



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 21, 2011

Ordinance 17190

Proposed No. 2011-0312.3

Sponsors Phillips and Hague

1 AN ORDINANCE relating to road fees; amending
2 Ordinance 11617, Section 43, and Attachment B, as
3 amended, and K.C.C. 14.65.020, Ordinance 11617, Section
4 43, and Attachment B, as amended, and K.C.C. 14.75.040,
5 Ordinance 11617, Section 49, as amended, and K.C.C.
6 14.75.100, Ordinance 11617, Section 46, and K.C.C.
7 14.75.070, Ordinance 11617, Section 47, and K.C.C.
8 14.75.080 and Ordinance 11617, Section 48, and K.C.C.
9 14.75.090 and adding a new section to K.C.C. chapter
10 14.75.

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. Ordinance 11617, Section 4, as amended, and K.C.C. 14.65.020 are
13 each hereby amended to read as follows:

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

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

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

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

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

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

41 E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and
42 road design, the standards in subsection D₂ of this section shall be used in the integrated
43 transportation program for the determination of traffic impacts for the ~~((SEPA))~~ state
44 Environmental Policy Act evaluation of a proposed development.

45 F. Fees for the ~~((MPS))~~ mitigation payment system and ~~((IS))~~ intersection
46 standards shall be as follows:

47 1. All developments subject to the ~~((MPS))~~ mitigation payment system fees
48 shall pay an administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the
49 time of application for a ~~((MPS))~~ mitigation payment system determination. Payment
50 for impact mitigation fees under ~~((MPS))~~ mitigation payment system shall be paid at the
51 time a development permit is issued, but residential developments may defer payment
52 until building permits are issued; except as otherwise provided in section 5 of this
53 ordinance; and

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

58 G. The need for the environmental assessment of a proposed development must
59 be determined by the department of development and environmental services, following
60 the filing of a completed permit application. Impacts on the road system will be
61 mitigated through ~~((MPS))~~ mitigation payment system fees. Impacts on intersections will
62 be mitigated through K.C.C. chapter 14.80.

63 H. Nothing in this chapter shall cause a developer to pay mitigation and impact
64 fees more than once for the same impact. Improvements and mitigation measures shall
65 be coordinated by the director with other such improvements and measures attributable to
66 other proposed developments, and with the county road improvement program so that the
67 county road system is improved efficiently and effectively, with minimum costs to be
68 incurred by public and private entities. This title does not supersede or replace the county
69 ~~((SEPA))~~ state Environmental Policy Act authority as enacted in K.C.C. chapter 20.44.

70 SECTION 2. Ordinance 11617, Section 43, and Attachment B, as amended, and
71 K.C.C. 14.75.040 are each hereby amended to read as follows:

72 A. Fee schedules stating the amount of the ~~((MPS))~~ mitigation payment system
73 fee ~~((which))~~ that residential development shall pay for development subject to ~~((MPS))~~
74 mitigation payment system fees are set forth in subsection E₂ of this section as described
75 in subsection D. of this section. Subsequent fee schedules shall be established in
76 accordance with K.C.C. 14.75.050. All other development shall pay a ~~((MPS))~~
77 mitigation payment system fee individually calculated by the department, as set forth in
78 K.C.C. 14.75.050.B. The ~~((MPS))~~ mitigation payment system administrative fee, which
79 all developers shall pay, is set forth in K.C.C. 14.75.080 and 14.75.090.

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

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

86 2. The developer submits studies or data showing that the fee as set forth in the
 87 applicable schedule or as calculated by the department is in error, as provided in K.C.C.
 88 14.75.150.

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

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

99 E. King County residential fee schedule.

Zone	\$Fee	Zone	\$Fee	Zone	\$ Fee	Zone	\$Fee
70	\$((23)) <u>43</u>	71	\$((25)) <u>42</u>	75	\$((59)) <u>37</u>	<u>83</u>	<u>\$23</u>
85	\$((1078)) <u>17</u>	((86	\$325))	88	\$((342)) <u>24</u>	((89	\$445))
90	\$((831)) <u>32</u>	((102	\$194	108	\$2119))	113	\$((256)) <u>227</u>
115	\$((446))	((117	\$1064))	120	\$((284))	121	\$((149))

	<u>173</u>				<u>188</u>		<u>168</u>
124	\$((72))	126	\$((33))	128	\$((42))	129	\$((38))
	<u>120</u>		<u>270</u>		<u>150</u>		<u>272</u>
130	<u>\$377</u>	132	\$((34))	133	\$1	134	\$((4617))
			<u>521</u>				<u>6033</u>
135	\$((3374))	136	\$((4542))	137	\$((4644))	138	\$((3759))
	<u>3039</u>		<u>6199</u>		<u>4486</u>		<u>2596</u>
139	\$((3152))	140	\$((1872))	141	\$((1706))	142	\$((1595))
	<u>2583</u>		<u>1419</u>		<u>1453</u>		<u>647</u>
143	\$((1339))	144	\$((653))	145	\$((593))	146	\$((627))
	<u>477</u>		<u>579</u>		<u>105</u>		<u>518</u>
147	\$((391))	148	\$((253))	149	\$((221))	176	\$((29))
	<u>47</u>		<u>49</u>		<u>21</u>		<u>79</u>
177	\$((22))	178	\$((13))	179	\$((9)) <u>94</u>	180	\$((10))
	<u>103</u>		<u>99</u>				<u>152</u>
181	\$((34))	182	\$((47))	183	\$((58))	184	\$((67))
	<u>154</u>		<u>166</u>		<u>195</u>		<u>227</u>
185	\$((144))	187	\$((42))	188	\$((50))	189	\$((61))
	<u>544</u>		<u>231</u>		<u>181</u>		<u>279</u>
((190	<u>\$53</u>	191	<u>\$68</u>	192	<u>\$84))</u>	194	\$((162))
							<u>242</u>
195	\$((132))	196	\$((256))	((199	<u>\$135</u>	200	\$77))

	<u>195</u>		<u>227</u>				
215	\$((1272))	216	\$((784))	223	\$((134))	226	\$((218))
	<u>224</u>		<u>253</u>		<u>310</u>		<u>191</u>
227	\$((151))	232	\$((156))	233	\$((184))	234	\$((221))
	<u>195</u>		<u>185</u>		<u>182</u>		<u>216</u>
235	\$((165))	236	\$((184))	239	\$((64))	240	\$((37))
	<u>490</u>		<u>177</u>		<u>334</u>		<u>187</u>
241	\$((26))	242	\$((56))	243	\$((49))	257	\$((16))
	<u>226</u>		<u>167</u>		<u>214</u>		<u>308</u>
258	\$((38))	259	\$((40))	260	\$((29))	263	\$((21))
	<u>454</u>		<u>464</u>		<u>221</u>		<u>490</u>
264	\$((1345))	265	\$((542))	266	\$((631))	267	\$((1620))
	<u>1232</u>		<u>290</u>		<u>1430</u>		<u>182</u>
268	\$((885))	269	\$((657))	270	\$((723))	271	\$((605))
	<u>261</u>		<u>273</u>		<u>178</u>		<u>641</u>
272	\$((521))	273	\$((491))	274	\$((1661))	275	\$((254))
	<u>508</u>		<u>503</u>		<u>311</u>		<u>146</u>
276	\$((351))	277	\$((658))	278	\$((150))	279	\$((160))
	<u>146</u>		<u>194</u>		<u>210</u>		<u>139</u>
280	\$((106))	281	\$((253))	282	\$((348))	283	\$((278))
	<u>199</u>		<u>259</u>		<u>701</u>		<u>851</u>
284	\$((314))	<u>287</u>	<u>\$257</u>	289	\$((377))	290	\$((420))

	<u>207</u>				<u>421</u>		<u>398</u>
292	\$((865))	295	\$((5488))	296	\$((7534))	297	\$((996))
	<u>774</u>		<u>3806</u>		<u>6450</u>		<u>1120</u>
298	\$((2928))	299	\$((6473))	300	\$((1923))	301	\$((2048))
	741		2027		759		<u>261</u>
302	\$((2017))	303	\$((6454))	304	\$((1960))	305	\$((4732))
	<u>1108</u>		<u>4798</u>		<u>499</u>		<u>2926</u>
306	\$((6328))	307	\$((6056))	311	\$((1091))	312	\$((1576))
	<u>3025</u>		<u>1166</u>		<u>1077</u>		<u>3685</u>
313	\$((1052))	314	\$((1580))	((316	\$257	317	\$314))
	<u>1140</u>		<u>1140</u>				
318	\$((523))	((319	\$426	320	\$1205	321	\$1401
	<u>1245</u>						
325	\$1372	326	\$2293	327	\$1899	328	\$1253))
331	\$((4729))	((333	\$821	334	\$1766))	335	\$((1850))
	<u>1424</u>						<u>1360</u>
336	\$((4679))	337	\$((6339))	338	\$((4891))	339	\$((5558))
	<u>1685</u>		<u>6368</u>		<u>2976</u>		<u>3954</u>
((340	\$3167	341	\$3349))	342	\$((3720))	((343	\$1226
					<u>1090</u>		
344	\$2892))	345	\$((3693))	346	\$((3875))	347	\$((1515))
			<u>969</u>		<u>2183</u>		<u>205</u>

348	\$((2859))	349	\$((2601))	350	\$((1377))	((351	\$609
	<u>2392</u>		<u>1829</u>		<u>263</u>		
354	\$733	355	\$1557	356	\$647	357	\$1502
358	\$2146	359	\$1625))	363	\$((2015))	365	\$((265))
					<u>3293</u>		<u>824</u>
366	\$((162))	367	\$((893))	369	\$((181))	370	\$((470))
	<u>283</u>		<u>1519</u>		<u>366</u>		<u>176</u>
371	\$((512))	((372	\$291	373	\$348))	374	\$((104))
	<u>274</u>						<u>840</u>
((375	\$196))	376	\$((239))	((377	\$111))	378	\$((191))
			<u>1002</u>				<u>601</u>
379	\$((103))	380	\$((56))	381	\$((50))	382	\$((6200))
	<u>980</u>		<u>1198</u>		<u>537</u>		<u>6518</u>
383	\$((5582))	384	\$((4879))	385	\$((5842))	386	\$((5479))
	<u>5292</u>		<u>5623</u>		<u>6250</u>		<u>4539</u>
387	\$((5006))	388	\$((7133))	389	\$((4808))	390	\$((3310))
	<u>5351</u>		<u>2618</u>		<u>2432</u>		<u>2982</u>
391	\$((3195))	392	\$((3807))	393	\$((4688))	394	\$((4773))
	<u>6394</u>		<u>3264</u>		<u>4054</u>		<u>5845</u>
395	\$((2307))	396	\$((4784))	397	\$((3037))	398	\$((3074))
	<u>1493</u>		<u>6655</u>		<u>4123</u>		<u>2447</u>
399	\$((2200))	400	\$((2061))	401	\$((1379))	402	\$((1284))

	<u>3350</u>		<u>2361</u>		<u>2582</u>		<u>1542</u>
403	\$((1101))	404	\$((969))	405	\$((943))	406	\$((1986))
	<u>1394</u>		<u>847</u>		<u>874</u>		<u>2580</u>
407	\$((1788))	408	\$((2807))	409	\$((2696))	410	\$((3343))
	<u>2113</u>		<u>1032</u>		<u>729</u>		<u>589</u>
411	\$((845))	416	\$((2592))	417	\$((1725))	418	\$((1418))
	<u>364</u>		<u>693</u>		<u>729</u>		<u>941</u>
((419	\$900))	<u>421</u>	<u>\$303</u>	424	\$((564))	425	\$((493))
					<u>626</u>		<u>262</u>
426	\$((603))	427	\$((401))	428	\$((1135))	431	\$((911))
	<u>409</u>		<u>289</u>		<u>210</u>		<u>453</u>
432	\$((2125))	433	\$((1713))	434	\$((802))	435	\$((657))
	<u>895</u>		<u>488</u>		<u>913</u>		<u>741</u>
436	\$((1062))	437	\$((777))	439	\$((1202))	440	\$((4547))
	<u>1686</u>		<u>931</u>		<u>339</u>		<u>491</u>
441	\$((2030))	442	\$((2874))	443	\$((1987))	449	\$((2690))
	<u>1029</u>		<u>556</u>		<u>711</u>		<u>1109</u>
450	\$((1540))	451	\$((1377))	452	\$((1970))	453	\$((1098))
	<u>903</u>		<u>1056</u>		<u>1655</u>		<u>925</u>
454	\$((2355))	((455	\$351))	456	\$((521))	<u>460</u>	<u>\$430</u>
	<u>997</u>				<u>366</u>		
<u>461</u>	<u>\$246</u>	<u>465</u>	<u>\$92</u>				

100 Any unincorporated residential fee not otherwise listed in this subsection E. is \$189.

101 SECTION 3. Ordinance 11617, Section 49, as amended, and K.C.C. 14.75.100
102 are each hereby amended to read as follows:

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

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

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

110 3. Calculate the amount of ((MPS)) mitigation payment system fees already
111 paid; and

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

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

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

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

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

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

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

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

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

Jurisdiction	Project Number	Project Name	From	To	((MPS)) <u>Mitigation</u> <u>Payment</u> <u>System Cost</u>
County	B-6	NE 132 ST/NE 128 ST	184 AVE NE	196 AVE NE	(((\$6,134,000)) <u>\$13,272,400</u>

((County	B-9.10	AVONDALE RD	WOOD- DUVALL RD	NE 155 ST	\$8,361,000
County	B-9.20	AVONDALE RD PH III	NE 155 ST	NE 133 ST	\$4,920,000))
County	B-9.30	Woodinville- Duvall Rd @ Avondale Rd NE			(((\$2,806,000)) <u>\$8,290,613</u>
((County	B-23	NE UNION HILL RD	198 AVE NE	206 AVE NE	\$11,437,000
County	B-29	AVONDALE RD	REDMON D-C/L	AVONDALE PL NE	\$11,089,000))
County	B-30	AVONDALE RD PH III	AVONDALE PL NE	NE 132 ST	(((\$7,544,000)) <u>\$5,770,619</u>
County	B-56.12	NOVELTY HILL RD ((STAGE-2)) PH I	AVONDALE RD NE	244 AVE NE	(((\$20,697,000)) <u>\$52,796,733</u>
((County	B-56.20	NOVELTY HILL -EAST- REDMOND	AVONDA LE RD NE	REDMOND C/L	\$1,029,000
County	ES 2.50	E LK SAMMAMISH	@ INGLEW	@ THOMPSON	\$1,641,000

		PKWY INTERST	GOD HILL RD	RD	
County	ES-5.10	SE-56 ST BRIDGE	SE-56 XING	ISSAQUAH CREEK	\$582,000
County	ES-6.20	E LK SAMMAMISH PKWY	SE-56 St	Issaquah Fall City Rd	\$5,794,000
County	ES-6.30	E LK SAMMAMISH PKWY	ISSAQ FALL CITY RD	I-90 on Ramp	\$6,347,000
County	ES-7.30	SUNSET INTERCHANGE I-90 IMPRVMTS			\$2,022,000
County	ES-12.22	ISSQ-PINE LK RD PH I CONSTRUCTIO N	SE-48 ST	ISSAQUAH FALL CITY RD	\$5,022,000
County	ES-15.10	ISSQ-FALL CITY RD PH II	ISSQ- PINE LK RD	2300' EAST OF ISSQ PINE LK RD	\$4,109,000
County	ES-15.42	ISSAQUAH- FALL CITY RD	APPROX SE-48 ST	KLAHANIE DR	\$6,993,000

		-PHII	-		
County	ES-48.12	SPAR NORTH LINK STAGE 1	ISSQ- FALL CITY/PIN ELK	GRAND RIDGE MPD	\$20,550,000
County_	ES-48.22	SPAR SOUTH LINK CONST	GRAND RIDGE MPD	I-90 SUNSET INTERCHAN GE	\$30,232,000))
County	ES-75.22	SAHALEE WAY CONST	NE 50 ST	SR-202	(((\$805,000)) \$475,334
((County	F-24	S 272 ST	SR-99	16 AVE S	\$1,487,000
County	G-6.10	GREEN RIVER BRIDGE PROJECTS	83 AVE S @ GREEN RIV		\$2,179,000
County	G-6.20	EAST VALLEY HIGHWAY	GREEN RIVER BRIDGE	S-277 ST	\$689,000
County	G-6.30	GREEN RIVER OVERFLOW BRIDGE	CROSSIN G-GREEN RIV		\$259,000
County	G-8.40	S 196 ST / S 200 ST CORRIDOR	W VALLEY	ORILLIA RD	\$5,771,000

			HWY		
County	G-85	55 AVE S @ S 277 ST			\$938,000
County	H-36.20	1 AVE S	S 146 ST	S 160 ST	\$433,000
County	H-48	4 AVE SW @ SW 136 ST			\$222,000))
((County	NC-2	LAKEMONT BLVD EXTENSION	171 AVE SE	NEWPORT WAY	\$9,369,000))
County	NC-5.10	ELLIOTT BRIDGE NO: 3166	ON 149 AVE SE	XING CEDAR RVR	(((\$8,447,000)) <u>\$9,083,881</u>
((County	NC-5.20	149 AVE SE	SR-169	ELLIOT BRIDGE	\$5,399,000
County	NC-12.12	COAL CREEK PARKWAY CONSTRUCT	SE-72 ST	RENTON/CL	\$6,398,000))
County	NC-58	SE 128 ST @ 164 AVE SE			(((\$1,011,000)) <u>\$2,488,743</u>
((County	N-11.20	100 AVE NE	NE 139 ST	NE 145 ST	\$3,725,000
County	N-12.10	JUANITA- WOODINVILLE	100 AVE NE	NE 145 ST	\$3,478,000))

		WY NE			
County	N-16.11	JUANITA- WOODINVILLE WAY NE	NE 145 ST	112 AVE NE	(((\$1,981,000)) <u>\$5,684,072</u>
County	N-16.20	JUANITA- WOODINVILLE WAY NE	112 AVE NE	I-405	(((\$3,367,000)) <u>\$2,414,516</u>
County	N-19.20	NE 160 ST	116 AVE NE	124 AVE NE	(((\$2,028,000)) <u>\$2,336,783</u>
((County	N-28.10	NE 124 ST PH II	132 PL NE	WILLOWS RD	\$10,502,000))
County	N-28.30	NE 124 ST PH III	WILLOW S RD	SR-202	(((\$7,293,000)) <u>\$9,198,392</u>
((County	N-30.10	NE 124 ST/NE 128 ST	SR-202	172 AVE NE	\$6,201,000))
County	N-35.12	WOODINVILLE -DUVALL RD CONST	171 AVE NE	AVONDALE RD	(((\$9,423,000)) <u>\$11,103,010</u>
((County	N-37	WOODINVILLE CBD-BYPASS	NE 175 ST	140 AVE NE	\$6,674,000
County	N-39	NE 195 ST	139 AVE NE	WOOD-DUV. @ 149 NE	\$15,759,000

County	N 45.12	124TH AVE NE CONSTRUCT	NE 132 ST	NE 145 ST	\$4,936,000
County	N 61.10	132 PL / AVE NE PHASE I	NE 124 ST	NE 132 ST	\$6,553,000))
County	OPT-INT- 122	W. SNOQUALMIE VALLEY RD @ NE 124 ST.			\$4,807,000
County	OPT-INT- 123	ISSAQUAH- HOBART RD	MAY VALLEY RD	SE 156 ST.	\$6,422,000
((County	S-85	5 AVE NE @ NE 175 ST			\$2,967,000))
County	SC-23	140 PL SE	SR-169	PETROVITSKY RD	(((\$16,706,000)) \$8,018,005
((County	SC-26.12	SE 240 ST	116 AVE SE	138 AVE SE	\$11,963,000
County	SC-34.12	SE 208 ST PH II	116 AVE SE	132 AVE SE	\$9,748,000))
County	SC-55.10	140 PL SE/132 AVE SE	SE 176 ST	SE 196 ST	(((\$16,410,000)) \$13,154,339
((County	SC-55.32	140/132 AVE SE	SE 208 ST	SE 224 ST	\$8,815,000

		PH III CONST			
County	SC-55.42	140 PL SE/132 AVE SE PH IV CONST	SE 224 ST	SE 242 ST	\$7,180,000
County	SC-68.23	SE CARR RD DESIGN AND CONSTRUCTIO N	108 AVE SE	SR-167	\$7,560,000))
County	SC-78.12	PETROVITSKY RD PHASE III	143 AVE SE	151 AVE SE	(((\$6,935,000)) <u>\$4,217,528</u>
((County	SC-150.12	SE 212 WY / SE 208 CONST	SR-515	SR-167	\$8,297,000))
County	SC-201	140 AVE SE @ PETROVITSKY			(((\$7,074,000)) <u>\$14,442,000</u>
((County	SC-215	SR-515 (BENSON RD) @ PETROVITSKY			\$9,415,000))
		Total			(((\$395,706,000)) <u>\$173,975,968</u>
((Newcastle		Newcastle - COAL CREEK	SE 72 ST	RENTON C/L	\$33,947,000

		PARKWAY — CONST			
		Total			\$33,947,000
Redmond		WILLOWS ROAD	NE 90 St	NE 95 St	\$1,475,000
Redmond		WILLOWS ROAD	NE 100 St	NE 116 St	\$2,025,000
Redmond		WILLOWS ROAD	NE 116 St	NE 124 St	\$4,260,000
Redmond		West Lake Sammamish Parkway	SR-520	Bel-Red Rd	\$8,100,000
Redmond		West Lake Sammamish Parkway	Leary Way	SR-520 eastbd ramp	\$1,900,000
Redmond		NE 90 STREET	154 Ave NE	160 Ave NE	\$12,500,000
Redmond		UNION HILL ROAD	Avondale Rd	178 PI NE	\$1,730,000
Redmond		UNION HILL ROAD	178 PI NE	Redmond City Limits	\$6,500,000
Redmond		160 AVE NE	NE 90 St	Redmond	\$12,000,000

				Woodinville Rd	
Redmond		EAST LAKE SAMMAMISH PKWY	Redmond Way	187 Ave NE	\$7,300,000
Redmond		NE 116 ST	Redmond Woodinville Rd	Avondale Rd	\$12,500,000
Redmond		188 AVE NE	Redmond Way	Union Hill Rd	\$7,300,000
Redmond		185 AVE NE	NE 80 St	Union Hill Rd	\$4,950,000
Redmond		AVONDALE RD -HOV	Union Hill Rd	SR 520	\$1,540,000
Redmond		WILLOWS RD @ NE 116 ST			\$100,000
Redmond		WILLOWS RD @ NE 90 ST			\$565,000
Redmond		UNION HILL RD @ 178 PL NE			\$254,000
Redmond		UNION HILL RD @			\$725,000

		AVONDALE RD			
Redmond		160 Ave NE	Redmond- Woodinville -Duvall Rd @106	NE 124 St	\$3,000,000
		Total			\$88,724,000
		Grand Total			\$518,377,000))

139 SECTION 4. Ordinance 11617, Section 46, and K.C.C. 14.75.070 are each

140 hereby amended to read as follows:

141 A. Except as otherwise provided in section 5 of this ordinance, ((A))all
 142 developers shall pay a((n MPS)) mitigation payment system fee in accordance with the
 143 provisions of this chapter at the time that the applicable development permit is ready for
 144 issuance. The fee paid shall be the amount in effect as of the date of permit application.

145 B. All developers shall pay a((n MPS)) mitigation payment system administrative
 146 fee at the time of application for a development permit as ((set forth)) prescribed in
 147 ((Sections)) K.C.C. 14.75.080 and 14.75.090. Except as otherwise provided in section 5
 148 of this ordinance, a development permit shall not be issued until the mitigation payment
 149 system fee is paid.

150 C. An individually determined ((MPS)) mitigation payment system fee shall be
 151 calculated at the time of application for a development permit, after transmittal to the
 152 department of the information provided by the developer to DDES. The department's

153 determination of the development's traffic impacts shall be transmitted to DDES for use
154 in its review ~~((pursuant to))~~ under the ~~((S))~~ state Environmental Policy Act.

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

159 E. ~~((No development permit shall be issued until the MPS fee is paid, except that
160 developers of residential subdivisions, short subdivisions, urban planned developments,
161 or planned unit development may defer payment until building permits are issued for the
162 lots within the subdivision, short subdivision or planned unit development.~~

163 F.)) A developer may obtain a preliminary determination of the ~~((MPS))~~
164 mitigation payment system fee before application for a development permit, by paying a
165 processing fee ~~((pursuant to Section))~~ under K.C.C. 14.75.080 and providing the
166 department with the information needed for processing.

167 ~~((G. MPS))~~ F. Mitigation payment system fees may be paid under protest in
168 order to obtain a permit or other approval of development activity.

169 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 14.75 a
170 new section to read as follows:

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

174 a. records the subdivision or short subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 F. Compliance with the requirements for deferring mitigation payment system
226 fees under subsection A. or B. of this section constitutes compliance with subdivision or
227 short subdivision conditions relating to the timing of the mitigation payment system
228 impact fees under this chapter.

229 SECTION 6. Ordinance 11617, Section 47, as amended, and K.C.C. 14.75.080
230 are each hereby amended to read as follows:

231 A. All development permits subject to the ~~((MPS))~~ mitigation payment system
232 fees ~~((pursuant to))~~ under K.C.C. 14.75.070 shall pay an administrative fee of sixty
233 dollars at the time of permit application.

234 B. All development permits ~~((which))~~ that require an individually determined
235 ~~((MPS))~~ mitigation payment system fee according to K.C.C. 14.75.070, C shall pay an
236 administrative processing fee of three hundred twenty dollars.

237 C.1. A request under section 5.A. of this ordinance for deferral of the mitigation
238 payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable
239 administrative deferral fee of two hundred fifty dollars for a residential subdivision, short
240 subdivision, urban planned development or planned unit development.

241 2. A request under section 5.B. of this ordinance for deferral of the mitigation
242 payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable
243 administrative deferral fee of:

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

246 b. eighty-five dollars for each multifamily residential building.

247 SECTION 7. Ordinance 11617, Section 48, and K.C.C. 14.75.090 are each
248 hereby amended to read as follows:

249 Requests to the department for a preliminary determination of a ~~((n MPS))~~
250 mitigation payment system fee prepared ~~((pursuant to subsection 14.75.070F))~~ in
251 accordance with K.C.C. 14.75.070.E. shall be charged the administrative processing fee
252 ~~((set forth))~~ in ~~((Section))~~ K.C.C. 14.75.080.B.

253 SECTION 8. Not later than March 1, 2014, the departments of transportation and
254 development and environmental services shall report to the transportation, economy and
255 environment committee, or its successor, on the effect of section 5 of this ordinance. The
256 report shall include information on the number of applications for deferral, the length of
257 time of deferral, the amount of fees deferred, the number of fees and amount not paid as
258 required by section 5 of this ordinance, and any adverse impacts to the ability of the
259 department of transportation to construct projects made necessary by new development.
260 The report shall also include recommendations for changes to address deficiencies
261 identified in the report. The departments shall consult with the independent expert
262 review panel established by K.C.C. 14.70.270 in the preparation of the report. One paper
263 copy and an electronic copy of the report shall be filed with the clerk of the council, who

264 shall transmit an electronic copy of the report to all members of the transportation,
265 economy and environment committee, or its successor.

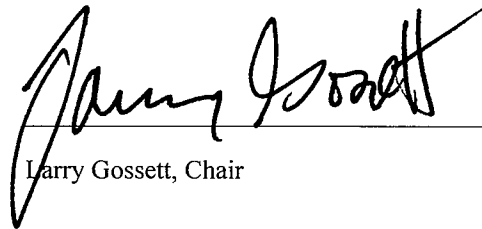
266 SECTION 9. If any provision of this ordinance or its application to any person or

267 circumstance is held invalid, the remainder of the ordinance or the application of the
268 provision to other persons or circumstances is not affected.
269

Ordinance 17190 was introduced on 7/18/2011 and passed as amended by the Metropolitan King County Council on 9/19/2011, by the following vote:

Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



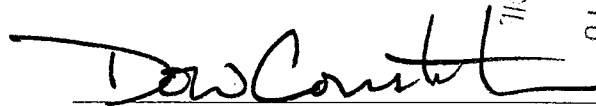
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 28 day of SEPTEMBER 2011.



Dow Constantine, County Executive

RECEIVED
2011 SEP 29 PM 4:18
CLERK
KING COUNTY COUNCIL

Attachments: None