

ORDINANCE NO. 3052

AN ORDINANCE related to zoning and Road Adequacy Standards for the review of subdivisions, short subdivisions, planned unit developments, building permits, conditional use permits and unclassified use permits; amending Ordinance 7544, Sections 5, 6, 7, and 9 and K.C.C. 21.49.030, .040, .050, and .070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7544, Section 5 and K.C.C. 21.49.030 is hereby amended to read as follows:

Standard established. A calculated LOS F shall be considered inadequate. A calculated LOS E shall be considered undesirable but tolerable. A calculated LOS D or better shall be considered desirable. These standards will be subject to review when a mitigation payment system is developed by King County.

SECTION 2. Ordinance 7544, Section 6 and K.C.C. 21.49.040 is hereby amended to read as follows:

Application of standards established. The road adequacy standards established in this chapter shall apply as follows:

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

B. These standards shall apply to all public county, city and state roads, other than freeways,

Provided, that:

1. No improvements to state facilities shall be required by King County by operation of this ordinance unless the state requests such improvements and an agreement to provide the improvements is executed between the state, county and applicant.

2. No improvements to city roads shall be required by King County by operation of this ordinance unless the affected city requests such improvements and an interlocal agreement (~~to provide for such improvements~~) exists between the city and King

1 County. An interlocal agreement adopted by county and city
2 ordinances may allow for the application of different standards
3 than established in Section 21.49.030 within the city limits when
4 such standards have been adopted as an official control by city
5 ordinance.

6 3. (~~In no case shall improvements to state or city~~
7 ~~facilities be required if the improvements would be in excess of~~
8 ~~adopted county road standards for said improvements.~~) An
9 interlocal agreement adopted by county and city ordinances may
10 provide that in a designated area within the city's planning area,
11 a different standard than established in Section 21.49.030 may be
12 applied.

13 4. The standard to be applied to a project shall be the
14 standard established in K.C.C. 21.49.030 unless a different
15 standard, as provided for in subparagraphs 2 and 3, has been
16 adopted prior to the project date, or in the case of plats, before
17 their legally established approval dates.

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

22 D. The provisions of this ordinance shall not be applied to
23 any project approved prior to the date of adoption of this
24 ordinance for which conditions were imposed mitigating the
25 off-site traffic impacts of the project, unless project changes or
26 modifications requiring county approval are proposed which result
27 in greater direct traffic impacts than were considered when the
28 project was first approved.

29 SECTION 3. Ordinance Number 7544, Section 7 and K.C.C.
30 21.49.050 are hereby amended to read as follows:

31 General conditions established.

32 A. Proposed development which will have a direct impact on a
33 roadway or intersection with a calculated LOS F shall not be

1 approved unless:

2 ((A-)) 1. The applicant agrees to fund improvements needed to
3 attain LOS ((E)) D or better, unless the calculated non-project
4 LOS is E or F, in which case LOS E must be attained; or

5 ((B-)) 2. The applicant reduces his traffic impacts to achieve
6 a ((desirable)) level-of-service E by scaling his project down or
7 using Transportation System Management techniques to reduce the
8 number of peak hour trips generated by the project, or

9 ((G-)) 3. For subdivisions and planned unit developments
10 only, King County establishes a date for final approval to become
11 effective which corresponds to the anticipated date of award of a
12 construction contract for county, city or state improvements
13 needed to provide LOS ((E)) D or better, unless the calculated non-
14 project LOS is E or F, then LOS E must be attained; provided such
15 effective approval date may be established only when the
16 anticipated date of award of construction contract is within
17 twelve months; or

18 ((B-)) 4. The roadway or intersection has already been
19 improved to its ultimate roadway section and the applicant agrees
20 to use TSM incentives and/or phase the proposed development as
21 determined by King County.

22 B. Proposed developments which will have a direct impact on
23 city traffic facilities or designated areas pursuant to Section
24 21.49.040 B.3 shall not be approved unless the applicant complies
25 with K.C.C. 21.49.050 or 21.49.070 in order to attain the LOS
26 specified in the pertinent adopted interlocal agreements.

27 SECTION 4. Ordinance Number 7544, Section 9, and
28 K.C.C. 21.49.070 are hereby amended to read as follows:

29 Pro-rata share payments.

30 A. As an alternative to meeting one of the criteria in
31 Section 21.49.050, the applicant ((may-offer)) shall be allowed to
32 pay for a pro rata share of the direct traffic impacts of his
33 development,

1 Provided that:

2 ((The-applicant-can-document-what-is-his-pro-rata-share-to-the
3 satisfaction-of-King-County,-and

4 Provided-further-that:))

5 1. King County concludes that the total improvement needed
6 can be provided for or funded within five years of approval of the
7 subject development or the applicant waives the operation of the
8 time limit established in RCW 82.02.020. Consideration of a
9 proposed pro-rata share payment shall be treated as an exception
10 under Section 21.49.080.

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

16 B. King County shall establish the specific amount or maximum
17 required amount of a pro-rata share payment ((upon)) as a
18 condition of preliminary approval of a proposed short subdivision,
19 subdivision or PUD, and upon final approval for any other proposed
20 development. Fair share contributions only shall be pro-rata
21 share payments.

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

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

28 2. For all other proposed development, the pro-rata share
29 payment shall be paid upon issuance of a building permit where
30 applicable, or when the applicable permit is issued where no
31 building permit is required.

32 C. King County reserves the right to require 100% of any
33 on-site improvements or improvements to streets immediately

1 adjacent to the proposed development site as a condition of
2 approval.

3 D. King County will not collect pro-rata share payments for
4 improvements to ((any-non-county)) city facilities. In cases
5 where pro-rata payments are required for improvements in cities
6 pursuant to the inter-local agreements referenced in Section
7 21.49.040, the payments shall be made to the appropriate city
8 directly by the applicant. Pro-rata payments for improvements to
9 state facilities may be made directly to the state or indirectly
10 through King County. The applicant must submit confirmation that
11 payment has been made prior to issuance of permits.

12 As an alternative, the applicant may be allowed to establish
13 an escrow account, payable to King County or the affected
14 jurisdiction, which can be used for mitigation project costs which
15 occur in a specified time period, per RCW 82.02.020.

16 INTRODUCED AND READ for the first time this 20th
17 day of January, 1987.

18 PASSED this 4th day of May, 1987.

19 KING COUNTY COUNCIL
20 KING COUNTY, WASHINGTON

21 Gary Grant
22 Chairman

23 ATTEST:

24 Dorothy M. Owens
25 Clerk of the Council

26 APPROVED this 14th day of May, 1987.

27 Jim Hill
28 King County Executive