliance with subdivision or short subdivision conditions relating to the timing of the mitigation payment system impact fees under this chapter. (Ord. 17420 § 48, 2012: Ord. 17190 § 5, 2011).

14.75.080 Administrative fees.

A. All development permits subject to the mitigation payment system fees pursuant to K.C.C. 14.75.070 shall pay an administrative fee of sixty dollars at the time of permit application.

B. All development permits that require an individually determined mitigation payment system fee according to K.C.C. 14.75.070.C shall pay an administrative processing fee of three hundred twenty dollars.

C.1. A request under K.C.C. 14.75.075.A. for deferral of the mitigation payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable administrative deferral fee of two hundred fifty dollars for a residential subdivision, short subdivision, urban planned development or planned unit development.

2. A request under K.C.C. 14.75.075.B. for deferral of the mitigation payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable administrative deferral fee of:

a. eighty-five dollars for each single detached dwelling unit or condominium unit; and

b. eighty-five dollars for each multifamily residential building. (Ord. 17190 § 6, 2011: Ord. 13696 § 3, 1999: Ord. 11617 § 47, 1994).

14.75.090 Administrative fee for preliminary fee calculation. Requests to the department for a preliminary determination of a mitigation payment system fee prepared in accordance with K.C.C. 14.75.070.E. shall be charged the administrative processing fee in K.C.C. 14.75.080.B. (Ord. 17190 § 7, 2011: Ord. 11617 § 48, 1994).

14.75.100 Project list.

A. In conjunction with the department's review and update of the Transportation Needs Report, or its successor, element of the King County Comprehensive Plan the department shall do the following:

1. Identify each project that is growth-related and the proportion of each such project that is growth-related;

2. Forecast the total money available from taxes and other public sources for road improvements over the multiyear program;

3. Calculate the amount of mitigation payment system fees already paid; and

4. Identify those mitigation payment system projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The department shall use this information to prepare a draft mitigation payment system project list, which shall comprise:

1. The projects in the Transportation Needs Report, or its successor, in order of priority, that are growth-related and that are capable of being funded with the forecast public money and the mitigation payment system fees already paid; and

2. The mitigation payment system projects already built or funded under this chapter whose performance capacity has not been fully utilized.

C. The council shall by ordinance establish the mitigation payment system project list by adopting, with or without modification, the department's draft list.

D. Once a project is placed on the mitigation payment system project list, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:

1. The council by ordinance removes the project from the mitigation payment system project list, in which case the fees already collected will be refunded if necessary to ensure that the mitigation payment system fee remains reasonably related to the traffic impacts of development that have paid a mitigation payment system fee. However, a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or

2. The capacity created by the project has been fully utilized, in which case the department shall administratively remove the project from the mitigation payment system project list.

E. The mitigation payment system project list in this subsection E. shall be used by the department of transportation in preparing the mitigation payment system program fee schedules and in calculating mitigation payment system program fees.

Jurisdiction	Project Number	Project Name	From	To	Mitigation Payment System Cost
County	B-6	NE 132 ST/NE 128 ST	184 AVE NE	196 AVE NE	$13,272,400
County	B-9.30	Woodinville-Duvall Rd @ Avondale Rd NE			$8,290,613
County	B-30	AVONDALE RD PH III	AVONDALE PL NE	NE 132 ST	$5,770,619
County	B-56.12	NOVELTY HILL RD PH I	AVONDALE RD NE	244 AVE NE	$52,796,733
County	ES-75.22	SAHALEE WAY CONST	NE 50 ST	SR-202	$475,334
County	NC-5.10	ELLIOTT BRIDGE NO: 3166	ON 149 AVE SE	XING CEDAR RVR	$9,083,881
County	NC-58	SE 128 ST @ 164 AVE SE			$2,488,743
County	N-16.11	JUANITA-WOODINVILLE WAY NE	NE 145 ST	112 AVE NE	$5,684,072
County	N-16.20	JUANITA-WOODINVILLE WAY NE	112 AVE NE	I-405	$2,414,516
County	N-19.20	NE 160 ST	116 AVE NE	124 AVE NE	$2,336,738
County	N-28.30	NE 124 ST PH III	WILLOWS RD	SR-202	$9,198,392
County	N-35.12	WOODINVILLE-DUVALL RD CONST	171 AVE NE	AVONDALE RD	$11,103,010
County	OPT-INT-122	W. SNOQUALMIE VALLEY RD @ NE 124TH ST.			$4,807,000
County	OPT-INT-123	ISSAQUAH-HOBART RD	MAY VALLEY RD	SE 156 ST.	$6,422,000
County	SC-23	140 PL SE	SR-169	PETROVITSKY RD	$8,018,005
County	SC-55.10	140 PL SE/132 AVE SE	SE 176 ST	SE 196 ST	$13,154,339

County	SC-78.12	PETROVITSKY RD PHASE III	143 AVE SE	151 AVE SE	$4,217,528
County	SC-201	140 AVE SE @ PETROVITSKY			$14,442,000
		Total			**$173,975,968**

(Ord. 17190 § 3, 2011: Ord. 16789 § 2, 2010: Ord. 14495 § 2, 2002: Ord. 14199 § 220, 2001: Ord. 11617 § 49, 1994).

14.75.110 Funding of projects.

A. An MPS trust and agency fund is hereby created. This MPS fund shall be a first-tier fund as described in K.C.C. chapter 4.10. The director of the department of transportation shall be the fund manager. MPS fees shall be placed in appropriate deposit accounts within the MPS fund.

B. The MPS fees paid to the county shall be held and disbursed as follows:

1. The fees collected for each MPS project shall be placed in a deposit account within the MPS fund;

2. The road services division is authorized to transfer the project fees held in the MPS fund to the CIP fund no less than once a year in the year following receipt of the fees;

3. The non-MPS fee monies appropriated for the MPS project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in MPS fees;

4. The first money spent by the department on an MPS project after a council appropriation shall be deemed to be the fees from the MPS fund;

5. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the county of the public monies advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other MPS projects or to pay for smaller scale, growth-related projects that are not placed on the MPS Project List; and

6. All interest earned on the MPS fees paid by developers shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

C. MPS fees for transportation facility improvements shall be expended only in conformance with the transportation element of the King County Comprehensive Plan.

D. MPS projects shall be funded by a balance between MPS fees and other sources of public funds, and shall not be funded solely by MPS fees.

E. MPS fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The department may recommend to the council that the county hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

F. The department and the council may pool the MPS fees already collected from a development whenever appropriate to help finance a project with high priority among the projects impacted by the development.

G. The department shall pool MPS fees whenever necessary to ensure that the fees are expended or encumbered for a permissible use within six years of receipt. Pooling for such purpose shall be accomplished as follows:

1. The department shall determine which project has the highest priority among the projects for which MPS fees were collected for each such development, and the department shall transfer the MPS fees paid by the development to the budget of the project with the highest priority.

2. The department shall indicate in the TNR which projects have funds in their budget that have been pooled to ensure that they are expended or encumbered in a timely manner.

H. The department shall prepare an annual report on each MPS fee account showing the source and amount of all moneys collected, earned or received and transportation improvements that were financed in whole or in part by MPS fees. (Ord. 11617 § 50, 1994).

14.75.120 Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which MPS fees were paid, and the developer shows that no impact has resulted. However, the MPS administrative fee shall not be refunded.

B. If a property owner appears to be entitled to a refund of MPS fees, the department shall notify the property owner by first class mail deposited with the United States postal service at their last known address. The property owner must submit a request for a refund to the council in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended or encumbered within the time limitations established by Section

14.75.110E and for which no application for a refund has been made within this one-year period, shall be retained and expended on the projects for which it was collected.

C. In the event that MPS fees must be refunded for any reason, they shall be refunded with interest earned to the property owners as they appear of record with the King County assessor at the time of the refund.

D. When the county seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection B of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the county, but must be expended for the indicated road facilities. This notice of requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated. (Ord. 11617 § 51, 1994).

14.75.130 Exemptions for schools.

A. Public school districts shall be exempted from payment of mitigation payment system fees.

B. The amount of the MPS fees not collected from school districts shall be paid from public funds other than impact fee accounts. (Ord. 11617 § 52, 1994).

14.75.140 Exemption or reduction for low and moderate income housing.

A. Public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs may apply to the department of human services (DHS) for exemptions from MPS fee requirements. DHS shall review proposed developments of low income or moderate housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development of low or moderate income housing satisfies the adopted criteria, DHS shall notify the department and such development shall be exempted from the requirement to pay an MPS fee.

B. Private developers who dedicate residential units for occupancy by low or moderate income households may apply to P,P, & R for reductions in MPS fees. DHS shall review such proposed developments pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development satisfies the adopted criteria, DHS shall notify the department and the department shall reduce the calculated MPS fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Developers of individual low or moderate income households who are building, contracting to build or siting a house may apply to DHS for an exemption from MPS fees. DHS shall review such proposed exemptions pursuant to criteria that include household income and assets, and the cost of the site, site improvements and the housing. The procedures used to evaluate an exception shall be adopted by administrative rule. If DHS determines that a household qualifies for exemption per the adopted criteria, DHS shall notify the department and such individual projects shall be exempted from the requirement to pay the MPS fee.

D. The amount of the MPS fees not collected from low or moderate income household development shall be paid from public funds other than impact fee accounts.

E. DHS is hereby instructed and authorized to adopt, pursuant to K.C.C. chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low or moderate income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units, and development size; and

4. Ensure that developers who obtain an exemption from or reduction of MPS fees pursuant to paragraphs A. and B. of this section will in fact build the proposed low and moderate cost housing and make it available to low income households for a minimum of fifteen (15) years. (Ord. 11617 § 53, 1994).

14.75.150 Request for final decision needed to appeal. In order to obtain an appealable final decision the developer must:

A. Request in writing a review of the fee amount by department staff. The department staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

B. Request in writing reconsideration by the director or the director's designee of an adverse decision by staff. Such request for reconsideration shall state in detail the grounds for the request. The director or the director's designee shall issue a final, appealable decision after reviewing the request. (Ord. 11617 § 54, 1994).

14.75.160 Necessity of compliance. A development permit issued after January 9, 1995, shall be null and void if issued without substantial compliance with this chapter by the department, DDES and the developer. (Ord. 11617 § 55, 1994).

14.80 INTERSECTION STANDARDS

Sections:

14.80.010 Authority and purpose.
14.80.020 Definitions.
14.80.030 Significant adverse impacts.
14.80.040 Mitigation and payment of costs.
14.80.050 Interjurisdictional agreements.
14.80.060 Relation to other permit authority.

14.80.010 Authority and purpose.

A. This chapter is enacted pursuant to the State Environmental Policy Act, K.C.C. 20.44, and RCW 58.17 and the King County Charter as a home rule county, Article 11, § 11 of the Washington State Constitution.

B. The purpose of this chapter is to:

1. Assure adequate levels of service, safety, and operating efficiency on the King County road system, at intersections serving and directly impacted by proposed new development;

2. Establish standards for intersection operation and define the relationship between new developments on road intersection function;

3. Identify development conditions to assure intersection capacity, safety and operational efficiency; and

4. Require that owners of new developments pay the proportionate costs of required intersection improvements. (Ord. 11617 § 57, 1994).

14.80.020 Definitions.

A. Highway Capacity Manual. Highway Capacity Manual means Special Report 209 of the Transportation Research Board of the National Research Council, as currently amended.

B. Road Standards. Road Standards means the King County Road Standards, 1993, K.C.C. 14.42 (Ordinance 11187, 1993). Terms used in the Road Standards shall have the same meaning when used in this chapter. References and authorities cited in the Road Standards shall also apply to this chapter. (Ord. 11617 § 58-59, 1994).

14.80.030 Significant adverse impacts. For the purposes of SEPA and this chapter, a significant adverse impact is defined as any traffic condition directly caused by proposed development that would reasonably result in one or more of the following conditions at the time any part of the development is completed and able to generate traffic:

A. A roadway intersection that provides access to a proposed development, and that will function at a level of service worse than "E", and that will carry thirty (30) or more added vehicles in any one hour period as a direct impact of the proposed development, and that will be impacted by at least twenty (20) percent of the new traffic generated from the proposed development in that same one hour period; or

B. A roadway intersection or approach lane where the director determines that a hazard to safety could reasonably result. (Ord. 11617 § 60, 1994).

14.80.040 Mitigation and payment of costs.

A. Based on the identification of Intersection Standards being exceeded using analytical techniques and information acceptable to the director, the owner of a proposed development shall be required to provide improvements which bring the intersection into compliance with IS, or that return it to its pre-project condition, as may be required by the director. Approval to construct the proposed development shall not be granted until the owner has agreed to build or pay fair and equitable costs to build the improvements required by the director within the time schedule set by the director.

B. At the discretion of the director, and based on technical information regarding traffic conditions and expected traffic impacts, the county may require that the owner of a proposed development pay the full costs of required IS improvements required under this title. (Ord. 11617 § 61, 1994).

14.80.050 Interjurisdictional agreements.

A. Nothing in this section shall prevent the county from entering into agreements with the WSDOT or other local jurisdictions for the collection of fees and the mitigation of traffic on state highways or city arterials that may be caused by developments proposed in King County. The level of service standards used in such agreements shall be those of the county, the WSDOT, the local jurisdiction, or some combination of them, as provided in the agreement.

B. Nothing in this section shall prevent the continuation, modification, or fulfillment of existing county agreements with the WSDOT and local jurisdictions that were in force at January 9, 1995. (Ord. 11617 § 62, 1994).

14.80.060 Relation to other permit authority. The procedures set forth in this chapter do not limit the authority of King County to deny or to approve with conditions the following:

A. Any zone reclassification request, based on its expected traffic impacts;

B. Any proposed development or zone reclassification if King County determines that a hazard to safety would result from its direct traffic impacts without roadway or intersection improvements, regardless of level of service standards; or

C. Any proposed development reviewed under the authority of the Washington State Environmental Policy Act. (Ord. 11617 § 63, 1994).

14.85 REGIONAL VACTOR WASTE DISPOSAL

Sections:

14.85.010 Establishment and purpose.
14.85.020 Fees.
14.85.030 Procedure for collection.
14.85.040 Authorization.

14.85.010 Establishment and purpose. The King County council hereby establishes a fee relating to the regional vactor waste disposal plan. Effective January 1, 1998 all non-road services division entities using county operated liquid and solid vactor waste disposal facilities shall pay the service fees set forth in the following schedule. (Ord. 13019 § 1 (part), 1998).

14.85.020 Fees. Disposal fees for the use of county-operated regional stormwater decant facilities shall be eighty-one dollars per entry for liquids and fifty-nine dollars per ton for solid vactor waste material. (Ord. 14523 § 2, 2002: Ord. 13019 § 1 (part), 1998).

14.85.030 Procedure for collection. The fee shall be collected by the department of transportation roads services division which shall establish a procedure for these fees, and the deposit thereof in the County Road Fund in accordance with RCW 43.09.220. (Ord. 13019 § 1 (part), 1998).

14.85.040 Authorization. The director of the department of transportation is hereby authorized to assess a fee for vactor waste disposal at county operated liquid and solid waste disposal facilities. (Ord. 13019 § 1 (part), 1998).