

November 21, 1990

INTRODUCED BY: Laing

PROPOSED NO. 90-106

ORDINANCE NO. 9747

An ordinance implementing the Growth Management Act of 1990, and providing a method for collecting fees from developers to help fund transportation improvements made necessary by development.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1.

Short Title, Authority and Purpose.

A. This ordinance shall be known and may be cited as the "Mitigation Payment System" or "MPS" ordinance.

B. This ordinance is enacted 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.

C. It is the purpose of this ordinance to:

1. Ensure that adequate transportation facilities are available to serve new growth and development; and to

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; and to

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; and to

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

5. Provide additional funding for growth-related transportation improvements identified by the King County Transportation Plan as reasonable and necessary to meet the future growth needs of King County.

1 SECTION 2.

2 Definitions.

3 A. BALD. The King County Building and Land Development
4 Division or its successor agency.

5 B. CORRIDOR. The road or set of roads within the county in
6 which vehicle trips to or from a development will take place.
7 Vehicles have flexibility as to an exact route within a corridor
8 but little choice as to whether to use the corridor.

9 C. COUNCIL. The King County Council.

10 D. DEPARTMENT. The King County Department of Public Works
11 or its successor agency.

12 E. DEVELOPER/DEVELOPMENT. A "developer" is any person or
13 entity who engages in development. "Development" is any
14 construction or expansion of a building, structure, or use, any
15 change in use of a building or structure, or any changes in the
16 use of land that:

17 1. Results in an increase in the number of vehicle trips
18 to or from the land, building, or structure; and that

19 2. Requires a development permit from King County.

20 F. DEVELOPMENT PERMIT. A building permit, a final
21 residential plat, a final residential short plat, a final planned
22 unit development approval, a grading permit, a conditional use
23 permit, or an unclassified use permit.

24 G. GROWTH - RELATED. Signifying a project that adds new
25 traffic lanes to or otherwise increases the capacity of a roadway
26 or intersection.

27 H. IMPACT. To add new vehicle trips to, or reduce the
28 capacity of, a roadway or intersection.

29 I. LEVEL OF SERVICE (LOS). Means a qualitative measure
30 of traffic congestion identified by a declining letter scale from
31 A to F as calculated by the methodology contained in the 1985
32 Highway Capacity Manual Special Report 209, provided by the
33 Transportation Research Board, or as calculated by another method

1 approved by the Department. LOS "A" indicates free flow and no
2 delay while LOS "F" indicates jammed conditions or extensive
3 delay.

4 J. MPS FEE. The mitigation payment required of developers
5 by this ordinance.

6 K. MPS PROJECT. A growth-related road improvement, which is
7 a system improvement, that is selected by the King County Council
8 for joint private and public funding pursuant to this ordinance
9 and that is located:

- 10 1. On a county road in unincorporated King County; or
- 11 2. On a city road in a city within King County when the
12 city has an ordinance implementing the Growth Management Act of
13 1990, RCW Chapter 82.02, and when King County has an appropriate
14 interlocal agreement with the city; or
- 15 3. On a state road in King County once WSDOT has adopted
16 procedures that will enable it to plan for and fund growth-related
17 improvements to state roads in a manner that satisfies the
18 requirements of the Growth Management Act of 1990, RCW Chapter
19 82.02, and once King County has an appropriate interlocal
20 agreement with WSDOT.

21 L. OWNER. Means the owner of record of real property,
22 although when real property is being purchased under a real estate
23 contract, the purchaser shall be considered the owner of the real
24 property if the contract is recorded.

25 M. P,P, & R. The King County Department of Parks, Planning,
26 and Resources or its successor agency.

27 N. PEAK HOUR. The hour, usually in the afternoon, when the
28 greatest traffic impact on a roadway or intersection occurs.

29 O. PERFORMANCE CAPACITY. The maximum capacity of a road at
30 a designated level of service.

31 P. PROJECT COST. The estimated cost of constructing an MPS
32 project, including the costs of design and right-of-way
33 acquisition.

1 Q. DEVELOPMENT IMPROVEMENTS. Site improvements and
 2 facilities that are planned and designed to provide service for a
 3 particular development and that are necessary for the use and
 4 convenience of the occupants or users of the development, and are
 5 not system improvements. No transportation improvement or
 6 facility that is considered a development improvement shall be
 7 included in the MPS project list.

8 R. PROPORTIONATE SHARE. That portion of the cost of
 9 transportation facility improvements that is reasonably related to
 10 the service demands and needs of new development.

11 S. SERVICE AREA. A geographic area defined by the county,
 12 or intergovernmental agreement, in which a defined set of
 13 transportation facilities provide service to development within
 14 the area. Service areas shall be designated on the basis of sound
 15 planning or engineering principles. Development in a service area
 16 may, and will likely be found to, impact roadways and
 17 intersections both inside and outside the service area, and the
 18 MPS fee will reflect a charge for all such impacts.

19 T. SYSTEM IMPROVEMENTS. Transportation facilities that are
 20 designed to provide service to the community at large, in contrast
 21 to development improvements.

22 U. TRAFFIC IMPACTS. The diminishment of capacity of a
 23 roadway or intersection by the addition of new vehicle trips.
 24 Effects of new vehicle trips that are not quantifiable or to the
 25 extent that the effects cannot be mitigated fully by the addition
 26 of new capacity - such as safety hazards and inadequate
 27 signalization - are not traffic impacts for purposes of this
 28 ordinance.

29 V. WSDOT. The Washington State Department of Transportation
 30 or its successor agency.

31
 32
 33

1 SECTION 3.

2 Grant of Authority to Impose Fees.

3 A. The department is authorized to impose transportation
4 impact fees on new development pursuant to King County's powers as
5 a home rule charter county; Article 11, § 11 of the Washington
6 State Constitution; and the Growth Management Act, Laws of 1990,
7 1st Ex. Sess., chapter 17, RCW Chapter 82.02.

8 B. The impact fees:

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

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

15 3. Shall be used for transportation improvements that will
16 reasonably benefit the new development;

17 4. Shall not be used to correct existing deficiencies; and

18 5. Shall not be imposed to mitigate the same off-site
19 traffic impacts that are being mitigated pursuant to any other
20 law.

21 C. The department and BALD are hereby instructed and
22 authorized to adopt, pursuant to KCC chapter 2.98, administrative
23 rules to implement this ordinance.

24 SECTION 4.

25 Fee Schedules and Establishment of Service Areas.

26 A. Fee schedules stating the amount of the MPS fee which
27 residential development shall pay are set forth in Attachment A
28 hereto, which is incorporated herein by reference as if fully set
29 forth. All other development shall pay an MPS fee individually
30 calculated by the department, as set forth in Section 5(B) below.
31 The fee schedules also state the MPS administrative fee which all
32 developers shall pay.

33

1 B. For purposes of this ordinance, the county is divided
2 into service areas as set forth in Attachment B hereto, which is
3 incorporated herein by reference as if fully set forth. In each
4 service area, similar types of residential development shall pay
5 the same MPS fee, unless the amount of the fee is altered because:

6 1. Unusual circumstances exist and the department adjusts
7 the amount of the fee as provided in section C below; or

8 2. The developer submits studies or data showing that the
9 fee as set forth in the applicable schedule or as calculated by
10 the department is in error, as provided in Section 11 below.

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

16 SECTION 5.

17 Calculation of MPS Fees.

18 A. The department shall calculate the MPS fees set forth in
19 the fee schedules, Section 4(A) above, by means of a computerized
20 modeling system that:

21 1. Incorporates the service areas adopted in Section 4(B)
22 above;

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

29 3. Reduces the proportionate share by applying the benefit
30 factors set forth in this ordinance.

31 B. When a development's fee is not determined by the fee
32 schedules adopted in Section 4(A) above, the department shall
33 calculate the MPS fee by means of a computerized modeling system,

1 which is the same system used to determine the fee schedules, and
2 which:

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

6 2. Reduces the proportionate share by applying the benefit
7 factors set forth in this ordinance.

8 C. The department's computer model shall calculate
9 proportionate share for use in both the fee schedules and
10 individual calculations by:

11 1. Determining the number of peak hour vehicle trips
12 generated by development that will benefit from the vehicle
13 capacity added, or to be added, by the road improvements on the
14 MPS Project List;

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

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

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

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

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

26 a. Actual measurements of the rate of trip generation by
27 similar developments in King County are available, and the Road
28 Engineer determines that these local measurements are more
29 accurate; or

30 b. ITE trip generation rates for the proposed
31 development are not available, in which case the Road Engineer:

32 (1) May use published rates from another source; or
33

1 (2) May calculate the rate from data about the
2 population of the proposed development; or

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

6 3. Reduce the trip generation rate to reflect reductions
7 in traffic that the developer can demonstrate will occur because
8 of programs or services at the development that promote transit or
9 high-occupancy vehicle use. The developer must prove the extent
10 to which such programs or services will reduce traffic impacts and
11 must prove that such programs or services will in fact be
12 implemented and maintained;

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

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

18 6. Update the data in the model as often as
19 practicable, but at least annually;

20 7. Estimate the cost of constructing the projects on
21 the MPS Project List as of the time they are placed on the list,
22 and then update the cost estimates at least annually, considering
23 the:

24 a. Availability of other means of funding transportation
25 facility improvements;

26 b. Cost of existing transportation facility
27 improvements; and

28 c. Methods by which transportation facility improvements
29 were financed;

30 8. Update the fee collected against a project which has
31 already been completed, through an advancement of County funds, at
32 a rate, determined annually, which is equivalent to the County's
33 return on its investments; and

1 9. Charge a development for the total traffic entering or
2 exiting the development during the peak hour.

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

6 1. A 15% incentive factor for developers who pay the MPS
7 fee, as set forth in the fee schedule or as individually
8 calculated by the department, without initiating a challenge
9 pursuant to Section 11 below, in recognition that some of the
10 trips from a development paying an MPS fee may begin or end within
11 a jurisdiction with which the county has executed a reciprocal MPS
12 agreement, or within another development which is or has been
13 subject to MPS requirements;

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

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

29 F. The department shall review the 15% incentive factor
30 annually and propose revisions to the factor when appropriate to
31 reflect the actual amount of trips generated by new development
32 which also begin or end in other developments which have
33 previously been subject to a fee for the same impact.

1 G. If the credit determined pursuant to subsection E(3)
2 above exceeds the amount of the developer's MPS fee, the
3 department shall reimburse the developer from MPS fees collected
4 from other developers for the same MPS project.

5 H. The amount of credit determined pursuant to section E
6 above shall be credited proportionately among all the lots in the
7 development, and the MPS fee for each lot for which a building
8 permit is applied for shall be reduced accordingly.

9 I. The department shall use the information from the
10 computerized modeling system to prepare an annual draft fee
11 schedule list. The council shall, as often as is necessary but at
12 least annually, by ordinance establish the fee schedule applicable
13 to each service area in the county by adopting, with or without
14 modification, the department's draft fee schedules.

15 J. The department shall present to the council proposed
16 changes in the service area boundaries, set forth in Section 4(B)
17 above, as often as is necessary to ensure that the service area
18 boundaries conform to sound planning or engineering principles.

19 K. To the extent practicable, and in accordance with sound
20 planning or engineering principles, the department shall develop
21 and propose to the council for adoption precalculated fee
22 schedules applicable to types of development in addition to
23 residential development.

24 SECTION 6.

25 Payment of Fees.

26 A. All developers shall pay an MPS fee in accordance with
27 the provisions of this ordinance at the time that the applicable
28 development permit is ready for issuance. The fee paid shall be
29 the amount in effect as of the date of permit application.

30 B. All developers shall pay an MPS administrative fee at the
31 time of application for a development permit as set forth in the
32 fee schedule, Section 4(A) above.

33

1 C. An individually determined MPS fee shall be calculated at
2 the time of application for a development permit, after
3 transmittal to the department of the information provided by the
4 developer to BALD. The department's determination of the
5 development's traffic impacts shall be transmitted to BALD for use
6 in its review pursuant to the State Environmental Policy Act.

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

12 E. No development permit shall be issued until the MPS fee
13 is paid, except that developers of residential subdivisions, short
14 subdivisions, or planned unit developments may defer payment until
15 building permits are issued for the lots within the subdivision,
16 short subdivision or planned unit development.

17 F. A developer may obtain a preliminary determination of the
18 MPS fee before application for a development permit, by paying a
19 processing fee and providing the department with the information
20 needed for processing.

21 G. MPS fees may be paid under protest in order to obtain a
22 permit or other approval of development activity.

23 SECTION 7.

24 MPS Project List.

25 A. In conjunction with the department's annual review and
26 update of the Transportation Needs Report (TNR) element of the
27 King County Transportation Plan, as required by ordinance No.
28 9153, the department shall do the following:

- 29 1. Identify each project on the TNR that is growth-related
- 30 and the proportion of each such project that is growth-related;
- 31 2. Forecast the total monies available from taxes and
- 32 other public sources for road improvements over the subsequent
- 33 12 years;

1 3. Calculate the amount of MPS fees already paid; and

2 4. Identify those MPS projects that have been or are being
3 built but whose performance capacity has not been fully utilized.

4 B. The department shall use this information to prepare an
5 annual Draft MPS Project List, which shall comprise:

6 1. The projects on the TNR, in order of priority, that are
7 growth-related and that are capable of being funded with the
8 forecast public monies and the MPS fees already paid; and

9 2. The MPS projects already built or funded pursuant to
10 this ordinance whose performance capacity has not been fully
11 utilized.

12 C. The council, at the same time that it adopts the annual
13 budget and appropriates funds for capital improvement projects,
14 shall by separate ordinance establish the annual MPS Project List
15 by adopting, with or without modification, the department's draft
16 list.

17 D. Once a project is placed on the MPS Project List, a fee
18 shall be imposed on every development that impacts the project
19 until the project is removed from the list by one of the following
20 means:

21 1. The council by ordinance removes the project from the
22 MPS Project List, in which case the fees already collected will be
23 refunded if necessary to ensure that the MPS fee remains
24 reasonably related to the traffic impacts of development that have
25 paid an MPS fee; provided, that a refund shall not be necessary if
26 the council transfers the fees to the budget of another project
27 that the council determines will mitigate essentially the same
28 traffic impacts; or

29 2. The capacity created by the project has been fully
30 utilized, in which case the department shall administratively
31 remove the project from the MPS Project List.

32

33

1 SECTION 8.

2 Funding of MPS Projects.

3 A. An MPS trust and agency fund is hereby created. This MPS
4 fund shall be a first-tier fund as described in King County Code
5 Chapter 4.10. The Director of the Department of Public Works
6 shall be the fund manager. MPS fees shall be placed in
7 appropriate deposit accounts within the MPS fund.

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

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

12 2. When the council appropriates capital improvement
13 project (CIP) funds for a project on the MPS Project List, the
14 project fees held in the MPS fund will be transferred to the CIP
15 fund. The non-MPS fee monies appropriated for the MPS project
16 shall comprise both the public share of the project cost and an
17 advancement of that portion of the private share that has not yet
18 been collected in MPS fees;

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

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

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

32

33

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

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

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

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

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

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

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

30 H. The department shall prepare an annual report on each MPS
31 fee account showing the source and amount of all moneys collected,
32 earned or received and transportation improvements that were
33 financed in whole or in part by MPS fees.

1 SECTION 9.

2 Refunds.

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

8 B. If a property owner appears to be entitled to a refund of
9 MPS fees, the department shall notify the property owner by first
10 class mail deposited with the United States postal service at
11 their last known address. The property owner must submit a
12 request for a refund to the council in writing within one year of
13 the date the right to claim the refund arises or the date the
14 notice is given, whichever is later. Any impact fees that are not
15 expended or encumbered within the time limitations established by
16 Section 8(E), and for which no application for a refund has been
17 made within this one-year period, shall be retained and expended
18 on the projects for which it was collected.

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

23 D. When the county seeks to terminate any or all impact fee
24 requirements, all unexpended or unencumbered funds shall be
25 refunded pursuant to this section. Upon the finding that any or
26 all fee requirements are to be terminated, the county shall place
27 notice of such termination and the availability of refunds in a
28 newspaper of general circulation at least two times and shall
29 notify all potential claimants by first class mail to the last
30 known address of claimants. Claimants shall request refunds as in
31 section B above. All funds available for refund shall be retained
32 for a period of one year. At the end of one year, any remaining
33 funds shall be retained by the county, but must be expended for

1 the indicated road facilities. This notice requirement shall not
2 apply if there are no unexpended or unencumbered balances within
3 an account or accounts being terminated.

4 SECTION 10.

5 Exemption or Reduction for Low Income Housing.

6 A. Public housing agencies or private non-profit housing
7 developers participating in publicly sponsored or subsidized
8 housing programs may apply to P,P, & R for exemptions from MPS fee
9 requirements. P,P, & R shall review proposed developments of low
10 income housing by such public or non-profit developers pursuant to
11 criteria and procedures adopted by administrative rule. If
12 P,P, & R determines that a proposed development of low income
13 housing satisfies the adopted criteria, P,P, & R shall notify the
14 department and such development shall be exempted from the
15 requirement to pay an MPS fee.

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

26 C. The amount of the MPS fees not collected from low income
27 household development shall be paid from public funds other than
28 impact fee accounts.

29 D. P,P, & R is hereby instructed and authorized to adopt,
30 pursuant to KCC chapter 2.98, administrative rules to implement
31 this section. Such rules shall provide for the administration of
32 this program and shall:
33

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

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

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

12 4. Ensure that developers who obtain an exemption from or
13 reduction of MPS fees will in fact build the proposed low cost
14 housing and make it available to low income households for a
15 minimum of 15 years.

16 SECTION 11.

17 Appeals.

18 A. A developer may appeal the amount of an MPS fee to the
19 King County Zoning and Subdivision Examiner, who shall conduct a
20 hearing on the appeal pursuant to KCC 20.24.080. The developer
21 shall bear the burden of proving:

22 1. That the department committed error in calculating the
23 developer's proportionate share, as determined by an individual
24 fee calculation or, if relevant, as set forth in the fee schedule,
25 or in granting credit for the benefit factors; or

26 2. That the department based its determination upon
27 incorrect data.

28 B. An appeal must be filed with the department within 10
29 calendar days of the department's issuance of its final decision
30 regarding the fee amount. In order to obtain an appealable final
31 decision the developer must:

32 1. Request in writing a meeting to review the fee amount
33 with department staff, which meeting shall be held within 10

1 working days of the department's receipt of the request. The
2 department staff shall consider any studies and data submitted by
3 the developer seeking to adjust the amount of the fee; and

4 2. Request in writing reconsideration by the road engineer
5 or his designee of an adverse decision by staff. Such request for
6 reconsideration shall state in detail the grounds for the request.
7 The road engineer or his designee shall issue a final, appealable
8 decision within 10 working days of receiving a request for
9 reconsideration unless the road engineer or his designee
10 determines that a meeting with the developer is needed to properly
11 consider the request, in which case the meeting shall be held
12 within 10 working days of receipt of the request and a final
13 decision issued within 10 working days of the meeting.

14 SECTION 12.

15 Relationship to SEPA.

16 A. All developments will be subject to environmental review
17 pursuant to SEPA and other applicable King County ordinances and
18 regulations.

19 B. Payment of the MPS fee shall constitute satisfactory
20 mitigation of those traffic impacts related to the specific
21 improvements identified on the MPS project list if Level of
22 Service E or better is achieved and a construction contract is
23 scheduled for award within 3 years of payment of the fee.

24 C. Further mitigation in addition to the MPS fee shall be
25 required in any of the following circumstances:

26 1. If Level of Service E or better is not achieved for MPS
27 projects through the MPS program;

28 2. If impacts not addressed through the MPS project list are
29 identified as adverse impacts appropriate for mitigation pursuant
30 to SEPA;

31 3. If impacts not addressed by the MPS project list are
32 identified pursuant to other county regulations that require
33 mitigation other than through SEPA.

1 D. Nothing in this policy shall be construed to limit the
 2 county's authority to deny development permits when a proposal
 3 would result in significant adverse traffic impacts identified in
 4 an environmental impact statement and reasonable mitigation
 5 measures are insufficient to mitigate the identified impact.

6 SECTION 13.

7 Necessity of Compliance.

8 A development permit issued after the effective date of this
 9 ordinance shall be null and void if issued without substantial
 10 compliance with this ordinance by the department, BALD and the
 11 developer.

12 SECTION 14.

13 Severability.

14 If any part of this ordinance is found to be invalid, that
 15 finding shall not affect the validity of any remaining part of
 16 this ordinance.

17 INTRODUCED AND READ for the first time this 22nd day of
 18 January 1990.

19 PASSED this 10th day of December, 1990.

20 KING COUNTY COUNCIL
 21 KING COUNTY, WASHINGTON

22 Lois North
 23 Chair

24 ATTEST:

25 Gerald A. Peterson
 26 Clerk of the Council

27 APPROVED this 23rd day of December, 1990.

28 Jim Hill
 29
 30 King County Executive

Alternative 3A King County Adjusted Proposed Residential MPS Fees

Zone	Fee (\$)	Zone	Fee (\$)	Zone	Fee (\$)
133	58	186	143	258	69
134	3914	187	113	259	31
135	3736	188	136	260	33
136	3644	189	374	264	654
137	3921	190	276	265	307
138	3966	191	259	266	1204
139	3734	192	269	267	647
140	839	193	206	268	553
141	517	194	153	269	503
142	467	195	122	270	441
143	173	196	151	271	507
144	176	197	243	272	663
145	115	198	232	273	640
146	130	199	562	274	1331
147	136	200	465	275	303
148	135	201	451	276	419
149	141	202	2677	277	796
150	25	203	1464	278	290
151	41	204	977	279	236
152	25	205	296	280	321
153	39	206	105	281	281
154	46	207	86	282	242
155	79	208	1359	283	247
156	79	209	17	284	253
157	120	210	538	285	213
158	171	211	255	286	337
159	209	212	275	287	196
160	41	213	280	288	309
161	49	214	187	289	498
162	40	215	355	290	528
163	48	216	186	291	674
164	77	217	70	292	651
165	49	218	1055	293	2399
166	109	219	1025	294	4635
167	72	220	39	295	5800
168	16	221	91	296	5645
169	57	222	78	297	1149
170	61	223	74	298	2474
171	64	224	283	299	5446
172	44	225	141	300	1388
173	192	226	112	301	736
174	102	227	78	302	1240
175	85	228	242	303	4602
176	29	229	182	304	1430
177	487	230	235	305	971
178	35	231	141	306	2877
179	22	232	223	307	2770
180	38	233	165	308	1661
181	68	234	173	309	508
182	134	235	316	310	452
183	177	236	364	311	210
184	351	242	206	312	802
185	197	243	97	313	1687

King County Adjusted Proposed Residential MPS Fees

Zone	Fee (\$)	Zone	Fee (\$)	Zone	Fee (\$)
314	1367	367	2531	420	1201
315	1310	368	750	421	850
316	1141	369	439	422	354
317	973	370	284	423	1016
318	963	371	99	424	655
319	956	372	316	425	658
320	798	373	744	426	1250
321	1173	374	625	427	564
322	389	375	714	428	1448
323	215	376	969	429	1587
324	202	377	434	430	2137
325	526	378	852	431	2204
326	1120	379	160	432	4525
327	2339	380	341	433	2649
328	529	381	804	434	576
329	686	382	5596	435	614
330	1079	383	5524	436	325
331	1083	384	5685	437	5362
332	218	385	5683	438	119
333	262	386	7233	439	1033
334	353	387	4185	440	5090
335	645	388	3733	441	4274
336	689	389	7288	442	3667
337	2519	390	3472	443	3833
338	2481	391	1046	444	210
339	2440	392	4133	445	403
340	555	393	5580	446	2115
341	494	394	6901	447	1909
342	776	395	1254	448	322
343	315	396	1069	449	1637
344	1097	397	510	450	565
345	2529	398	3880	451	2524
346	4216	399	1592	452	3149
347	2576	400	1629	453	2426
348	2911	401	199	454	2777
349	2110	402	823	455	275
350	1674	403	1133	456	281
351	142	404	3099	457	942
352	259	405	3767		
353	157	406	239		
354	609	407	3341		
355	600	408	2237		
356	394	409	462		
357	653	410	1005		
358	1060	411	608		
359	1059	412	1291		
360	297	413	3288		
361	649	414	2633		
362	679	415	858		
363	2526	416	2039		
364	1614	417	1430		
365	664	418	1302		
366	684	419	1247		

 Any unincorporated residential fee not listed above will be \$135.

 Administrative Charge \$50 per permit (non-refundable) \$200 per special run as required for non-residential permits

9747

