



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 28, 2013

Ordinance 17515

Proposed No. 2012-0453.1

Sponsors McDermott

1 AN ORDINANCE relating to fees; amending Ordinance
2 12045, Section 11, as amended, and K.C.C. 4.56.115,
3 Ordinance 10171, Section 1, as amended, and K.C.C.
4 6.27.054, Ordinance 6254, Section 6, as amended, and
5 K.C.C. 14.30.060, Ordinance 1711, Section 4, as amended,
6 and K.C.C. 14.44.040, Ordinance 13734, Section 8, as
7 amended, and K.C.C. 14.45.060, Ordinance 13734, Section
8 10, as amended, and K.C.C. 14.45.080, Ordinance 13734,
9 Section 11, and K.C.C. 14.45.090 and Ordinance 4099,
10 Section 8, as amended, and K.C.C. 14.46.080 and adding a
11 new chapter to K.C.C. Title 4A.

12 PREAMBLE:

13 The existing code on revenue and fiscal regulation, K.C.C. Title 4, was
14 created for the most part in the 1970s and 1980s, though some provisions
15 date back to at least the 1940s. Since the creation of K.C.C. Title 4, the
16 title has been subject to many amendments each year. The cumulative
17 effect of these amendments has been to create ambiguities and conflicts
18 within the title, which make it difficult to apply the code effectively and
19 predictably. The council determines that a new title on revenue and fiscal

20 regulation, K.C.C. Title 4A, should be created, and material related to
21 revenue and fiscal matters be codified in that title, and all other material in
22 K.C.C. Title 4 that is not appropriate to be codified K.C.C. Title 4A
23 should be codified in the appropriate titles.

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25 SECTION 1. There is hereby established a new chapter in K.C.C. Title 4A. The
26 new chapter shall contain section 2 of this ordinance, section 4 of this ordinance, section
27 6 of this ordinance, section 8 of this ordinance, section 11 of this ordinance, section 13 of
28 this ordinance and section 15 of this ordinance.

29 NEW SECTION. SECTION 2. There is hereby added to the new chapter created
30 under section 1 of this ordinance a new section to read as follows:

31 The easement application fee for a party requesting a new easement, amended
32 easement or easement transfer under K.C.C. 4.56.115 is three thousand dollars, plus
33 actual costs in excess of this fee.

34 SECTION 3. Ordinance 12045, Section 11, as amended, and K.C.C. 4.56.115 are
35 each hereby amended to read as follows:

36 A. The executive is authorized to execute utility easements, bills of sale or related
37 documents necessary for the installation, operation and maintenance of utilities to county
38 property, provided that the documents are reviewed and approved by the custodial
39 department or agency and the real estate services section of the facilities management
40 division. Temporary and permanent easements for utility purposes other than service to
41 county property may be granted by the executive if the easements will not interfere with
42 or hinder the use of the property by the custodial department or agency though the utility

43 easements that exceed fifty thousand dollars in value shall be subject to prior approval by
44 ordinance. Any other permanent easements granted by the county shall be subject to
45 prior approval by ordinance when the value of the easement would exceed fifty thousand
46 dollars. A party requesting a new easement, amended easement or easement transfer
47 shall pay an easement application fee ~~((of three thousand dollars))~~ as set forth in section 2
48 of this ordinance. The fee is for reimbursement to the real estate services section for the
49 administrative costs and expenses incurred in the processing of the easement. The
50 easement application fee is payable at the time the easement is requested from the real
51 estate services section. The easement application fee and other fees are not refundable,
52 even if the application is disapproved or not executed by the applicant. In addition, the
53 real estate services section shall have the authority to require applicants to reimburse the
54 real estate services section for the actual costs incurred by the real estate services section
55 as a result of the grant, issuance or renewal of amendment of an easement, to the extent
56 the costs exceed the costs of processing the easement application recovered by the
57 applications fee. The payment of actual costs balances shall be made at the time of the
58 easement issuance.

59 B. The executive is authorized to relinquish any easements granted to the county
60 which are determined to be surplus to the county's foreseeable needs or to trade an
61 easement for real property or easements of a similar nature and value, though
62 relinquishments of easements where the county spent more than ~~((50,000))~~ fifty
63 thousand dollars in their acquisition shall be subject to prior approval by ordinance.

64 NEW SECTION. SECTION 4. There is hereby added to the new chapter created
65 under section 1 of this ordinance a new section to read as follows:

66 A. The franchise application fee for a party requesting a new franchise, amended
67 franchise, renewal, extension of an existing franchise or transfer under K.C.C. 6.27.054 is
68 two thousand five hundred dollars.

69 B. The advertising fee under K.C.C. 6.27.054 is the full advertising costs
70 associated with the application.

71 C. The real estate services section of the facilities management division may
72 assess a surcharge to recover costs as specified in K.C.C. 6.27.054.B.

73 SECTION 5. Ordinance 10171, Section 1, as amended, and K.C.C. 6.27.054 are
74 each hereby amended to read as follows:

75 A. A party requesting a new franchise, amended franchise, renewal, extension of
76 an existing franchise or transfer shall pay a franchise application fee ~~((of two thousand
77 five hundred dollars))~~ as set forth in section 4 of this ordinance. The fee is for
78 reimbursement to the real estate services section of the facilities management division for
79 the administrative costs and expenses incurred in the processing of the franchise
80 application. The franchise application fee is payable at the time the application is filed
81 with the clerk of the council. In addition, each applicant shall pay ~~((the full advertising
82 costs associated with the application))~~ an advertising fee as set forth in section 4.B. of
83 this ordinance. Franchise application and advertising fees are not refundable, even if the
84 application is disapproved.

85 B. The real estate services section ~~((shall have the authority to))~~ may require
86 applicants to reimburse the real estate services section for the actual costs incurred by the
87 real estate services section as a result of issuance, renewal or amendment of a franchise,
88 to the extent the costs exceed the costs of processing the application recovered by the

89 application fee. The payment of actual cost balances shall be made at the time of the
90 franchise issuance.

91 C. All franchise application payments received shall be credited to the county
92 current expense fund.

93 D. This section shall not apply to franchise applications, renewal, amendments or
94 transfers made under the county's cable television regulations, K.C.C. chapter 6.27A.

95 NEW SECTION. SECTION 6. There is hereby added to the new chapter created
96 under section 1 of this ordinance a new section to read as follows:

97 The fee for a special use permit application shall be five hundred dollars.

98 SECTION 7. Ordinance 6254, Section 6, as amended, and K.C.C. 14.30.060 are
99 each hereby amended to read as follows:

100 A. An ~~((five hundred dollar))~~ application fee ~~((to recover the cost of processing))~~
101 as set forth in section 6 of this ordinance for the administrative costs and expenses
102 incurred in the processing of the special use permit application ~~((as determined by the~~
103 ~~real estate services section of the facilities management division))~~ shall be paid thereto
104 upon filing of the application. The fee is nonrefundable. However, the real estate
105 services section manager shall have the authority to waive the fees for permits when
106 waiver of the fees is in the best interest of the public health, safety and welfare.

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

110 C. The real estate services section shall have the authority to require applicants to
111 reimburse the real estate services section for the actual costs all expenses incurred by the

112 real estate services section as a result of issuance, renewal or amendment of a special use
113 permit, to the extent the costs and expenses exceed the costs of processing the application
114 recovered by the application fee. The payment of actual costs shall be made at the time
115 of permit issuance.

116 NEW SECTION. SECTION 8. There is hereby added to the new chapter created
117 under section 1 of this ordinance a new section to read as follows:

118 The following fee schedule applies for the administrative costs and expenses of
119 processing a right-of-way construction permit:

120 A. Pole lines, such as power and telephone:

121 Every six poles or portion thereof: \$200.00

122 B. Water:

123 Installing mains (1000 linear feet or less): \$200.00

124 Additional 1000 linear feet or fraction thereof: \$180.00

125 Excavation for connection: \$200.00

126 C. Sewer:

127 Installation of mains (1000 feet or fraction thereof): \$200.00

128 Additional 1000 linear feet or fraction thereof: \$180.00

129 Excavation for connection: \$200.00

130 D. Cable or conduit:

131 Installing cable or conduit (1000 feet or less): \$200.00

132 Additional 1000 linear feet or fraction thereof: \$180.00

133 Excavation for connection: \$200.00

134 E. Gas or oil:

135	Installing mains (1000 linear feet or less):	\$200.00
136	Additional 1000 feet or fraction thereof:	\$180.00
137	Excavation for connection:	\$200.00
138	F. Attachment to existing poles for every three attachments:	\$140.00
139	G. Immediate response permit requests: In addition to the required permit fees	
140	an additional fee of one hundred twenty dollars shall be charged.	
141	H. Maintenance permits: Fees per number of connections:	
142	1. 0 to 50 connections:	\$200.00
143	2. 51 to 100 connections:	\$250.00
144	3. 101 to 200 connections:	\$300.00
145	4. 201 to 500 connections:	\$400.00
146	5. 501 or more:	\$450.00

147 SECTION 9. Ordinance 1711, Section 4, as amended, and K.C.C. 14.44.040 are
148 each hereby amended to read as follows:

149 Each application for a right-of-way construction permit requires a fee payable to
150 the real estate services section as set forth in section 8 of this ordinance for the
151 administrative costs and expenses of processing the application. ~~((The following fee~~
152 ~~schedule applies:~~

153	A. Pole lines:	
154	Power, telephone, etc. (every six poles or portion thereof):	\$200.00
155	B. Water:	
156	Installing mains (1000 lin. ft. or less):	\$200.00
157	Additional 1000 lin. ft. or fraction thereof:	\$180.00

158	Excavation for connection:	\$200.00
159	C. Sewer:	
160	Installation of mains (1000 ft. or fraction thereof):	\$200.00
161	Additional 1000 lin. ft. or fraction thereof:	\$180.00
162	Excavation for connection:	\$200.00
163	D. Cable or conduit:	
164	Installing cable or conduit (1000 ft. or less):	\$200.00
165	Additional 1000 lin. ft. or fraction thereof:	\$180.00
166	Excavation for connection:	\$200.00
167	E. Gas or oil:	
168	Installing mains (1000 lin. ft. or less):	\$200.00
169	Additional 1000 ft. or fraction thereof:	\$180.00
170	Excavation for connection:	\$200.00
171	F. Attachment to existing poles for every three attachments:	\$140.00
172	G. Immediate response permit requests: In addition to the required permit fees	
173	an additional fee of one hundred twenty dollars shall be charged.	
174	H. Maintenance permits: Fees per number of connections:	
175	1. 0 to 50 connections:	\$200.00
176	2. 51 to 100 connections:	\$250.00
177	3. 101 to 200 connections:	\$300.00
178	4. 201 to 500 connections:	\$400.00
179	5. 501 or more:	\$450.00))

180 SECTION 10. Ordinance 13734, Section 8, as amended, and K.C.C. 14.45.060
181 are each hereby amended to read as follows:

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

185 1. An application form provided by the ~~((property services))~~ real estate services
186 section of the facilities management division and completed by the applicant;

187 2. The name of the applicant and a designated contact person;

188 3. Plans and specifications for any structures, antenna or other equipment to be
189 placed in the right-of-way or, if applicable, on abutting private property;

190 4. A vicinity map showing the specific location of right-of-way subject to the
191 application;

192 5. When structures and equipment are to be located on abutting properties:

193 a. a site plan illustrating the relationship to property lines and other structures
194 on the site,

195 b. legal description of the site abutting property, and

196 c. proof that the abutting property is a legally recognized lot pursuant to

197 K.C.C. Title 19A;

198 6. A critical areas affidavit if required by K.C.C. chapter 21A.24;

199 7. A completed environmental checklist, if required by K.C.C. chapter 20.44;

200 and

201 8. Payment of any review fees established by Ordinance 13734;

202 B. The applicant shall attest by written oath to the accuracy of all information
203 submitted for an application.

204 NEW SECTION. SECTION 11. There is hereby added to the new chapter
205 created under section 1 of this ordinance a new section to read as follows:

206 A. The fee for the administrative costs and expenses of application processing
207 and coordinating a wireless right-of-way use agreement application is five hundred
208 dollars.

209 B. The real estate services section of the facilities management division may
210 assess a surcharge to recover costs as specified in K.C.C. 14.45.080.B.

211 SECTION 12. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080
212 are each hereby amended to read as follows:

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

215	Review Agency	Fee
216	Real estate services section of	
217	the facilities management division	
218	(application processing	
219	and coordinating)	(\$500) <u>as set forth in section 11 of this ordinance</u>
220	Department of development	
221	and environmental services	
222	(zoning review)	as provided in K.C.C. 27.10.120
223	Road services division (inspection)	\$125 per hour

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

227 B. In addition, the real estate services section shall have the authority to require
228 applicants to reimburse the real estate services section for actual costs incurred by the real
229 estate services section as a result of issuance, renewing or amending a wireless right-of-
230 way use agreement under this chapter, to the extent the costs exceed the costs of
231 processing the application recovered by the application processing and coordination fee.
232 The payment of actual cost balances shall be made at the time the wireless right-of-way
233 use agreement is executed.

234 NEW SECTION. SECTION 13. There is hereby added to the new chapter
235 created under section 1 of this ordinance a new section to read as follows:

236 A. The annual use payment for continuing use of the county rights-of-way shall
237 be as follows:

238 Type of Equipment/Facility within the right-of-way	Use Payment
239 Separate support structure (such as a monopole or lattice) 240 used solely for wireless antenna, with antenna/receiver 241 transmitter and/or equipment cabinet	\$5,000
242 Antenna/receiver transmitter (on an existing or replacement 243 pole) and equipment cabinet	\$3,000
244 Antenna/receiver transmitter (on an existing or replacement 245 pole) or equipment cabinet, but not both	\$2,000

246 B. For the purpose of this section, "replacement pole" means a new utility pole
247 replacing an existing utility pole in the county right-of-way with no increase in the total
248 number of utility poles in the right-of-way. Replacement poles provide extra capacity to
249 support attached wireless telecommunications facilities.

250 C. All use payments prescribed by subsection A shall be automatically escalated
251 annually, beginning January 1, 2001 and every year thereafter, for the change in the U.S.
252 Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban
253 Consumers ("CPI-U") for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area
254 for the preceding calendar year. In the event the CPI-U (or a successor or substitute
255 index) is no longer published, a reliable government or other non-partisan index of
256 inflation selected by the county shall be used to calculate the adjusted amounts.

257 SECTION 14. Ordinance 13734, Section 11, and K.C.C. 14.45.090 are each
258 hereby amended to read as follows:

259 A. In consideration for continuing use of the county rights-of-way, an agreement
260 holder shall commit to provide an annual use payment. The amount of the use payment
261 shall be as ~~((follows:))~~ set forth in section 13 of this ordinance.

((Type of Equipment/Facility within the right of way	Use Payment
Separate support structure (such as a monopole or lattice)	
used solely for wireless antenna, with antenna/receiver	
transmitter and/or equipment cabinet	\$5,000
Antenna/receiver transmitter (on an existing or replacement	
pole) and equipment cabinet	\$3,000
Antenna/receiver transmitter (on an existing or replacement	

269 pole) or equipment cabinet, but not both ~~_____~~ \$2,000

270 B. For the purpose of this section, "replacement pole" means a new utility pole
271 replacing an existing utility pole in the county right-of-way with no increase in the total
272 number of utility poles in the right-of-way. Replacement poles provide extra capacity to
273 support attached wireless telecommunications facilities.

274 ~~C.))~~ B. Use payments shall be paid to the ~~((property services))~~ real estate services
275 section of the facilities management division and are due upon the signing of the
276 agreement, prorated to the end of the year, and the first of January every year thereafter.

277 ~~((D. All use payments prescribed by subsection A shall be automatically
278 escalated annually, beginning January 1, 2001 and every year thereafter, for the change in
279 the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All
280 Urban Consumers ("CPI-U") for the Seattle-Tacoma-Bremerton Statistical Metropolitan
281 Area for the preceding calendar year. In the event the CPI-U (or a successor or substitute
282 index) is no longer published, a reliable government or other non-partisan index of
283 inflation selected by the county shall be used to calculate the adjusted amounts.))~~

284 NEW SECTION. SECTION 15. There is hereby added to the new chapter
285 created under section 1 of this ordinance a new section to read as follows:

286 A. The fee for the administrative costs and expenses of processing the application
287 for utility construction work and installation, and other uses upon, along, over, under or
288 across any public place in the county that is not dedicated as right-of-way is five hundred
289 dollars.

290 B. The real estate services section of the facilities management division may
291 assess a surcharge to recover costs as specified in K.C.C. 14.46.080.A.

292 C. The inspection fee to be paid to the department managing the property shall be
293 an amount based on the time spent on the job by inspectors during or after construction.

294 SECTION 16. Ordinance 4099, Section 8, as amended, and K.C.C. 14.46.080
295 are each hereby amended to read as follows:

296 The facilities management division is authorized to issue revocable permits for all
297 utility construction work and installation, and other uses upon, along, over, under or
298 across any public place in King County. The permits shall be used to authorize an act or
299 series of acts on King County owned real property which is not dedicated as right-of-
300 way.

301 A. Each application requires a (~~five hundred dollar~~) fee as set forth in section
302 15 of this ordinance payable to the real estate services section of the facilities
303 management division for the administrative costs and expenses of processing the
304 application. The fee is nonrefundable. The real estate services section shall have the
305 authority to require applicants to reimburse the real estate services section for the actual
306 cost incurred by the real estate services section as a result of issuance, renewal or
307 amendment of the permits under this section to the extent the costs exceed the cost of
308 processing the application recovered by the application fee. The payment of actual cost
309 balances shall be made at the time of permit issuance.

310 B. In addition, the permittee is required to pay an inspection fee as set forth in
311 section 15.C. of this ordinance to the department responsible for the management of the

312 property to be affected ((based on the time spent on the job by inspectors during or after
313 construction)).
314

Ordinance 17515 was introduced on 11/26/2012 and passed by the Metropolitan King County Council on 1/28/2013, by the following vote:


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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7th day of February, 2013.



Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL