

March 20, 1986
8179A/MMcF:clt

Introduced by: Sullivan

Proposed No.: 85-649

ORDINANCE NO. 7544

AN ORDINANCE related to zoning; adding new definitions to the zoning code; adopting road adequacy standards for the review of subdivisions, short subdivisions, planned unit developments, building permits, conditional use permits and unclassified use permits; repealing Ordinance 6677, Sections 1 through 5, Ordinance 7154, Section 1, Ordinance 7271, Sections 1 and 2, KCC 20.66.010 through 20.66.040; and amending Section 21.46.010.

PREAMBLE:

For the purpose of effective transportation and land use planning and regulation the King County Council finds that:

- A. RCW 58.17 requires King County to regulate the division of land in a uniform manner and determine appropriate provisions for streets and highways as part of the regulatory process, and
- B. RCW 36.70 provides the authority for King County to coordinate the execution of both public and private projects, and
- C. RCW 43.21.C adopts a State Environmental Policy and places responsibility on King County to insure and uphold the integrity of the "natural" and "built" environments. The built environment includes transportation facilities and services, and
- D. WAC 197-11-768 defines "Mitigation of Impacts" as: rectifying the impact by repairing, rehabilitating or restoring the affected environment; compensating for the impact by replacing, enhancing, or providing substitute resources or environments; minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to reduce impacts; monitoring the impact and taking appropriate corrective measures; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, and
- E. WAC 197-11-660 authorizes the mitigation of adverse impacts created by proposals, and
- F. The 1985 King County Comprehensive Plan strongly advocates the assurance of adequate facilities to accompany growth; and
- G. King County is in the process of updating the King County Transportation Plan, and
- H. The establishment of a standard of "adequacy" by which to evaluate the impact of development is the first step in determining how and when to mitigate development related impact, and

- 1 I. Mitigation of traffic impacts can be accomplished by
 2 making improvements to the road system and/or reducing
 3 vehicular trips generated by a development by applying
 4 Transportation Systems Management techniques, and
 5 J. King County is committed to developing a mitigation
 6 payment system which would equitably distribute the
 7 costs of road improvements needed to achieve the
 8 standards established herein, and
 9 K. Such a mitigation payment system is expected to result
 10 in a change to the way these road standards are
 11 applied, which change will be addressed further when
 12 the mitigation payment system is developed, and
 13 L. The mitigation methods permitted in this ordinance will
 14 be subject to further refinement when the mitigation
 15 payment system is established.
 16 M. Road adequacy standards are necessary to maintain the
 17 public health, safety and general welfare.

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Ordinance 6677, Sections 1 through 5, Ordinance
 20 7154, Section 1, Ordinance 7271, Section 1 and 2, and King
 21 County Code 20.66.010 through 20.66.040 are each repealed.

22 SECTION 2. KCC 21.46.010 and Res. 25789, Section 2400 are
 23 each amended to read as follows: the foregoing regulations of
 24 this title pertaining to the several classifications shall be
 25 subject to the general provisions, conditions, ((and))
 26 exceptions, and development and improvement standards contained
 27 in this chapter and title, and other general provisions and
 28 applicable standards contained in other titles, including but
 29 not limited to health and sanitation, water and sewer systems,
 30 roads and bridges, building and construction standards, fire
 31 code, enforcement, shoreline management, and agriculture and
 32 open space land.

33 NEW SECTION. SECTION 3. Definitions. For purposes of
 this chapter, the following definitions shall apply:

A. Proposed Development. "Proposed development" means a
 subdivision, short subdivision, planned unit development,
 master plan development, a conditional use permit, or an
 unclassified use permit or any development proposal requiring a
 building permit exclusive of any use which is categorically
 exempt under the State Environmental Policy Act as implemented

1 by King County. The renewal of permits or the issuance of a
2 new permit for existing uses constitutes proposed development
3 only if it will generate additional traffic above that
4 currently generated by the use.

5 B. Approved Development. "Approved development" means a
6 plat or short plat which has received final approval: PUD,
7 conditional use permit or unclassified use permit which has
8 been authorized by King County, or a development for which a
9 building permit has been issued.

10 C. Direct Traffic Impact. "Direct traffic impact" means
11 any new increase in vehicle traffic or increase in vehicle
12 traffic generated by a proposed development which equals or
13 exceeds ten (10) peak hour, peak direction vehicle trips on any
14 roadway or intersection.

15 D. Level-of-service (LOS). "LOS" means a measure of
16 traffic congestion along a roadway or at an intersection
17 identified by a letter scale from A to F as calculated by a
18 methodology endorsed by the Institute of Transportation
19 Engineers.

20 E. Calculated LOS. "Calculated LOS" means a calculation
21 that includes existing traffic, the traffic anticipated to be
22 generated by previously approved developments as determined by
23 actual land development information, if available, otherwise
24 growth rates based on land development information, and the
25 anticipated traffic from the subject and other requested
26 proposed developments.

27 F. Peak Hour. "Peak hour" means the hour during the
28 morning or afternoon which experiences the most critical
29 level-of-service for a particular roadway or intersection.

30 G. Ultimate Roadway Section. "Ultimate roadway section"
31 means a designation by King County that the maximum roadway or
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1 intersection capacity has been reached and further right-of-way
2 acquisition and/or improvements are not feasible to increase
3 peak hour vehicle capacity.

4 H. High Occupancy Vehicle (HOV) Incentives. "HOV
5 incentives" means improvements, policies, or actions which
6 would enhance or stimulate use of transit, carpooling,
7 vanpooling, or other methods of ridesharing.

8 I. Transportation System Management (TSM). "TSM" means
9 low-cost projects that can be implemented in a short time frame
10 designed to increase the efficiency of existing transportation
11 facilities. This also includes transit and/or ridesharing
12 measures to decrease single occupancy vehicle trips.

13 J. Pro-rata Share. "Pro-rata share" means the fair and
14 equitable cost obligation assigned to a proposed development
15 which is attributable to the peak hour, peak direction vehicle
16 trips generated by it on the affected roadway or intersection.
17 The share will be determined by dividing the number of peak
18 hour, peak direction vehicles being added as a result of the
19 proposed development by the calculated total peak hour, peak
20 direction vehicles using the affected roadway or intersection.

21 NEW SECTION. SECTION 4. Purpose. The purpose of road
22 adequacy standards is to assure adequate levels-of-service on
23 roadways and intersections. Road adequacy standards shall be
24 used to evaluate the impact of proposed developments' traffic
25 on roadways and intersections, to apply conditions assuring
26 that road capacity will be adequate, and to deny proposed
27 developments which would have unacceptable impacts on road
28 safety or levels-of-service.

29 NEW SECTION. SECTION 5. Standard established. A
30 calculated LOS F shall be considered inadequate. A calculated
31 LOS E shall be considered undesirable but tolerable. A
32 calculated LOS D or better shall be considered desirable.
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1 NEW SECTION. SECTION 6. Application of standards
2 established. The road adequacy standards established in this
3 chapter shall apply as follows:

4 A. This ordinance shall apply to any proposed development
5 which has a direct traffic impact on any road section or
6 intersection, when such impact results in or adds to a LOS of F
7 for that road section or intersection.

8 B. These standards shall apply to all public county, city
9 and state roads, other than freeways provided, however, that:

10 1. No improvements to state facilities shall be
11 required by King County unless an agreement to provide the
12 improvements is executed between the state, county and
13 applicant.

14 2. No improvements to city roads shall be required
15 unless the affected city requests such improvements and an
16 interlocal agreement to provide for such improvements exists
17 between the City and King County.

18 3. In no case shall improvements to state or city
19 facilities be required if the improvements would be in excess
20 of adopted county road standards for said improvements.

21 C. The provisions of this ordinance shall be applied only
22 once to any project, unless changes or modifications requiring
23 county approval are proposed which result in greater direct
24 traffic impacts than were considered when the proposal was
25 first approved.

26 NEW SECTION. SECTION 7. General conditions established.
27 Proposed development which will have a direct traffic impact on
28 a roadway or intersection with a calculated LOS F shall not be
29 approved unless:

30 A. The applicant agrees to fund improvements needed to
31 attain LOS E or better; or
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1 B. The applicant reduces his traffic impacts to achieve a
2 desirable level-of-service by scaling his project down or by
3 using Transportation System Management techniques to reduce the
4 number of peak hour trips generated by the project, or

5 C. For subdivisions and planned unit developments only
6 King County establishes a date for final approval to become
7 effective which corresponds to the anticipated date of award of
8 a construction contract for county, city, or state improvements
9 needed to provide LOS E or better, provided such effective
10 approval date may be established only when the anticipated date
11 of award of construction contract is within twelve months; or

12 D. The roadway or intersection has already been improved
13 to its ultimate roadway section and the applicant agrees to use
14 TSM incentives and/or phases the proposed development as
15 determined by King County.

16 NEW SECTION. SECTION 8. Special conditions established.
17 The condition set forth in Section 7C of this ordinance shall
18 be considered fulfilled for all proposed developments except
19 building permits if the following conditions are met:

20 A. Intersection improvements only are necessary to attain
21 LOS E or better and a construction contract is scheduled to be
22 awarded within twelve months, and

23 B. Complete funding for the necessary improvements is
24 assured by the county, city, state, developer, or any
25 combination thereof.

26 NEW SECTION. SECTION 9. Pro-rata share payments.

27 A. As an alternative to meeting one of the criteria in
28 Section 7, the applicant may offer to pay for a pro-rata share
29 of the direct traffic impacts of his development, PROVIDED that
30 the applicant can document what is his pro-rata share to the
31 satisfaction of King County, and provided that:
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1 1. King County concludes that the total improvement
2 needed can be provided for or funded within five years of
3 approval of the subject development. Consideration of a
4 proposed pro-rata share payment shall be treated as an
5 exception under Section 10.

6 2. Any contribution collected under this section shall
7 be subject to all applicable state laws relating to management,
8 time periods for expenditure, and refunds. Where not
9 inconsistent with state law, such contributions may be used to
10 fund pre-construction costs such as engineering and design.

11 B. King County shall establish the specific amount of a
12 pro-rata share payment upon preliminary approval of a proposed
13 short subdivision, subdivision or PUD, and upon final approval
14 for any other proposed development.

15 C. The applicant shall fulfill the pro-rata share payment
16 established by the county for proposed development as follows:

17 1. For short subdivisions, subdivisions or PUD's, the
18 payment shall be made in full upon recording or, in lieu of
19 payment, the applicant may post a performance bond or other
20 security found acceptable by King County.

21 2. For all other proposed development, the pro-rata
22 share payment shall be paid upon issuance of a building permit
23 where applicable, or when the applicable permit is issued where
24 no building permit is required.

25 C. King County reserves the right to require 100% of any
26 on-site improvements or improvements to streets immediately
27 adjacent to the proposed development site as a condition of
28 approval.

29 D. King County will not collect pro-rata share payments
30 for improvements to any non-County facilities.

1 NEW SECTION. SECTION 10. Exceptions .

2 A. Exceptions from these standards may be granted only
3 when extraordinary circumstances make compliance with the
4 standards infeasible, or when a pro-rata share payment is
5 proposed.

6 B. For those proposed developments where the Zoning and
7 Subdivision Examiner makes a recommendation to the Council, the
8 record must reflect the basis for the exception, and the
9 approving ordinance must grant the exception in order for it to
10 be effective. The ordinance approving the proposal shall be
11 determinative and conclusive as to the development's compliance
12 with this ordinance.

13 C. For proposed developments for which the Zoning and
14 Subdivision Examiner or Zoning Adjuster decision is final, the
15 decision of the Zoning Examiner or Zoning Adjuster shall be
16 determinative and conclusive as to the development's compliance
17 with this ordinance.

18 D. For proposed developments for which the zoning
19 Adjustor's decision is final unless appealed to the Zoning
20 Examiner the Adjustor's decision on the exception is subject to
21 appeal to the Examiner, whose decision shall be determinative
22 and conclusive as to the developments compliance with this
23 ordinance.

24 E. For permits which are administrative and ministerial,
25 for which no appeal is normally available, the issue of the
26 application of the standards in this ordinance to a proposed
27 development may be appealed to the Zoning and Subdivision
28 Examiner for a final decision. Such an appeal together with
29 appeal arguments shall be filed with the B&LDD within 10 days
30 of the department's decision.
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1 F. Any proposed developments which are being delayed
2 because of inability to comply with Ordinance 6677 may be
3 considered for an exception under this Section for a period not
4 to exceed six months from the date of adoption of this
5 ordinance.

6 NEW SECTION. SECTION 11. Latecomer charges.

7 State statutes allow for "latecomer" agreements whereby a
8 developer who constructs a road facility which benefits other
9 property owners or the public generally may later recoup part
10 of the cost of the improvements from the other benefitted
11 properties or the county. The county acknowledges that this
12 tool should be available as one way to provide road
13 facilities. The Department of Public Works is directed to work
14 with the Transportation Planning Section of the Planning
15 Division to prepare procedures for considering proposed
16 latecomer agreements. Until such procedures are established,
17 any applicant may propose such an agreement as part of any
18 development application, so long as the proposal conforms to
19 state statutes.

20 NEW SECTION. SECTION 12. King County Authority. The
21 procedures set forth in this ordinance do not limit the
22 authority of King County to deny or approve with conditions:

23 A. Zone reclassification requests based on traffic
24 impacts, or

25 B. Proposed developments or zone reclassifications if King
26 County determines a hazard to public health, safety, or welfare
27 would result from direct traffic impacts without roadway or
28 intersection improvements, regardless of LOS, or

29 C. Proposed developments reviewed under the authority of
30 the Washington State Environmental Policy Act.

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NEW SECTION. SECTION 13. Severability. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application of the revisions to other persons or circumstances shall not be affected.

NEW SECTION. SECTION 14. Administration.

A. The Department of Public Works shall develop administrative procedures necessary to implement the requirements of this ordinance.

INTRODUCED AND READ for the first time this 9th day of December, 1985.

PASSED this 24th day of March, 1986.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Audrey Linger
Chair

ATTEST:

Dorothy M. Quinn
Clerk of the Council

APPROVED this 3 day of April, 1986.

Jim Hill
King County Executive