

Title 14  
ROADS AND BRIDGES\*

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**14.01 DEFINITIONS**

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**14.01.010 Application of chapter and RCW 36.75.010.**

A. The definitions in this chapter apply throughout this title.

B. The definitions in RCW 36.75.010 apply to this title unless otherwise defined in this chapter. (Ord. 18420 § 2, 2016).

**14.01.015 Angle parking.** "Angle parking" means the direction of parking as follows:

A. "Back-in" angle parking means the parking of a vehicle with the front of the vehicle facing towards the main traveled portion of the road; and

B. "Front-in" angle parking means the parking of a vehicle with the rear of the vehicle facing toward the main traveled portion of the roadway. (Ord. 18754 § 2, 2018).

**14.01.020 Applicant.** "Applicant" means a property owner or a public agency or public or private utility that owns a right of way or other easement or has been adjudicated the right to the easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 18420 § 3, 2016).

**14.01.023 Bus.** "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab or transportation network company, designed and used for the transportation of persons for compensation. (Ord. 18754 § 3, 2018).

**14.01.025 Business day.** "Business day" shall have the same definition as in RCW 46.04.079. (Ord. 18754 § 4, 2018).

**14.01.027 Bus stop.** "Bus stop" means a fixed portion of the county road parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading or unloading passengers, but only if bus provides regularly scheduled service within the jurisdiction of King County. (Ord. 18754 § 5, 2018).

**14.01.030 Capital improvement program or CIP.** "Capital improvement program" or "CIP" means the expenditures and revenues programmed by King County for capital purposes for road improvements over the six-year period of the adopted CIP currently in effect. (Ord. 18420 § 4, 2016).

**14.01.040 Comprehensive Plan.** "Comprehensive Plan" means the adopted King County Comprehensive Plan. (Ord. 18420 § 5, 2016).

**14.01.050 Concurrency.** "Concurrency" means transportation facilities are in place at the time of development or that a financial commitment is in place to complete within six years the improvements needed to maintain the county level of service standards, according to RCW 36.70A.070(6). (Ord. 18420 § 6, 2016).

**14.01.060 Concurrency status.** "Concurrency status" means whether or not an area passes the concurrency test. (Ord. 18420 § 7, 2016).

**14.01.070 Concurrency test.** "Concurrency test" means determining whether or not an area meets level of service standards as described in K.C.C. 14.70.220. (Ord. 18420 § 8, 2016).

**14.01.080 Concurrency test results map.** "Concurrency test results map" means the map displaying which travel sheds are passing or failing the concurrency test for residential and commercial land uses. (Ord. 18420 § 9, 2016).

**14.01.090 County property.** "County property" means all county real property, including, but not limited to, recreational trails, county road rights-of-way and dedicated open space. (Ord. 18420 § 10, 2016).

**14.01.100 County road engineer.** "County road engineer" means the county road engineer, as specified in RCW 36.75.010 and 36.80.010 or the county road engineer's authorized representative. (Ord. 18420 § 11, 2016).

**14.01.110 Curb.** "Curb" means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the roadway and to separate the vehicular portion of the roadway from that provided for pedestrians and to control surface drainage. (Ord. 18420 § 12, 2016).

**14.01.120 Custodial departments.** "Custodial departments" means those county departments whose function is to manage and control county use of the rights-of-way or other county property. (Ord. 18420 § 13, 2016).

**14.01.125 Deputy.** "Deputy" means a sheriff's deputy. (Ord. 18754 § 6, 2018).

**14.01.130 Development.** "Development" means specified changes in use designed or intended to permit a use of land that will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings or improvements on the land in a manner that increases the amount of vehicle traffic generated by the existing use of the land and that requires a development permit from King County. This definition does not pertain to the rezoning of land or a grading permit. (Ord. 18420 § 14, 2016).

**14.01.140 Development application.** "Development application" means the request made to the department of permitting and environmental review, or its successor agency, for approval of a development. (Ord. 18420 § 15, 2016).

**14.01.150 Developmental approval.** "Developmental approval" means an order, permit or other official action of the department of permitting and environmental review, or its successor agency, granting or granting with conditions an application for development. (Ord. 18420 § 16, 2016).

**14.01.160 Development engineer.** "Development engineer" means the department of permitting and environmental review employee responsible for the conditioning, review, inspection and approval of right-of-way use permits and road and drainage improvements constructed as part of development permits administered by the department of permitting and environmental review. The development engineer or the development engineer's designee shall be a professional civil engineer registered and licensed under the laws of the state of Washington. (Ord. 18420 § 17, 2016).

**14.01.170 Development units.** "Development units" means the number of dwelling units approved for residential development. (Ord. 18420 § 18, 2016).

**14.01.175 Director.** "Director" means the director of the road services division of the department of transportation or its successor, unless otherwise specified. (Ord. 18754 § 7, 2018).

**14.01.180 Financial commitment.** "Financial commitment" consists of expenditures and revenues designated in an adopted CIP. The adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the funds will be available. (Ord. 18420 § 19, 2016).

**14.01.190 Highway Capacity Manual.** "Highway Capacity Manual" means Special Report 209 of the Transportation Research Board of the National Research Council, as it exists on November 17, 2016. (Ord. 18420 § 20, 2016).

**14.01.195 Impoundment.** "Impoundment" means the removal of a vehicle or watercraft to a storage facility either by a deputy or authorized agent of the sheriff or by a towing contractor in response to a request from a deputy or authorized agent of the sheriff. (Ord. 18754 § 8, 2018).

**14.01.200 Intersection standards.** "Intersection standards" means a standard by which King County evaluates intersections affected by new development to assure safe and efficient operation and that improvements to mitigate the adverse impacts of such developments are completed, in accordance with the state Environmental Policy Act, K.C.C. chapter 14.80, K.C.C. 20.44.080 and the King County Comprehensive Plan. (Ord. 18420 § 21, 2016).

**14.01.210 Level of service standard.** "Level of service standard" means the traffic standards that are adopted in the Comprehensive Plan. (Ord. 18420 § 22, 2016).

**14.01.212 Loading zone.** "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers. (Ord. 18754 § 9, 2018).

**14.01.215 Motorized foot scooter.** "Motorized foot scooter" shall have the same definition as in RCW46.04.336. (Ord. 18754 § 10, 2018).

**14.01.218 Passenger loading zone.** "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers. (Ord. 18754 § 11, 2018).

**14.01.220 Peak period.** "Peak period" means the weekday afternoon period during which the greatest volume of traffic uses the road system. (Ord. 18420 § 23, 2016).

**14.01.230 Planting strip.** "Planting strip" means that portion of the right of way behind the curb line and between the curb line and the sidewalk or between the sidewalk and the right of way line used for the planting of trees, grass, shrubs or ground cover. (Ord. 18420 § 24, 2016).

**14.01.240 Reviewing agency.** "Reviewing agency" means the department of permitting and environmental review or its successor agency responsible for reviewing subdivisions and other developments within its jurisdiction. (Ord. 18420 § 25, 2016).

**14.01.250 Right of way.** "Right of way" means land, property or property interest, such as an easement, usually in a strip, as well as bridges, trestles or other structures dedicated to or otherwise acquired by the county for public motor vehicle transportation purposes, including, but not limited to, roads, streets, avenues and alleys, whether or not opened, improved or maintained for public motor vehicle transportation purposes. (Ord. 18420 § 26, 2016).

**14.01.260 Right of way use agreement.** "Right of way use agreement" means an agreement between the county and a wireless telecommunications provider through which a site-specific and revocable privilege to use county right of way at a location identified in the agreement for wireless telecommunications facilities is granted and through which the terms and conditions for exercising the granted privilege to use the county right of way are set forth. (Ord. 18420 § 27, 2016).

**14.01.270 Road classification.** "Road classification" means the classification of roadways based on the function and design of a specific road. (Ord. 18420 § 28, 2016).

**14.01.280 Rural Area.** "Rural Area" means the area outside the urban growth boundary line as defined in the Comprehensive Plan. (Ord. 18420 § 29, 2016).

**14.01.290 Rural Mobility Area.** "Rural Mobility Area" means one of the rural towns as defined by the Comprehensive Plan. (Ord. 18420 § 30, 2016).

**14.01.300 Rural Neighborhood Commercial Center.** "Rural Neighborhood Commercial Center" means the rural neighborhood commercial centers of Cottage Lake, Preston and Cumberland. (Ord. 18420 § 31, 2016).

**14.01.310 Rural Town.** "Rural Town" means an unincorporated town governed by King County as defined in the Comprehensive Plan. (Ord. 18420 § 32, 2016).

**14.01.320 Segment.** "Segment" means a designated portion of an arterial used in level of service standard calculation. (Ord. 18420 § 33, 2016).

**14.01.330 Sidewalk.** "Sidewalk" means that property between the curb line and the adjacent property, set aside and intended for the use of pedestrians, improved by paving. (Ord. 18420 § 34, 2016).

**14.01.335 Sign.** "Sign" means a sign that conforms to the most current edition of the Manual on Uniform Traffic Control Devices adopted by the Washington state department of transportation. (Ord. 18754 § 12, 2018).

**14.01.340 Road standards.** "Road standards" means the adopted King County Road Design and Construction Standards. (Ord. 18420 § 35, 2016).

**14.01.350 Special use permit.** "Special use permit" means a permit for the use of county property issued under K.C.C. chapter 14.30. (Ord. 18420 § 36, 2016).

**14.01.353 Taxicab.** "Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini. (Ord. 18754 § 13, 2018).

**14.01.355 Towing contractor.** "Towing contractor" means any firm, partnership,

tow operator, association or corporation duly licensed by the state of Washington to perform towing and storage services that enters into a contract with the sheriff, or the sheriff's designee, to perform towing and storage services under the provisions of this chapter. (Ord. 18754 § 14, 2018).

**14.01.357 Traffic control devices.** "Traffic control devices" means traffic control devices as defined and regulated by the most current edition of the Manual on Uniform Traffic Control Devices adopted by the Washington state department of transportation. (Ord. 18754 § 15, 2018).

**14.01.358 Traffic engineer.** "Traffic engineer" means the King County traffic engineer. (Ord. 18754 § 16, 2018).

**14.01.360 Transportation facilities.** "Transportation facilities" means principal, minor and collector arterial roads and state highways, as well as associated sidewalks, bike lanes and other facilities supporting nonmotorized travel. (Ord. 18420 § 37, 2016).

**14.01.370 Travel shed.** "Travel shed" means a geographic area within which all development would be likely to use or be affected by traffic on arterials within the travel shed. (Ord. 18420 § 38, 2016).

**14.01.380 Travel time.** "Travel time" means the time it takes a vehicle to travel from one specified point to another. (Ord. 18420 § 39, 2016).

**14.01.390 Travel time standard.** "Travel time standard" means the level of service standard used to judge the performance of arterial road segments. The level of service standard is identified by ranges of average travel speed by road classification. (Ord. 18420 § 40, 2016).

**14.01.400 Urban Growth Area.** "Urban Growth Area" means an area inside the urban growth boundary as defined in the King County Comprehensive Plan. (Ord. 18420 § 41, 2016).

**14.01.402 U-turn.** "U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway. (Ord. 18754 § 17, 2018).

**14.01.404 Vehicle.** "Vehicle" shall have the same definition as in RCW 46.04.670, and shall also include any junk vehicle as defined in RCW 46.55.010 and watercraft as defined in this chapter. (Ord. 18754 § 18, 2018).

**14.01.407 Watercraft.** "Watercraft" means a vessel used to transport persons on water. (Ord. 18754 § 19, 2018).

**14.01.410 Wireless.** "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave or satellite. (Ord. 18420 § 42, 2016).

**14.01.420 Wireless telecommunications facility.** "Wireless telecommunications facility" means the capital, equipment and property, including, but not limited to, the poles, pipes, mains, conduits, ducts, pedestals and electronic equipment within the right of way used for the purpose of transmitting, receiving, distributing, providing or offering wireless telecommunications. (Ord. 18420 § 43, 2016).

**14.01.430 Wireless telecommunications provider.** "Wireless telecommunications provider" means every person that owns, controls, operates or manages a wireless minor telecommunication facility within the county right of way for the purpose of offering wireless telecommunication services, meaning the transmission for hire of information in electronic or optical form, including, but not limited to, voice, video or data. (Ord. 18420 § 44, 2016).

## **14.02 GENERAL PROVISIONS**

### **Sections:**

- 14.02.010 Relationship to Comprehensive Plan and Growth Management Act.
- 14.02.020 Financial guarantees authorized.

**14.02.010 Relationship to Comprehensive Plan and Growth Management Act.** Title 14 (Roads and Bridges) of the King County Code is hereby amended in accordance with RCW 36.70A to adopt development regulations to implement the King County Comprehensive Plan. (Ord. 11617 § 1, 1994).

**14.02.020 Financial guarantees authorized.** The department of permitting and environmental review (or its successor organization) is authorized to require all applicants issued permits or approvals under the provisions of the title to post financial guarantees consistent with the provisions of Title 27A. (Ord. 17420 § 35, 2012: Ord. 12020 § 34, 1995).

## **14.04 OFFICIAL ROAD SYSTEM**

### **Sections:**

- 14.04.010 Road system – database and maps.
- 14.04.070 Roads constructed by Washington state Department of Transportation included.

#### **14.04.010 Road system – database and maps.**

A. King County operates and maintains an extensive road system.  
B. The department of transportation maintains a road system database that identifies the roads for which King County is responsible. The department of transportation shall provide road index maps of the official county road system on the road services division's website annually following the county road administration board's annual validation of the data. (Ord. 18420 § 45, 2016: Ord. 14199 § 190, 2001: Ord. 665 § 1, 1970).

**14.04.070 Roads constructed by Washington state Department of Transportation included.\*** All roads constructed by the Washington state Department of Transportation in conjunction with or adjacent to an interstate highway, state primary or state limited access highway and used as access, exit, frontage road or service road and covered by a maintenance agreement between the Washington state Department of Transportation and King County shall be considered a part of the King County road system whether or not the state has relinquished any or all claims. (Ord. 18420 § 47, 2016: Ord. 665 § 7, 1970).

**\*For statutory provisions regarding state and county cooperation in highway maintenance, see RCW 47.28.140.**



## 14.06 TRAFFIC CONTROL – TRAFFIC ENGINEER AND COUNTY ROAD ENGINEER

### Sections:

- 14.06.010 Traffic engineer - general.
- 14.06.020 Traffic engineer – authority.
- 14.06.030 County road engineer authority – traffic engineer duties directed by county road engineer – notice, public comment, procedure for speed limit change – report.

**14.06.010 Traffic engineer – general.** It shall be the general duty of the traffic engineer to determine the installation of traffic control devices, to conduct engineering analysis of traffic accidents and devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on county roads, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any county ordinances. (Ord. 18754 § 21, 2018).

**14.06.020 Traffic engineer – authority.** The traffic engineer is authorized to:

A. Place and maintain traffic control devices when and as required under federal or state law or this title, and may place and maintain such additional traffic control devices as the traffic engineer deems necessary to regulate, warn or guide traffic.

B. Place and maintain such traffic control devices as the traffic engineer deems necessary to regulate, warn or guide traffic of construction, detours, emergencies and special conditions, giving substantial consideration to the need to maintain access to affected properties;

C. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where the traffic engineer deems necessary;

D. Establish safety zones of such a kind and character and at such places as the traffic engineer deems necessary for the protection of pedestrians;

E. Mark traffic lanes upon the roadway where a regular alignment of traffic is necessary;

F. Regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

G. Place and maintain traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at the intersections;

H. Determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and place and maintain proper signs at those intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, but the prohibitions shall be plainly indicated on the signs or the signs may be removed when the turns are permitted;

I. Erect and maintain stop signs, yield signs or other traffic control devices to designate arterial highways or to designate intersection or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

J. Issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of the permits. The permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized by this section;

K. Erect and maintain signs indicating no parking upon both sides of a county road when the width of the roadway does not exceed twenty feet, or erect and maintain signs upon one side of a county road when the width of the improved roadway is between twenty and twenty-eight feet;

L. Determine when standing or parking may be permitted upon the left-hand side of any roadway when the county road includes two or more separate roadways and traffic is restricted to one direction upon any such a roadway and erect and maintain signs giving notice of the permission;

M. Determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

N. Determine the location of loading zones, passenger loading zones and tow-away zones, and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

O. Establish bus stops, bus stands, taxicab stands and stands for other for-hire vehicles on county roads, in such places and in such a number as the traffic engineer determines to be of the greatest benefit and convenience to the public, and every such a bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

P. Erect and maintain traffic control devices on any county road or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

Q. Erect and maintain traffic control devices on any county road or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross vehicle weight on the basis of an engineering and traffic investigation, but the devices shall not prohibit necessary local operation on such county roads for the purpose of making a pickup or delivery;

R. Erect and maintain traffic control devices on any county road or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

S. Determine and designate those heavily traveled county road upon which are prohibited any class or kind of traffic that the traffic engineer deems to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation, and shall erect appropriate traffic control devices giving notice thereof;

T. Designate certain locations as unlawful for pedestrians to use when crossing county roads, when the crossing would endanger either pedestrian or vehicular traffic using the county road, and posting appropriate signs at those locations; and

U. Test new or proposed traffic control devices under actual conditions of traffic. (Ord. 18754 § 22, 2018).

**14.06.030 County road engineer authority – traffic engineer duties directed by county road engineer – notice, public comment, procedure for speed limit change – report.**

A. The council has determined that after the county road engineer has conducted an engineering and traffic investigation of a county road that establishes the maximum speed permitted under state law is greater or less than is reasonable and safe under the conditions found to exist thereon, the county road engineer is authorized to change the maximum limit to:

1. Decrease the limit at intersections;
2. Increase the limit but not to more than sixty miles per hour; or
3. Decrease the limit but not to less than twenty miles per hour.

B. At the direction of the county road engineer, the traffic engineer shall perform the engineering and traffic investigation to determine if the existing maximum speed limit

permitted is appropriate and safe under the conditions found to exist upon a county road. A member of the public may request the county road engineer to direct that an engineering and traffic investigation be conducted. An engineering and traffic investigation shall be based upon the following factors:

1. Road surface characteristics, shoulder conditions, grade, alignment and sight distance;
2. The eighty-fifth percentile speed and pace speed;
3. Roadside development and land use;
4. Safe speed for curves within the speed zone;
5. Parking practices and pedestrian activity; and
6. Most-recently reported collision history for the preceding thirty-six months.

C. If the traffic engineer, after consideration of the findings of the engineering and traffic investigations, determines that a change in the existing speed limit is appropriate, based on current engineering standards and guidelines, the traffic engineer shall transmit an electronic notice of the proposed change to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, before initiating a public comment period of at least fourteen calendar days and may hold a public meeting to solicit public input on the proposed change. The public may submit its testimony to the traffic engineer by letter or email during the comment period. The traffic engineer shall publish notice of the public comment period in a newspaper of general circulation in the area where the change in the existing speed limit is proposed.

D. If the traffic engineer concludes that there should be a change in the speed limit, based on the engineering and traffic investigations results and public comments, the traffic engineer may propose the speed limit revision to the county road engineer.

E. If the county road engineer concurs with the traffic engineer's proposed revision, a speed limit change shall be final unless within thirty business days from the date when signs giving notice of the speed limit change are erected, a person files a written appeal to the speed limit change, including why the engineering and traffic investigations do not support the proposed speed limit change, with the clerk of the council.

F. The council designates the hearing examiner to hear on its behalf all appeals from decisions of the county road engineer related to changes in speed limits and make a recommendation to the council whether the appeal should be granted. An appeal must be initiated in accordance with K.C.C. 20.22.080.

G. The county road engineer shall report all speed limit changes to the council by filing a report with the clerk of the council, who shall distribute copies of the report to councilmembers. The county road engineer shall also file a report of speed limit changes with the sheriff and the records and licensing services division of the department of executive services. The county road engineer shall also maintain a copy of the speed limit change report and make the report available to the public during regular business hours. Speed limit revisions take effect when signs with the new speed limit are erected. (Ord. 18754 § 23, 2018).

## **14.08 SPEED LIMITS AND SPECIAL CONDITIONS – TRAFFIC ENGINEER AND COUNTY ROAD ENGINEER**

### **Sections:**

- |           |  |
|-----------|--|
| 14.08.010 | List of roads and speed limits.                                  |
| 14.08.020 | School speed zones.  |
| 14.08.030 | Temporary closure of road – one-way roads – change speed limits. |
| 14.08.040 | Reduction of speed limits for special conditions – notice.       |

**14.08.010 List of roads and speed limits.** The traffic engineer shall maintain a list of all county roads with a designation of maximum speed limits. The department of transportation shall publish this list on the King County department of transportation, road services division website. (Ord. 18754 § 26, 2018).

**14.08.020 School speed zones.** The county road engineer may designate school speed zones in accordance with RCW 46.61.440(2). (Ord. 18754 § 27, 2018).

**14.08.030 Temporary closure of road – one-way roads – change speed limits.** The county road engineer is authorized to:

A. Close any county road or parts thereof temporarily to any or all traffic in accordance with K.C.C. 14.12.010;

B. Designate one-way county roads; and

C. Change speed limits on county roads in accordance with K.C.C. 14.06.030. (Ord. 18754 § 28, 2018).

**14.08.040 Reduction of speed limits for special conditions – notice.** The county road engineer may set reduced temporary speed limits for special conditions, such as where there is construction on or near a county road, if the locations are posted with signs in accordance with the Manual on Uniform Traffic Control Devices referenced in the King County Road Standards. (Ord. 18754 § 29, 2018).

## **14.12 LOAD RESTRICTIONS ON ROADS**

### **Sections:**

14.12.010 Road and bridge closure policy.

#### **14.12.010 Road and bridge closure policy.\***

A. The council has determined when in order to prevent serious damage or destruction to a county road or bridge caused by rain, snow, climatic or other conditions, the county road engineer may close such a county road or bridge. In exercising the authority to close a county road or bridge, the county road engineer shall comply with the requirements of RCW 46.44.080.

B. The county road engineer may, in cases of emergency or a closure lasting less than twelve hours, temporarily close county roads and bridges by posting notices at each end of the closed portion and at all intersecting state highways and county roads and county roads and city streets.

C. It is unlawful for any person to operate a vehicle on any county road or bridge in violation of any closure under subsection A. or B. of this section, unless the driver is in possession of a limited special permit issued by the county road engineer, who is authorized to issue limited special use permits for the operation of school buses, emergency vehicles and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents during periods of the closures. (Ord. 18420 § 49, 2016; Res. 25878, 1963).

**\*For statutory provisions regarding road closures, see chapter 47.48 RCW; for statutory provisions authorizing the limitation of type or weight of vehicles on county roads or bridges, see RCW 36.75.270 and 46.44.080.**

## **14.16 WEIGHT LIMITS ON ROADS AND BRIDGES\*** *(Formerly LOAD LIMITS ON BRIDGES)*

### **Sections:**

14.16.010	Weight allowed and notification.
14.16.015	Limited special permits.
14.16.020	Maximum gross vehicle weight.
14.16.170	Enforcement and penalty.

**\*For statutory provisions authorizing load limits on bridges, see RCW 36.75.270 and 46.44.080.**

**14.16.010 Weight allowed and notification.**

A. The council has determined when in order to prevent serious damage or destruction to a county road or bridge caused by rain, snow, climatic or other conditions, the county road engineer may limit weights of vehicles and prohibit or limit classes or types of vehicles on county roads or bridges, in accordance with RCW 46.44.080.

B. It is unlawful for any person to operate a vehicle on any county road or bridge when the vehicle has a gross weight that is greater than the posted maximum weight for that county road or bridge or the type or class of vehicle has been limited or prohibited from operating on the county road or bridge, unless the driver is in possession of a limited special permit issued by the county road engineer for the safe use of the county road or bridge.

C. Notice of limiting weights of vehicles or prohibiting or limiting classes or types of vehicles on a county road or bridge shall be:

1. Published on King County department of transportation website; and
2. Posted on signs at each end of the county road or bridge. All signs shall be erected and maintained in accordance with RCW 36.86.040, 46.61.450 and 47.36.030.

D. The road services division shall report to the council its Annual Bridge Report required by WAC 136-20-060 that establishes the maximum gross weights for vehicles operating on a county bridge and any prohibition or limitation of certain classes or types of vehicles operating on a county bridge.

E. Annually the road services division shall report to the council all county roads that limit or prohibit classes or types of vehicles or limit the weight of vehicles that may operate on them.

F. The reports required by this section shall be in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the policy staff director and the lead staff for the transportation, environment and economy committee, or its successor.

G. The county road engineer may, in cases of emergency or a limitation or prohibition lasting less than twelve hours, temporarily limit weights of vehicles and prohibit or limit classes or types of vehicles operating on county roads or bridges by posting notices at each end of the closed portion and at all intersecting state highways and county roads and county roads and city streets. (Ord. 18420 § 51, 2016: Ord. 11426 § 1, 1994).

**14.16.015 Limited special permits.** The county road engineer may issue limited special permits for the safe use of load limited bridges by emergency vehicles and other vehicles exceeding the posted maximum weight as authorized by RCW 46.44.080. (Ord. 18420 § 52, 2016: Ord. 11426 § 3, 1994).

**14.16.020 Maximum gross vehicle weight.** Those King County bridges that are posted with one legal load are done so in accordance with the definitions and standards for maximum gross vehicle weight contained in chapter 46.44 RCW, specifically the vehicle weight table of RCW 46.44.041. (Ord. 18420 § 53, 2016: Ord. 5701 § 3, 1981).

**14.16.170 Enforcement and penalty.**

A. The director of the department of transportation and the county sheriff are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

B. Any violation of this chapter is a traffic infraction and subject to a penalty of two hundred fifty dollars. (Ord. 18420 § 55, 2016: Ord. 14199 § 193, 2001: Ord. 11426 § 2, 1994: Ord. 5701 § 18, 1981).

## **14.20 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION**

### **Sections:**

- 14.20.010 Standard specifications adopted.
- 14.20.020 Department of transportation to comply with federal soil conservation provisions.

**14.20.010 Standard specifications adopted.** The current English edition of the Standard Specifications for Road, Bridge, and Municipal Construction issued by the Washington state Department of Transportation and the American Public Works Association, Washington State Chapter, is adopted as the standard specifications for road, bridge and drainage construction in King County, except that the provisions of the 2014 edition shall continue in effect on those current projects advertised prior to November 1, 2014, for construction. (Ord. 18420 § 56, 2016: Ord. 12656 § 1, 1997: Ord. 11247 § 1, 1994: Ord. 9919, 1991: Ord. 8422, 1988: Ord. 7072, 1984: Ord. 5486 § 1, 1981: Ord. 3134 § 1, 1977: Ord. 1969 § 1, 1974).

**14.20.020 Department of transportation to comply with federal soil conservation provisions.** The department of transportation shall comply with the Soil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring compliance. (Ord. 18420 § 57, 2016: Ord. 14199 § 194, 2001: Ord. 11247 § 1, 1994: Ord. 336 (part), 1970).

## **14.28 RIGHTS-OF-WAY**

### **Sections:**

- 14.28.010 Definitions.
- 14.28.020 Permit required for improvement or use - Application processing.
- 14.28.030 Permit - Additional requirements.
- 14.28.050 Permit - Limited.
- 14.28.060 Permit - Extended.
- 14.28.070 Permit - Interpretation.
- 14.28.080 Compliance required of driveway connections or other access to county road rights-of-way.
- 14.28.090 Enforcement.
- 14.28.100 Retroactivity.

### **14.28.010 Definitions.**

A. APPLICANT. "Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

B. DEPARTMENT. "Department" means the department of permitting and environmental review.

C. DEVELOPMENT APPROVAL. "Development approval" means the granting of a building permit, mobile home on-site permit, short subdivision or other county land use approval or approvals.

D. DEVELOPMENT ENGINEER. "Development engineer" means the department employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

E. RIGHT-OF-WAY USE PERMIT.

1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

2. "Right-of-way use permit: extended" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time exceeding one year in duration. (Ord. 17420 § 36, 2012: Ord. 12196 § 2, 1996: Ord. 11700 § 7, 1995: Ord. 7990 § 11, 1987: Ord. 4895 § 1, 1980).

#### **14.28.020 Permit required for improvement or use - Application processing.**

A. PERMITS REQUIRED. County road right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued which requires use of privately maintained county right-of-way unless a permit therefor has been issued pursuant to this chapter, except for utility construction work authorized pursuant to K.C.C. Chapter 14.44. This section shall not apply to driveway connections from private property to county road right-of-way.

B. GENERAL PROCEDURES.

1. Upon receipt of an application for right-of-way use permit, limited or extended, the division shall forward copies of the application to the division of real property, which shall determine whether the proposed activity is within county-owned right of way.

2. The division shall be the lead agency for the compliance with the State Environmental Policy Act. In addition, the development engineer shall review applications for compliance with applicable county plans, policies, regulations and standards. Prior to issuing a right-of-way use permit, the division shall determine and secure an appropriate financial guarantee consistent with the provisions of Title 27A.

3. The division shall, when feasible, consolidate right-of-way use permits with other development approvals to prevent duplication and increase efficiency. The fee for a consolidated approval shall be reduced to the extent separate fees would be duplicative. (Ord. 12020 § 43, 1995: Ord. 7990 § 12, 1987: Ord. 4895 § 2, 1980).

#### **14.28.030 Permit - Additional requirements.**

A. Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. chapter 9.04 and Ordinance 4463, K.C.C. chapter 14.42, may be required when considered necessary by the development engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant, and, if the plan is returned, it shall be returned to the applicant.

B. When considered necessary by the development engineer to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act.

C. A permit applicant may be required to deed additional right-of-way across property under the permit applicant's authority when necessary to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

D. A permit shall not be issued to provide access to a lot or parcel created in violation of state and county subdivision regulations. (Ord. 18683 § 3, 2018: Ord. 11700, § 8, 1995: Ord. 7990 § 13, 1987: Ord. 4895 § 7, 1980).

#### **14.28.050 Permit - Limited.**

A. Upon filing of a complete application, payment of the fee, and posting of the required financial guarantee for construction, maintenance, and restoration of the right-of-way consistent with the provisions of Title 27A, the division may issue a permit authorizing the limited use of county road right-of-way, for use by designated private parties for a specific use which is less than one year in duration.

B. The permit may require construction and restoration of the right-of-way to adopted standards based on the nature and duration of the specific use, and subject to division inspection. In addition, conditions may be set to assure the compliance with county plans, policies, standards and regulations. Such conditions may require performance in excess of adopted road standards.

C. The permit applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements to the county right-of-way during the period of time the permit is in effect.

D. The permit applicant may apply for one one-year extension to the right-of-way use permit: limited, upon written application for an extension, payment of the fees, and being found to have fully complied with the conditions and requirements of the original permit. The application for extension may only be made after the first six months of the original permit life. (Ord. 12020 § 44, 1995: Ord. 7990 § 14, 1987: Ord. 4895 § 5, 1980).

#### **14.28.060 Permit - Extended.**

A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post financial guarantees consistent with the provisions of Ordinance 12020 for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies, and regulations.

C. The department of transportation shall place and maintain permanent sign(s) denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;

2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;



3. A statement that the owner or owners of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;

4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;

5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner or owners; and

6. The acknowledged signature or signatures of the owner or owners of such parcel. (Ord. 14199 § 197, 2001: Ord. 12020 § 45, 1995: Ord. 7990 § 15, 1987: Ord. 4895 § 6, 1980).

**14.28.070 Permit - Interpretation.** Permits issued pursuant to this chapter shall not be construed to convey any vested right or ownership interest in any county right-of-way. Every right-of-way use permit shall state on its face that any county right-of-way opened pursuant to this chapter shall be open to use by the general public except in those cases where specific conditions in a right-of-way use permit: limited, restrict the use of the right-of-way for safety reasons. (Ord. 4895 § 10, 1980).

**14.28.080 Compliance required of driveway connections or other access to county road rights-of-way.** No driveway connection or other access from private property to a county road right-of-way shall be built or maintained which does not comply with the King County road standards adopted by Ordinance No. 4463, K.C.C. 19.20. (Ord. 4895 § 9, 1980).

**14.28.090 Enforcement.** The director of the department of transportation and the director of the department of permitting and environmental review are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 17420 § 37, 2012: Ord. 14199 § 198, 2001: Ord. 4895 § 11, 1980).

**14.28.100 Retroactivity.** All access approvals, trail permits and right-of-way use permits issued by King County division of real property prior to June 20, 1980, shall not be affected by the provisions of this chapter. (Ord. 4895 § 3, 1980).

## **14.30 PERMIT SYSTEM FOR COUNTY PROPERTY**

### **Sections:**

- 14.30.020 Permit requirement.
- 14.30.025 Inspection fee.
- 14.30.030 Permit issuance.
- 14.30.040 Liability.
- 14.30.050 Additional requirements.
- 14.30.060 Permit application processing fee.
- 14.30.070 Interpretation.
- 14.30.080 Enforcement.

### **14.30.020 Permit requirement.**

A. Special use permits shall be required for any use of county property except uses regulated pursuant to K.C.C. chapter 14.44 relating to utility permits and K.C.C. chapter 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a special use permit upon county property, the real estate services section of the facilities management division shall determine whether the proposed use is upon county-owned property.

C. The real estate services section shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the real estate services section. If a custodial department recommends denial, the real estate services section shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the real estate services section shall evaluate the feasibility of the proposed use, its impact on other uses of the county property and its impact on public health and safety. Based on this evaluation, the real estate services section shall determine whether the permit should be issued.

F. In all cases, the real estate services section shall forward the application to the department of permitting and environmental review for recommendations on critical area issues and the real estate services section shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued.

G. If the special use permit is for an event that the manager of the real estate services section believes may generate substantial noise, then the real estate services section shall also forward the application to the sheriff for informational purposes. (Ord. 18000 § 101, 2015; Ord. 17420 § 38, 2012; Ord. 16266 § 1, 2008; Ord. 11792 § 11, 1995; Ord. 9614 § 106, 1990; Ord. 6254 § 2, 1982).

**14.30.025 Inspection fee.** The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of transportation, for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of transportation. (Ord. 14199 § 199, 2001; Ord. 7025 § 5, 1984).

**14.30.030 Permit issuance.**

A. Upon filing of a complete application, necessary approval of said application and the payment of the administrative fee and posting of any required bond, the real property division\* may issue a permit authorizing the designated use of county property by the permittee.

B. The permit may require restoration of the county property to standards prescribed by the custodial department and the real property division\* in view of the nature and duration of the special use. In addition, conditions may be set by the real property division\* to assure compliance of the permit with county policies, ordinances and other applicable laws and regulations.

C. The permit applicant may be required to post a performance bond in an amount which will:

1. Guarantee the use will be in compliance with standards and conditions prescribed by the real property division\*:

2. Guarantee restoration of the county property to a condition consistent with the special use permit and the county's own use of its property. (Ord. 6254 § 3, 1982).

**\*Reviser's note: Ordinance 10553 renamed and transferred the powers, duties and functions to the property services division.**

**14.30.040 Liability.** The permit applicant shall be solely responsible for the adequate operation and maintenance of any improvements constructed by the permittee to the county property and shall assume liability for all injuries to persons or property as the result of activities pursuant to a special use permit. (Ord. 6254 § 4, 1982).

**14.30.050 Additional requirements.**

A. When considered necessary by the real property division to adequately determine the limits of the county property, the permit applicant shall cause the county property to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. The cost of such survey shall be paid by the permit applicant.

B. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill any county policy, ordinance or laws. (Ord. 18683 § 4, 2018: Ord. 6254 § 5, 1982).

**14.30.060 Permit application processing fee.**

A. An application fee as set forth in K.C.C. 4A.675.040 for the administrative costs and expenses incurred in the processing of the special use permit application shall be paid thereto upon filing of the application. The fee is nonrefundable. However, the real estate services section manager shall have the authority to waive the fees for permits when waiver of the fees is in the best interest of the public health, safety and welfare.

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

C. The real estate services section shall have the authority to require applicants to reimburse the real estate services section for the actual costs all expenses incurred by the real estate services section as a result of issuance, renewal or amendment of a special use permit, to the extent the costs and expenses exceed the costs of processing the application recovered by the application fee. The payment of actual costs shall be made at the time of permit issuance. (Ord. 17515 § 7, 2013: Ord. 16295 § 6, 2008: Ord. 14264 § 4, 2001: Ord. 13327 § 4, 1998: Ord. 7022 § 1, 1984: Ord. 6254 § 6, 1982).

**14.30.070 Interpretation.** Permits issued pursuant to this chapter shall not be construed to convey any vested right of ownership interest in any county property. (Ord. 6254 § 7, 1982).

**14.30.080 Enforcement.** The manager of the real estate services section and director of the applicable custodial department are authorized to enforce of this chapter, in accordance with K.C.C. Title 23. (Ord. 17691 § 9, 2013: Ord. 6254 § 8, 1982).

**14.40 ROAD VACATION\***

**Sections:**

- 14.40.010 Initiation.
- 14.40.0102 Petition.
- 14.40.0104 County actions upon receipt of petition – report.
- 14.40.0106 Fees – administrative, other costs – waiver.
- 14.40.015 Hearing procedure.
- 14.40.020 Compensation.

**\*For statutory provisions regarding county vacation of roads, see chapter 36.87 RCW.**

**14.40.010 Initiation.** Proposed vacation of a county right of way may be initiated:

A. By the council, which by ordinance declares its intent to vacate and abandon a county right of way or portion thereof that is considered useless and directs the county road engineer to prepare a report on such vacation and abandonment: or

B. By a petition for vacation of a county right of way filed with the clerk of the council. (Ord. 18420 § 59, 2016: Ord. 6471 § 1, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1 (part), 1969).

**14.40.0102 Petition.**

A. Property owners of the majority of the frontage on any county right of way or portion of the right of way they seek to vacate may petition the council to vacate and abandon the right of way or portion of the right of way by submitting a vacation petition to the clerk of the council.

B. The petition must include the name, address and land owned for each petitioner and set forth that the right of way is useless as part of the county road system and that the public will be benefited by its vacation. A county right of way may be considered useless if it is not necessary to serve an essential role in the public road network or if it would better serve the public interest in private ownership.

C. The petition must be signed by owners of a majority of the lineal footage of the right of way the petition seeks to vacate.

D. The petition shall be accompanied by:

1. Payment of the administrative fee in the amount specified in K.C.C. 4A.700.770; and

2. A legal description of the right of way proposed to be vacated and of the property owned by each petitioner, including the square footage of the area of vacation and a drawing, for both the area of right of way proposed to be vacated and the property adjacent to the proposed vacation owned by each petitioner. The county road engineer may require a drawing prepared by a surveyor licensed by the state of Washington.

E. After receipt of a petition and payment of the administrative fee, the clerk of the council shall transmit the petition to the county road engineer, who shall evaluate the proposed vacation for compliance with requirements of this section. (Ord. 18420 § 60, 2016).

**14.40.0104 County actions upon receipt of petition – report.**

A. Upon receipt of a petition, the county road engineer shall determine whether owners of the majority of the lineal footage of the frontage of the right of way proposed for vacation have signed the petition. If the county road engineer determines the signatories of the petition own less than the majority of the lineal footage of the frontage of the right of way proposed for vacation, the county road engineer shall notify the petitioners and the clerk of the council that the petition does not have sufficient signatories. The petitioners shall have thirty days from the date of that notice to supplement the petition by filing with the clerk of the council, with a copy of the county road engineer, a sufficient number of additional petition signatures to establish that a majority of owners of the lineal footage of the frontage of the right of way proposed for vacation support the petition. Failure to include the signature of a majority the owners of the lineal footage of the frontage of the right of way proposed for vacation is grounds for the county road engineer to report in writing to the council clerk that the petition is deficient. In that event, no further action will be taken on the petition and the county road engineer shall inform the petitioners of the determination.

B. If either directed by the council in accordance with K.C.C. 14.40.010.A., or if under subsection A. of this section the county road engineer determines that the petition is valid, then the county road engineer shall examine the right of way proposed to be vacated and abandoned and complete a report that complies with the requirements in RCW 36.87.040, including the county road engineer's opinion of whether the right of way should be vacated. The report should address:

1. Whether the county right of way should be vacated and abandoned;
2. Whether the county right of way is in use or has been in use;
3. The condition of the right of way;
4. Whether it is advisable to preserve all or a portion of the right of way for the county transportation system of the future;
5. Whether the public will be benefited by the vacation of the county right of way;
6. The appraised value of the county right of way or portion thereof proposed for vacation as well as the county road engineer's recommendation for compensation to be determined in accordance with the factors listed in K.C.C. 14.40.020.A.;
- 7.a. Whether the proposed county right of way to be vacated serves as access to property abutting the county right of way that is subject of the vacation request; and
  - b. a recommendation for requiring access easements for all abutting properties as a condition of granting the vacation;
- 8.a. Whether the proposed county right of way to be vacated contains utilities; and
  - b. a recommendation for retaining an easement for the construction, repair and maintenance of public utilities and services that are authorized at the time the ordinance is adopted or are physically located on a portion of the right of way being vacated;
9. Other matters that may be of interest, including any fees charged under K.C.C. 14.40.0106.B.;
10. Whether the proposed area to be vacated abuts a body of salt or fresh water as set forth in RCW 36.87.130;
11. A list of the property owners whose property abuts the county right of way or any portion thereof proposed for vacation who are not petitioners; and
12. If not waived in accordance with K.C.C. 14.40.106.C. a list of all costs incurred in preparing the report.

C. Upon completion of the report by the county road engineer, the executive shall transmit the report, any petition and a proposed ordinance to the council. The hearing examiner is appointed by the council to conduct the public hearing of any proposed vacation of a county right of way. (Ord. 18420 § 61, 2016).

**14.40.0106 Fees – administrative, other costs – waiver.**

A. Petitioners shall pay to the clerk of the council an administrative fee set forth in K.C.C. 4A.700.770.

B. In addition to the administrative fee required in subsection A. of this section, the county road engineer may charge petitioners additional fees for costs associated with the processing, investigation, determination of value, appraisals and the cost of the public hearing pertaining to the petition. The county road engineer shall provide petitioners with an estimate of these costs prior to the county road engineer preparing the report on the proposed vacation.

C. The director of the road services division has the discretion to waive all or a portion of any additional fee assessed under subsection B. of this section and required by this chapter. The waiver must be in writing and shall state a compelling need or public purpose that is served by the waiver. (Ord. 18420 § 62, 2016).

**14.40.015 Hearing procedure.**

A. The hearing examiner shall hold a public hearing on the proposed ordinance and to consider the report of the county road engineer and to take testimony and evidence, relating to a proposed vacation of a county right of way or any portion thereof. The hearing examiner shall prepare a record of the proceedings and a recommendation to the council concerning the proposed vacation in accordance with K.C.C. 20.22.060 and 20.22.220 and shall recommend the amount of compensation, if any.

B. Notice of the public hearing required by subsection A. of this section shall be published at least once a week for two consecutive weeks preceding the date fixed for the hearing, in the official county newspaper. A copy of the notice shall be posted for at least twenty days preceding the date fixed for hearing at each termini of the county right of way or portion of a right of way proposed to be vacated or abandoned. A copy of the notice shall also be provided to petitioners.

C. At least fourteen days before the hearing to consider the proposed vacation, the county road engineer shall send a copy of the report to all petitioners and to persons whose property abuts the county right of way or any portion thereof proposed for vacation who are not petitioners. (Ord. 18420 § 64, 2016: Ord. 18230 § 100, 2016: Ord. 14199 § 201, 2001: Ord. 10691 § 1, 1992: Ord. 6471 § 2, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1 (part), 1969).

#### **14.40.020 Compensation.**

A.1. Compensation may be required as a condition for the vacation of a county right of way. In determining the appropriate compensation, the council may consider as a factor the assessed land value of parcels adjacent to the county right of way proposed for vacation in addition to the factors listed in RCW 36.87.120.

2. The compensation determined to be paid shall be a condition precedent to the vacation of any county road and shall be paid to King County within ninety days of receipt of the request for compensation.

B. The county road engineer or the hearing examiner may propose and the council may accept real property of equal or greater value in lieu of cash compensation.

C. Payment of compensation shall be made to the road service divisions and shall be credited to the county road operating fund.

D. For the purpose of chapter 36.87 RCW, all county right of ways shall be of one classification.

E. Upon meeting the terms and conditions included in the ordinance granting vacation, the county right of way or portion of the right of way shall be considered vacated. (Ord. 18420 § 65, 2016: Ord. 18230 § 102, 2016: Ord. 10691 § 2, 1992: Ord. 9164 § 1, 1989: Ord. 7013 § 1, 1984: Ord. 3088 § 1, 1977: Ord. 2759 § 2, 1976).

### **14.42 KING COUNTY ROAD STANDARDS**

#### **Sections:**

- 14.42.005 Purpose.
- 14.42.010 Adoption.
- 14.42.030 Applicability.
- 14.42.040 Developments.
- 14.42.060 Variances.
- 14.42.075 Withdrawal of approval or stoppage of work - grounds - remedy.

**14.42.005 Purpose.** Chapter 36.75 RCW authorizes the county to perform all acts necessary and proper for the administration of the county roads. County roads shall be established, laid out, constructed, altered, repaired, improved and maintained by the legislative authority of the county or by private individuals or corporations who are allowed

to perform such work under an agreement with the county legislative authority. The work and improvements shall be done in accordance with the road standards under the supervision and direction of the county road engineer. (Ord. 18420 § 68, 2016: Ord. 15753 § 1, 2007).

#### **14.42.010 Adoption.**

A. King County Road Standards, 2016, incorporated as Attachment A to Ordinance 18420\*, are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with the council's direction and intent in adopting the road standards, the department of transportation is hereby authorized to develop public rules and make minor changes to the text and drawings in order to better implement the road standards and as needed to stay current with changing design and construction technology and methods. (Ord. 18420 § 69, 2016: Ord. 15753 § 2, 2007: Ord. 14199 § 204, 2001: Ord. 11187 § 1, 1993).

**\*Available in the King County Archives.**

#### **14.42.030 Applicability.**

A. The road standards approved and adopted under K.C.C.14.42.010 apply prospectively to all newly constructed or modified road and right-of-way facilities, both public and private, within King County. The road standards apply to modifications of roadway features or existing facilities that are within the scope of reconstructions, required off-site road improvements for land developments or capital improvement projects when so required by King County or to the extent they are expressly referred to in project plans and specifications. The road standards are not intended to apply to resurfacing, restoration and rehabilitation projects as those terms are defined in the Washington state Department of Transportation Local Agency Guidelines Manual, as amended. The county road engineer may consider the road standards as optional goals for the design and construction of resurfacing, restoration and rehabilitation projects.

B. The road standards shall apply to every utility pole and other utility structure within the King County right of way.

C. Construction shall be performed in accordance with the road standards and with due regard to public safety.

D. Where feasible, flow control best maintenance practices shall be applied as required in the Surface Water Design Manual.

E. The director of the department of transportation is authorized to enforce the provision of this chapter and any rules and regulations under this chapter in accordance with the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 18420 § 71, 2016: Ord. 18257 § 20, 2016: Ord. 15753 § 4, 2007: Ord. 11187 § 2, 1993: Ord. 8041 § 4, 1987).

#### **14.42.040 Developments.**

A. Any land development that impacts the service level, safety or operational efficiency of roads serving the land development or that is required by other ordinance to improve the roads shall improve those roads in accordance with the road standards approved and adopted under K.C.C. 14.42.010. Offsite roadway improvements shall be based on an assessment of the impacts of the proposed land development by the reviewing agency.

B. Any land development abutting and impacting existing roads shall improve the frontage of those roads in accordance with the road standards. The extent of improvements

shall be based on an assessment of the impacts of the proposed land development by the reviewing agency.

C. Any land development that contains internal roads shall construct or improve those roadways in accordance with the road standards, unless otherwise specified in K.C.C. Title 21A.

D. For commercial developments, the road standards shall apply unless otherwise determined by the development engineer or as specified by K.C.C. Title 21A. The road standards shall apply to commercial developments with public or dedicated rights-of-way or easements, unless otherwise determined by the development engineer. (Ord. 18420 § 72, 2016: Ord. 15753 § 5, 2007: Ord. 8041 § 5, 1987).

#### **14.42.060 Variances.**

A. A road variance, approved by the county road engineer, is required for any design or construction deviation from the road standards approved and adopted under K.C.C. 14.42.010. Detailed procedures for applicants requesting variances and appealing variance decisions are contained within a public rule that is available from the county road engineer or the reviewing agency.

B. Any variances from the road standards may be granted by the county road engineer upon evidence that the variance is in the public interest and that requirements for safety, function, fire protection, transit needs, appearance and maintainability are fully met, based upon sound engineering and technical judgment.

C. Variance requests for subdivisions should be proposed at the preliminary plat stage and prior to any public hearing. All known variances must be approved prior to approval of the engineering plans for construction. It is the responsibility of the county road engineer to interpret the road standards. Any anticipated variances from these road standards that do not meet K.C.C. Title 17 shall also require concurrence by the fire marshal. (Ord. 18420 § 74, 2016: Ord. 15753 § 7, 2007: Ord. 8041 § 7, 1987).

**14.42.075 Withdrawal of approval or stoppage of work - grounds - remedy.** At the discretion of the county road engineer or development engineer, any significant errors or omissions in the approved plans or information used as a basis for the approvals may constitute grounds for withdrawal of the approvals or stoppage of any or all permitted work, or both. It shall be the responsibility of the applicant, developer or contractor to show cause why the work should continue and to make such changes in plans that may be required by the county road engineer or development engineer before the plans are reapproved. (Ord. 18420 § 76, 2016: Ord. 15753 § 10, 2007).

### **14.44 UTILITIES ON COUNTY RIGHTS-OF-WAY**

#### **Sections:**

- 14.44.010 Purpose.
- 14.44.020 Construction permit - required.
- 14.44.030 Construction permit - application - generally.
- 14.44.040 Right-of-way construction permit - fee.
- 14.44.050 Construction permit - application - review.
- 14.44.055 Emergency construction permits - Unfranchised utilities.
- 14.44.060 Policy on accommodation of utilities.
- 14.44.070 Coordination of right-of-way construction.
- 14.44.080 Performance bond required.
- 14.44.090 Construction permit - Form.
- 14.44.100 Notification by permittee of construction commenced.
- 14.44.110 Enforcement.
- 14.44.115 Productivity and customer service report.



**14.44.010 Purpose.** The purpose of this chapter is to regulate the granting of right-of-way construction permits and to ensure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the critical areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants. (Ord. 17691 § 10, 2013: Ord. 16266 § 2, 2008: Ord. 9614 § 107, 1990: Ord. 1711 § 1, 1973).

**14.44.020 Construction permit - required.**

A. All construction work performed by franchised utilities, telephone and telegraph companies and within King County right-of-way shall require a right-of-way construction permit to be issued by the real estate services section of the facilities management division, except that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include but not be limited to the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities.

B. The department of transportation and all other county departments during the construction of capital improvement projects shall install vacant conduit reserved for the future installation of fiber optic cable in accordance with the county's I-Net and Wide Area Network Plans; all capital improvement projects not requiring trenching or modification to the subgrade, such as overlays and shoulder widening, shall be exempted from this requirement. (Ord. 17691 § 11, 2013: Ord. 12486 § 1, 1996: Ord. 5275 § 1, 1981: Ord. 1711 § 2, 1973).

**14.44.030 Construction permit - application - generally.** Applications for all right-of-way construction permits shall be submitted, in writing, to the real property division\*. The application shall contain whatever information, including plans and specifications, which the real property division\* shall require. (Ord. 5275 § 2, 1981: Ord. 1711 § 3, 1973).

**\*Reviser's note: Ordinance 14199 renamed and transferred the powers, duties and functions to the facilities management division.**

**14.44.040 Right-of-way construction permit application - fees.**

A. Each application for a right-of-way construction permit requires a fee payable to the county as set forth in K.C.C. 4A.675.030 for the administrative costs of reviewing and processing the application.

B. The real estate services section shall have the authority to require applicants to reimburse the county for the actual costs incurred by the county as a result of issuance, renewal or amendment of a right-of-way construction permit, to the extent the costs exceed the costs of reviewing and processing the application recovered by the application fee. The payment of actual costs shall be made at the time of permit issuance. (Ord. 18403 § 12, 2016: Ord. 17691 § 13, 2013: Ord. 17515 § 9, 2013: Ord. 16295 § 8, 2008: Ord. 15316 § 2, 2005: Ord. 14264 § 6, 2001: Ord. 13327 § 2, 1998: Ord. 10172 § 1, 1991: Ord. 7025 § 2, 1984: Ord. 7021 § 1, 1984: Ord. 5275 § 3, 1981: Ord. 1711 § 4, 1973).

**14.44.050 Construction permit - application - review.**

A. The department of executive services shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of transportation shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The department of natural resources and parks shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A nonexpanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met. (14498 § 22, 2002: Ord. 13625 § 15, 1999: Ord. 5275 § 4, 1981: Ord. 4273 § 1, 1979: Ord. 1711 § 5, 1973).

#### **14.44.055 Emergency construction permits - Unfranchised utilities.**

A. Before January 1, 2018, the facilities management division may issue right-of-way construction permits to unfranchised utilities. Thereafter, the facilities management division may issue right-of-way construction permits to unfranchised utilities only under the following circumstances:

1. When the Seattle-King County department of public health has certified in writing to the facilities management division that the proposed work is necessary to address a specifically identified public health hazard;

2. When the road services division of the department of transportation has certified in writing to the facilities management division that the proposed work is necessary to address specifically identified actual or imminent damage to county right-of-way or to address specifically identified hazards to users of county right-of-way; or

3. If the unfranchised utility is involved in good-faith negotiation with the county that is likely to result in a franchise that will be submitted to the council for approval and the executive has certified that status in writing. The certification shall be in a letter that shall be filed with the clerk of the council in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the facilities management division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050.A. and C. (Ord. 18403 § 13, 2016: Ord. 14199 § 205, 2001: Ord. 11790 § 1, 1995).

#### **14.44.060 Policy on accommodation of utilities.** Adoption.

A. "King County Regulations for Accommodation of Utilities on County Road Rights-of-Way 1997" is hereby approved and adopted as the King County policy for utility installation and maintenance operations within King County road rights-of-way. (Ord. 13015 § 1, 1998).

**14.44.070 Coordination of right-of-way construction.**

A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such an entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant.

B. The real estate services section shall also coordinate the approval of right-of-way construction permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, if it finds that such delay will not create undue economic hardship on the applicant, or if it finds that such delay will allow the county to install conduit for future installation of fiber optic cable.

C. The real estate services section shall inform the department of transportation of all right-of-way construction permits issued.

D. The real estate services section shall forward copies of all right-of-way construction permit applications for projects one thousand feet or longer to the department of information and administrative services. The division of information technology services will determine within fifteen working days whether the installation of conduit may be needed for the future installation of fiber optic cable to connect county or other public facilities. (Ord. 17691 § 14, 2013: Ord. 12486 § 2, 1996: Ord. 5275 § 5, 1981: Ord. 1711 § 7, 1973).

**14.44.080 Performance guarantee required.** Prior to final approval of all right-of-way construction permits, the department of transportation shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of K.C.C. Title 27A. (Ord. 14199 § 206, 2001: Ord. 12020 § 48, 1995: Ord. 1711 § 8, 1973).

**14.44.090 Construction permit - Form.** The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of transportation. (Ord. 14199 § 207, 2001: Ord. 1711 § 9, 1973).

**14.44.100 Notification by permittee of construction commenced.** The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of transportation for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); and King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit. (Ord. 14199 § 208, 2001: Ord. 1711 § 10, 1973).

**14.44.110 Enforcement.** The director of the department of transportation and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 14199 § 209, 2001: Ord. 2910 § 5, 1976: Ord. 1711 (part), 1973).

**14.44.115 Productivity and customer service report.** Concurrent with the annual submittal of the executive proposed budget, on or about October 1 of each year, a report shall be provided to the county council by the real estate services section or its successor detailing performance measurements for each function within the permit and franchises section or its successor. The performance measurements shall include historical reporting for the current year-to-date and the preceding three years. The data reported is to include, but not be limited to: the number of permits and other transactions processed and the number of employees for each period; the average, longest and shortest periods of time for permits processed by the division for each year; the criteria used to determine the value of easements and of annual fees for use of county property, demonstrating utilization of commonly accepted principles of real estate appraisal; and the appraisal reports and fee calculation formulas for easements and annual fees for uses for all fees assessed in excess of one thousand dollars. (Ord. 17691 § 15, 2013: Ord. 14264 § 9, 2001).

#### **14.45 WIRELESS MINOR COMMUNICATION FACILITIES WITHIN COUNTY RIGHTS-OF-WAY**

##### **Sections:**

- 14.45.010 Purpose.
- 14.45.030 Exemptions.
- 14.45.040 Grant of authority – right-of-way use agreement required.
- 14.45.050 Grant of authority – effective period.
- 14.45.060 Application – contents.
- 14.45.070 Application review.
- 14.45.080 Application review and inspection fees.
- 14.45.090 Annual use payment for use of rights-of-way.
- 14.45.100 Insurance requirements.
- 14.45.110 Liquidated damages.
- 14.45.120 Liability and indemnification.
- 14.45.130 Antenna and equipment cabinets/buildings abutting residential zones.

**14.45.010 Purpose.** The purpose of this chapter is to grant, through right-of-way use agreements, authority for the placement of minor communication facilities within the county rights-of-way, and to establish standards for right-of-way use agreements which:

A. Compensate the county for the value of the use of the county right-of-way by wireless telecommunications providers; and

B. Reimburse the county for ongoing costs associated with those uses of the county right-of-way; and

C. Encourage competition by establishing consistent terms and conditions under which wireless telecommunications providers may use valuable public property to serve the public; and

D. Fully protect the public and the county from any harm that may flow from such private use of county right-of-way; and

E. Protect and carry out the authority of the county over activities in the county right-of-way, while recovering costs; and

F. Allow the county to exercise its stewardship responsibilities with regard to county right-of-way in a manner consistent with all applicable county policies and codes, including but not limited to the zoning code, the county comprehensive plan, county road standards; and

G. Otherwise protect the public interests in the development and use of the

county right-of-way infrastructure and in preserving and improving the aesthetics of the community. (Ord. 13734 § 3, 2000).

**14.45.030 Exemptions.** The following wireless minor telecommunication facilities are not subject to the provisions of this chapter:

A. Facilities located or constructed by King County or under contract to King County; and

B. Facilities for wireless telecommunication service providers that have current franchise agreements pursuant to K.C.C. chapter 6.27A. (Ord. 13734 § 5, 2000).

**14.45.040 Grant of authority - right-of-way use agreement required.** Wireless minor communication facilities shall only be located or constructed within King County rights-of-way after a right-of-way use agreement is issued by the real estate services section of the facilities management division. Before issuing the agreement, the division shall ensure that the proposed facility is located, designed and proposed to be constructed in a manner that complies with all applicable county policies and codes, including but not limited to, Ordinance 13734, zoning code, the county Comprehensive Plan, county road standards, and the Regulation for Accommodations of Utilities on county Roads Right-of-Way adopted by K.C.C. 14.44.060. Furthermore, the right-of-way use agreement shall only allow placement of wireless telecommunication facilities on improved and maintained county road rights-of-way. (Ord. 17691 § 16, 2013: Ord. 13734 § 6, 2000).

**14.45.050 Grant of authority - effective period.** The right-of-way use agreement constitutes authorization for the applicant to use the county right-of-way at the location specified in the agreement for no more than ten years. Failure to comply with the terms and conditions of the right-of-way agreement, including payment of required annual compensation, is cause for revoking of the use agreement. The agreement holder shall remove facilities authorized the agreement from the county right-of-way upon expiration of the agreement, unless renewed, or upon revocation of the agreement for cause. (Ord. 13734 § 7, 2000).

**14.45.060 Application - contents.**

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

1. An application form provided by the real estate services section of the facilities management division and completed by the applicant;
2. The name of the applicant and a designated contact person;
3. Plans and specifications for any structures, antenna or other equipment to be placed in the right-of-way or, if applicable, on abutting private property;
4. A vicinity map showing the specific location of right-of-way subject to the application;
5. When structures and equipment are to be located on abutting properties:
  - a. a site plan illustrating the relationship to property lines and other structures on the site,
  - b. legal description of the site abutting property, and
  - c. proof that the abutting property is a legally recognized lot pursuant to K.C.C. Title 19A;
6. A critical areas affidavit if required by K.C.C. chapter 21A.24;
7. A completed environmental checklist, if required by K.C.C. chapter 20.44;

and

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

B. The applicant shall attest by written oath to the accuracy of all information submitted for an application. (Ord. 17515 § 10, 2013: Ord. 16266 § 3, 2008: Ord. 13734 § 8, 2000).

**14.45.070 Application review.** The real estate services section, roads services division of the department of transportation and the department of permitting and environmental review shall coordinate review and inspection of the application for a right-of-way use agreement and, to the extent required, any zoning approvals, building permits and environmental review under the state Environmental Policy Act, as follows:

A. The real estate services section shall coordinate the review by all departments of right-of-way use agreement applications.

B. The roads services division shall review and evaluate applications with respect to the hazard and risk of the proposed construction and location of the proposed construction in relation to other utilities in the right-of-way.

C. The department of permitting and environmental review shall review and evaluate all applications to determine consistency with respect to the standards and requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also be the lead agency for purposes of any environmental review required under K.C.C. 20.44. (Ord. 17691 § 17, 2013: Ord. 17420 § 40, 2012: Ord. 13734 § 9, 2000).

**14.45.080 Application review and inspection fees.**

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

**Review Agency**

Real estate services section of the facilities management division (application processing and coordinating)

**Fee**

as set forth in K.C.C.

4A.675.050

Road services division (inspection)

\$125 per hour

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

B. In addition, the real estate services section shall have the authority to require applicants to reimburse the real estate services section for actual costs and all expenses incurred by the real estate services section as a result of issuance, renewing or amending a wireless right-of-way use agreement under this chapter, to the extent the costs exceed the costs of processing the application recovered by the application processing and coordination fee. The payment of actual cost balances shall be made at the time the wireless right-of-way use agreement is executed. (Ord. 17923 § 47, 2014: Ord. 17691 § 18, 2013: Ord. 17515 § 12, 2013: Ord. 17420 § 41, 2012: Ord. 16295 § 10, 2008: Ord. 13734 § 10, 2000).

**14.45.090 Annual use payment for use of rights-of-way.**

A. In consideration for continuing use of the county rights-of-way, an agreement holder shall commit to provide an annual use payment. The amount of the use payment shall be as set forth in K.C.C. 4A.675.060.

B. Use payments shall be paid to the real estate services section of the facilities management division and are due upon the signing of the agreement, prorated to the end of the year, and the first of January every year thereafter. (Ord. 17515 § 14, 2013: Ord. 13734 § 11, 2000).

**14.45.100 Insurance requirements.**

A. For any right-of-way use agreement, the agreement holder must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than one million dollars (\$1,000,000), in an amount approved by the King County office of risk management. All policies must name King County as an additional named insured.

B. All policies shall be placed with insurers having a Bests' rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII rating. The agreement holder shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the office so designated in the application prior to the county's execution of the agreement. (Ord. 13734 § 12, 2000).

**14.45.110 Liquidated damages.** All right-of-way use agreements may provide for liquidated damages to compensate the county for harm caused by violation of an agreement or this chapter, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. (Ord. 13734 § 13, 2000).

**14.45.120 Liability and indemnification.**

A. All right-of-way use agreements shall contain the following provision: the holder of agreement shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the agreement, or Ordinance 13734 because of the enforcement of the agreement, or Ordinance 13734 except if such loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the county or its agents.

B. All right-of-way use agreements shall contain the following provision: to the extent permitted by law, the holder of the agreement shall, at its sole cost and expense, indemnify, hold harmless, and defend the county and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third - party claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, repair, maintenance or operation of its wireless telecommunication facilities, or in any way arising out of the agreement holder's enjoyment or exercise of the right-of-way use agreement granted pursuant, or otherwise subject, to Ordinance 13734, regardless of whether the act or omission complained of is authorized, allowed or prohibited by Ordinance 13734 or an agreement. This provision includes, but is not limited to expenses for reasonable legal fees and for disbursements and liabilities assumed by the county as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the agreement, its officers, employees, or agents or to which the agreement holder's negligence shall in any way contribute;

2. Arising out of a agreement holder's failure to comply with the provisions of any federal, state or local statute, ordinance, rule, or regulation applicable to the agreement holder.

C. The county shall give the agreement holder timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by ordinance 13734. In the event any such claim arises, the county or any other indemnified party shall tender the defense thereof to the permit and the agreement holder shall have the right to defend, settle, or compromise any claims arising hereunder and the county shall cooperate fully therein. (Ord. 13734 § 14, 2000).

**14.45.130 Antenna and equipment cabinets/buildings abutting residential zones.** Antenna and equipment cabinets/buildings abutting zoned UR, RA or R shall be subject to the following:

A. Antennas shall not extend horizontally more than three feet from any pole to which it is mounted. This provision shall be reviewed one year after March 16, 2000, to evaluate aesthetic benefits upon residential neighborhoods and to determine the effects upon the ability of wireless service providers to reasonably and efficiently place facilities within the right-of-way. In order to facilitate this review, wireless service providers shall provide photographs documenting antennas located on all current facilities that are subject to right-of-way use agreements.

B. Electronic equipment cabinets or buildings shall be constructed underground when there is an existing residential dwelling unit within three hundred feet, unless the required excavation will occur within the required buffers of critical areas, such as wetlands, streams and steep slopes, thus posing greater potential for environmental degradation of the critical area. (Ord. 16266 § 4, 2008: Ord. 13734 § 15, 2000).

## **14.46 PUBLIC AND PRIVATE UTILITIES ON KING COUNTY REAL PROPERTY**

### Sections:

- 14.46.010 Purpose.
- 14.46.020 Permit - required - exceptions.
- 14.46.030 Permit - issuance authority - use.
- 14.46.040 Permit - privilege limitations.
- 14.46.050 Permit - compliance with applicable provisions.
- 14.46.060 Permit - terms and conditions.
- 14.46.070 Permit - application - required information.
- 14.46.080 Permit - issuance for utility construction work and installation, and other uses, upon, above, over, under and across any place that is not a right-of-way – fees reimbursement of costs.
- 14.46.090 Review and certification by agencies.
- 14.46.100 Financial guarantee requirements.
- 14.46.110 Notice of proposed use and commencement - departmental coordination of permit approval.
- 14.46.120 Notice to agencies of construction date.
- 14.46.130 Permit revocation.
- 14.46.140 Termination of privileges - assessment.
- 14.46.150 Enforcement.
- 14.46.160 Rights reserved to county - conformance and payment of cost required.
- 14.46.170 Rule and regulation promulgation.

**14.46.010 Purpose.** The purpose of this chapter shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right-of-way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the county Comprehensive Plan, the critical areas code, sound engineering and design standards, and health and sanitation regulations. (Ord. 16266 § 5, 2008: Ord. 9614 § 108, 1990: Ord. 4099 § 1, 1979).

**14.46.020 Permit - required - exceptions.** All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the facilities management division; provided, that construction work undertaken by King County or under contract to King County or



requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities. (Ord. 14199 § 210, 2001: Ord. 4099 § 2, 1979).

**14.46.030 Permit - issuance authority - use.** The facilities management division is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under or across any public place in King County. The permits shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right-of-way. (Ord. 14199 § 211, 2001: Ord. 4099 § 3, 1979).

**14.46.040 Permit - privilege limitations.** The permits shall not be construed to convey any vested right in the property. The permits grant only a personal and revocable privilege and license to do one or more acts on the property without possessing any interest in the property. (Ord. 4099 § 4, 1979).

**14.46.050 Permit - compliance with applicable provisions.** The issuance of permits authorized in this chapter does not relieve or release the permittee from complying with other applicable statutes, ordinances, restrictions, regulations, rules or obligations in connection with the permittee's proposed use of the property. (Ord. 4099 § 5, 1979).

**14.46.060 Permit - terms and conditions.** The permits shall be subject to all terms, conditions and restrictions, imposed by the department responsible for the management of the property to be affected, deemed necessary to preserve all characteristics consistent with public ownership; consequently, the general and specific terms, conditions and restrictions of the permits will vary according to, but not limited to, the following:

- A. The property interest owned by King County;
- B. All federal, state or local restrictions placed on the use of the property;
- C. The purpose for acquiring the property;
- D. Plans for the future development of the property;
- E. The applicant's proposed use of the property; and
- F. The individual characteristics of the property. (Ord. 4099 § 6, 1979).

**14.46.070 Permit - application - required information.** Applications for all permits shall be submitted, in writing, to the real estate services section of the facilities management division. The application shall contain whatever information, including plans and specifications, the real estate services section requires. (Ord. 16295 § 12, 2009: Ord. 4099 § 7, 1979).

**14.46.080 Permit - issuance for utility construction work and installation, and other uses, upon, above, over, under and across any place that is not a right-of-way - fees reimbursement of costs.**

A. Each application requires a fee as set forth in K.C.C. 4A.675.070 payable to the real estate services section of the facilities management division for the administrative costs and expenses of processing the application. The fee is nonrefundable. The real estate services section shall have the authority to require applicants to reimburse the real estate services section for the actual cost incurred by the real estate services section as a result of issuance, renewal or amendment of the permits under this section to the extent the costs exceed the cost of processing the application recovered by the application fee. The payment of actual cost balances shall be made at the time of permit issuance.

B. In addition, the permittee is required to pay an inspection fee as set forth in K.C.C. 4A.675.070.C. to the department responsible for the management of the property to be affected. (Ord. 17515 § 16, 2013: Ord. 16295 § 13, 2008: Ord. 14264 § 8, 2001: Ord. 13327 § 8, 1998: Ord. 7020 § 1, 1984: Ord. 4099 § 8, 1979).

**14.46.090 Review and certification by agencies.**

A. The real estate services section shall coordinate the review by all departments of permit applications.

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

C. The Seattle-King County department of public health shall review and evaluate applications for the construction of waterworks, except for domestic service connections, to determine consistency with state and local health and sanitation regulations.

D. The King County fire marshal shall review and evaluate applications for the construction of waterworks to determine consistency with county standards for water mains and fire hydrants.

E. All applications for the construction of sewer or water facilities must be certified by the department of permitting and environmental review as consistent with a sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24.

F. In any case, the real estate services section shall forward the application to the department for recommendations on critical area issues and real estate services section shall be responsible for assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 17691 § 19, 2013: Ord. 17420 § 42, 2012: Ord. 16266 § 6, 2008: Ord. 11792 § 12, 1995: Ord. 9614 § 109, 1990: Ord. 4099 § 9, 1979).

**14.46.100 Financial guarantee requirements.** Prior to final approval of all permits, the department responsible for the management of the property to be affected shall determine the amount of the performance guarantee necessary to assure compliance with approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants, and to assure proper restoration of the property and the health and safety of the users of the property. The applicant shall submit the financial guarantee consistent with the provisions of Title 27A. (Ord. 12020 § 49, 1995: Ord. 4099 § 10, 1979).

**14.46.110 Notice of proposed use and commencement - departmental coordination of permit approval.**

A. The applicant, at the time of submitting an application for a permit, shall notify all public and private utility entities known to be using or proposing to use the same public place of the applicant's proposed use and the proposed timing of any construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of any proposed construction for the purpose of coordinating other construction work on the property with that proposed by the applicant. The real property division\* may delay the commencement date for the applicant's construction work on the property for ninety days or less if it finds that such delay will reduce the inconvenience to the public from construction activities, and it finds that such delay will not create undue economic hardship on the applicant.

B. The real property division\* shall also coordinate the approval of permits with the department responsible for the management of the property to be affected and may delay the commencement date for the applicant's construction work for ninety days or less upon making the findings described in subsection A. of this section.

C. The real property division\* shall inform the Seattle-King County department of public health of permits for construction of waterworks (except domestic service connections), and the King County fire marshal of permits for waterworks. (Ord. 4099 § 11, 1979).

**14.46.120 Notice to agencies of construction date.** The permittee is required to give written notice of the date construction will begin to the following agencies: The department responsible for the management of the property to be affected; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for construction of waterworks. Failure to give such notice is grounds for the revocation or suspension of the permit. (Ord. 4099 § 12, 1979).

**14.46.130 Permit revocation.** Any permit issued by the authority of this chapter shall be revocable at any time that the department responsible for the management of the property affected shall determine that the public health, safety, general welfare, or public use requires such revocation, and the right to revoke is expressly reserved to King County. At a reasonable time prior to action upon such revocation or proposed revocation, opportunity shall be afforded to the permittee to present for consideration action or actions alternative to the revocation of such permit. (Ord. 4099 § 13, 1979).

**14.46.140 Termination of privileges - assessment.** All privileges granted by the permits shall automatically terminate at such time as the permittee ceases to use the property and any facilities authorized by the permit. The permittee may terminate the agreement by written notice to the manager of the real property division. Upon revocation, termination or abandonment of any permit, the permittee shall remove at the permittee's expense all facilities placed on such property by the permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the county. If the permittee has not accomplished removal and restoration at the end of a ninety-day period following the effective date of revocation, termination or abandonment, the county may accomplish all of the necessary work and charge all of the costs to the permittee. (Ord. 18683 § 5, 2018; Ord. 4099 § 14, 1979).

**14.46.150 Enforcement.** In addition to other enforcement powers and not in limitation thereto, the manager of the Real Property division\* is authorized to enforce the provisions of this chapter, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 4099 § 15, 1979).

**\*Reviser's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division.**

**14.46.160 Rights reserved to county - conformance and payment of cost required.** The county reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including, but not limited to, constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The permittee upon written notice will at the permittee's own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work

contemplated or ordered by the county according to a time schedule contained in the written notice. (Ord. 18683 § 6, 2018: Ord. 4099 § 16, 1979).

**14.46.170 Rule and regulation promulgation.** The manager of the Real Property division may promulgate any rules and regulations necessary for the operation of this chapter. (Ord. 4099 § 17, 1979).

## **14.48 SNOW EMERGENCY ROUTES**

### **Sections:**

- 14.48.010 Identification and designation.
- 14.48.020 Publication.
- 14.48.040 Coordination of snow removal activities with other jurisdictions.

**14.48.010 Identification and designation.** The director of the road services division may identify and designate as snow emergency routes certain arterials and school bus routes in the county. The snow emergency routes shall be the first roads to be either sanded or cleared of snow, when weather safely allows. (Ord. 18420 § 78, 2016: Ord. 14199 § 212, 2001: Ord. 1503 § 1, 1973).

**14.48.020 Publication.** The director of the road services division shall publish on the road services division website a listing of all snow emergency routes in the county road system. The listing of snow emergency routes shall be published before the second Monday in November in order to assist schools, emergency responders and others during inclement weather. (Ord. 18420 § 79, 2016: Ord. 14199 § 213, 2001: Ord. 1503 § 2, 1973).

**14.48.040 Coordination of snow removal activities with other jurisdictions.** The director of the road services division shall coordinate snow removal activities with federal, state, county and local jurisdictions located within or adjacent to King County for the purpose of continuity in clearing snow emergency routes. (Ord. 18420 § 81, 2016: Ord. 14199 § 215, 2001: Ord. 1503 § 4, 1973).

## **14.52 SIDEWALKS, PLANTING STRIPS AND STREET TREES**

### **Sections:**

- 14.52.020 Sidewalk - repair determination - responsibility and costs – notices - lien.
- 14.52.040 Planting strip maintenance.
- 14.52.070 Exemption from K.C.C. 14.52.040 permitted – when - applications.
- 14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited.

**14.52.020 Sidewalk - repair determination - responsibility and costs – notices - lien.**

A. Whenever a portion of any county road is improved by a sidewalk and the sidewalk has become unfit or unsafe for public travel, the county road engineer may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience.

B. The [county road engineer] shall investigate the cause of the damage to the sidewalk. If the county road engineer determines the damage resulted from the actions of the abutting property owner or resulted from an instrumentality located on the abutting property, the county road engineer shall notify the abutting property owner that the expense

of repair shall be the responsibility of the abutting property owner, except that the abutting property owner is not responsible for any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements.

C. The notice required by subsection B. of this section should include an estimate of the cost of the sidewalk repair, a description of reasons that the county will be seeking to recover its repair costs from the abutting property owner and the maximum amount of repair costs the county will seek to recover from the abutting property owner. The notice may be delivered in person to the property owner, to the resident of the property or by mail to the last known address of the owner. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the road where the improvements are to be made.

D. After the county repairs or reconstructs the sidewalk segment, the county shall send a request to the abutting property owner for payment of the repair costs assessable against the property owner. If the abutting property owner does not remit the required payment for the repair costs within sixty days, the county shall assess the cost of the repairs assessable against the abutting property owner, which shall become a lien against the property if not paid. (Ord. 18420 § 83, 2016: Ord. 14199 § 216, 2001: Ord. 3027 § 2, 1976).

#### **14.52.040 Planting strip maintenance.**

A. A person shall not place trees, shrubbery, structures or other objects in planting strips located within the right of way of any county road, unless authorized by a variance issued by the county road engineer.

B. A person owning property abutting county road right of way shall not allow trees, shrubbery, structures or other objects on the owner's property to retard the ability of the driving public to have adequate visibility of pedestrians, other vehicles using, entering or exiting the county road or block the visibility of county road signs and signals.

C. If the county road engineer finds that the property abutting a county road is not being properly maintained as required in subsection B. of this section, a notice shall be sent to the property owner as provided in K.C.C. 14.52.020, specifying a reasonable time within which the maintenance shall be accomplished.

D. If the owner fails to carry out the maintenance within the period in the notice, the department of transportation shall seek all remedies, including, but not limited to, legal relief in equity or law. (Ord. 18420 § 85, 2016: Ord. 14199 § 218, 2001: Ord. 3027 § 4, 1976).

#### **14.52.070 Exemption from K.C.C. 14.52.040 permitted – when - applications.**

A resident whose property is substantially higher or lower in elevation than the road and who does not have road access from one or more sides of the resident's property may apply for an exemption from K.C.C. 14.52.040. Exemptions may be granted by the county road engineer based upon standards that shall be established by the department of transportation. (Ord. 18420 § 87, 2016: Ord. 3027 § 7, 1976).

#### **14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited.**

A. Notwithstanding any provision of franchise agreements, street trees planted within the public right-of-way along roads under the jurisdiction of King County shall not be removed or cut back so as to generally damage the aesthetic quality of the tree. Such trimming, when required by power or telephone companies to safeguard their wires, shall be done in a manner that preserves the general appearance of the tree. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and such traffic warning or regulatory signs that are in place. (Ord. 3027 § 8, 1976).

#### **14.56 NONMOTORIZED TRANSPORTATION** *(Formerly NON-MOTORIZED VEHICLE PROGRAM)*

##### **Sections:**

- 14.56.020 Program established.
- 14.56.030 Duties and responsibilities.

**14.56.020 Program established.** There is established a nonmotorized transportation program. The program shall consist of the nonmotorized policies in the King County Comprehensive Plan and the respective functional plans of the responsible county agencies, nonmotorized project needs contained in agency capital improvement programs and operational activities that:

A. Identify and document the nonmotorized transportation needs in the county for bicyclists, pedestrians, equestrians and special populations such as school children or people with limited mobility and wheelchair users;

B. Determine ways that nonmotorized transportation can be integrated into the current and future county transportation network and services, including transit;

C. Inform and educate the public on issues relating to nonmotorized transportation, including compliance with traffic laws; and

D. Consider nonmotorized transportation safety and other needs in all related county programs, and encourage the same consideration on an interlocal and regional basis. (Ord. 18427 § 4, 2016: Ord. 14048 § 2, 2001: Ord. 8421 § 3, 1988).

**14.56.030 Duties and responsibilities.** The department of transportation shall:

A. Implement the nonmotorized transportation program;

B. Provide support to any ad hoc nonmotorized transportation advisory committee;  
and

C. Work with other jurisdictions and nongovernmental organizations to identify, develop and promote programs that encourage the use of nonmotorized modes of transportation. (Ord. 18427 § 5, 2016 Ord. 14048 § 3, 2001: Ord. 8421 § 4, 1988).

#### **14.70 TRANSPORTATION CONCURRENCY MANAGEMENT**

##### **Sections:**

- 14.70.205 Authority and purpose.
- 14.70.220 Transportation adequacy measure and travel time standards.
- 14.70.230 Concurrency analysis and test.
- 14.70.240 Requirement for concurrency.
- 14.70.260 Appeals.
- 14.70.270 Update of the transportation concurrency map.
- 14.70.285 Minor developments and certain public and educational facilities.
- 14.70.290 Intergovernmental coordination.
- 14.70.300 Relationship to state Environmental Policy Act.

**14.70.205 Authority and purpose.**

A. This chapter is enacted under King County's powers as a home rule charter county, Article XI, Section 11 of the Washington State Constitution and the Growth Management Act, chapter 36.70A RCW.

B. It is the purpose of this chapter to:

1. Ensure that county level of service standards are achieved "concurrently" with development, as required by the Growth Management Act and the Comprehensive Plan, by denying approval of development that would cause the level of service on transportation facilities to decline below county standards;

2. Ensure that the concurrency program directly reflects the financial commitments of the adopted CIP currently in effect; and

3. Ensure that the transportation concurrency policies established by the county council are carried out through technical procedures approved by the council. (Ord. 14050 § 7, 2001).

**14.70.220 Transportation adequacy measure and travel time standards.**

A. Concurrency shall be determined by the application of travel time standards to designated principal and minor arterials associated with the adopted travel shed map.

B.1. The travel time standards are levels of service based on average travel speed in miles per hour, and the standards vary by road classification. The travel time standard for the Urban Growth Area and the Rural Mobility Areas is level of service E. The travel time standard for the Rural Area is level of service B. The travel time standard for the Rural Neighborhood Commercial Centers is level of service D. The travel time standard for the minor developments and public and educational facilities listed in K.C.C. 14.70.285 is level of service F.

2. The following table identifies the range of travel speeds for the travel time levels of service.

<b>LEVEL OF SERVICE SPEEDS</b>		
	Principal Arterials	Minor Arterials
<b>LEVEL OF SERVICE</b>	<b>AVERAGE TRAVEL SPEED (MILES PER HOUR)</b>	
<b>A</b>	>35	>30
<b>B</b>	>28 – 35	>24 – 30
<b>C</b>	>22 – 28	>18 – 24
<b>D</b>	>17 – 22	>14 – 18
<b>E</b>	>13 – 17	>10 – 14
<b>F</b>	<=13	

(Ord. 18459 § 2, 2017: Ord. 16266 § 8, 2008: Ord. 15839 § 2, 2007: 15030 § 2, 2004: Ord. 14580 § 2, 2003: Ord. 14375 § 1, 2002: Ord. 14050 § 9, 2001).

**14.70.230 Concurrency analysis and test.**

A. The department shall perform a concurrency analysis and test for each travel shed to determine whether areas within the travel sheds are concurrent. The test for each area shall be based on the level of service analysis results for the entire travel shed. Areas shall be deemed concurrent if eighty-five percent of the arterials within their travel shed meet level of service standards.

B. The department shall determine a travel shed map that reflects the urban and rural nature of the county and transmit the travel shed map to the county council along with the concurrency test results map that shows the passing and failing sheds, for adoption by ordinance. The department shall make a determination of concurrency according to the status indicated on the adopted concurrency test results map for the area in which the proposed development is located. (Ord. 18459 § 3, 2017: Ord. 17513 § 1, 2013: Ord. 17253 § 1, 2012: Ord. 17040 § 1, 2010: Ord. 16763 § 1, 2010: Ord. 16266 § 9, 2008: Ord. 15030 § 3, 2004: Ord. 14580 § 3, 2003: Ord. 14375 § 2, 2002: Ord. 14050 § 10, 2001).

#### **14.70.240 Requirement for concurrency.**

A. The department of permitting and environmental review shall accept applications for a development approval only for development in areas that pass the concurrency test as shown on the concurrency test results map in effect at the time of application, except as provided in K.C.C. 14.70.285.

B. The concurrency test results map is valid for the development permit application period and subsequently for the same time as the development approval. (Ord. 18459 § 4, 2017: Ord. 17420 § 45, 2012: Ord. 16266 § 10, 2008: Ord. 15030 § 4, 2004: Ord. 14050 § 11, 2001).

#### **14.70.260 Appeals.**

A. Any issues relating to the adequacy of the concurrency analysis and test or to the accuracy of the concurrency test results map shall be raised to the council during council consideration of the concurrency [test results]\* map as provided in K.C.C. 14.70.270.

B. There is no administrative appeal of the department of permitting and environmental review's final decision of concurrency denial or approval based on the concurrency [test results]\* map. (Ord. 18459 § 5, 2017: Ord. 17420 § 46, 2012: Ord. 16266 § 11, 2008: Ord. 15030 § 5, 2004: Ord. 14580 § 6, 2003: Ord. 14375 § 3, 2002: Ord. 14050 § 13, 2001).

**\*Reviser's note: Added but not underlined in Ordinance 18459. See K.C.C. 1.24.075.**

#### **14.70.270 Update of the transportation concurrency map.**

A. The concurrency test results map shall be reviewed and updated in even-numbered years or when directed by the council by motion. The update process shall reflect the most recently adopted roads CIP, the current boundaries of the unincorporated area, current traffic volumes and current travel time. If the update requires changes in the concurrency test results map, the new concurrency test results map shall be submitted to council for its approval by ordinance no later than July 31, together with the report required in subsection B. of this section. The approved map shall be deemed adequate for the purposes of concurrency analysis and shall be used to determine the concurrency of proposed development projects.

B. The road services division shall prepare a report on the concurrency program update for submission to the council by July 31, together with any ordinance required by subsection A. of this section. The report shall explain the technical assumptions, land use changes, network changes and other parameters used to update the concurrency test results map and travel shed boundary map.

C. Any changes to the concurrency status of an area or areas on the concurrency test results map other than those resulting from the update process may only be accomplished by the council, through an ordinance, by changing any combination of the adopted level of service standards or the list of funded projects in the most recently adopted CIP. (Ord. 18459 § 6, 2017: Ord. 17914 § 1, 2014: Ord. 17420 § 47, 2012: Ord. 17253 § 2, 2012: Ord. 16266 § 12, 2008: Ord. 15840 § 1, 2007: Ord. 15839 § 4, 2007: Ord. 15030 § 6, 2004: Ord. 14580 § 2003: Ord. 14375 § 4, 2002: Ord. 14050 § 14, 2001).

#### **14.70.285 Minor developments and certain public and educational facilities.**

The following minor developments and public and educational facilities are subject to the concurrency test using level of service standard F:

A. Short subdivisions within the Urban Growth Area;



B. Any multifamily residential structure or structures totaling eight dwelling units or less within the Urban Growth Area;

C. Any new public senior high school within the Urban Growth Area and any modification to an existing public senior high school regardless of location, including any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities, only if the school prepares and implements a transportation demand management plan. New public high schools outside the Urban Growth Area must meet the Rural Area standard level of service B in the provisions of this chapter. This high school transportation demand management plan shall be submitted to and approved by the director of the department of transportation or the director's designee before the issuance of the building permit. The high school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single-occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school district and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals. A high school may voluntarily choose to prepare and implement a transportation demand management plan for any expansion of an existing public high school facility that would not generate new trips during the peak period;

D. Parks, as defined in K.C.C. 21A.06.835;

E. Public agency or utility office, as defined in K.C.C. 21A.06.930, in the Urban Growth Area;

F. Public agency or utility yard, as defined in K.C.C. 21A.06.935, in the Urban Growth Area;

G. Building permits for single-family structures;

H. The construction of a structure for a nonresidential use generating no more than twelve peak-period trips;

I. Any development that will not increase the traffic volumes in the peak period;

J. Any public elementary, middle or junior high school facilities, including new facilities and any renovation, expansion, modernization or reconstruction of existing facilities and the addition of relocatable facilities;

K. Private elementary, middle or junior high schools. To qualify for the travel time level of service F standard, a school must prepare and implement a transportation demand management plan submitted to and approved by the director of the department or the director's designee before the issuance of the building permit. The school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school and department of transportation will cooperate in monitoring the implementation of such measures and make adjustments as needed to achieve reduction goals; and

L. Within Rural Area travel sheds that fall below the adopted level of service standards, short subdivisions, if for each lot that is created, up to four lots, one rural transferable development right under K.C.C. chapter 21A.37 is purchased from the same travel shed. However, where the short subdivision is creating only two lots, the property has been owned by the applicant for five or more years and the property has not been subdivided in the last five years, then no purchase of a transfer of development right shall be required to satisfy the transportation concurrency requirement. (Ord. 18459 § 7, 2017: Ord. 16266 § 13, 2008: 15030 § 9, 2004).

#### **14.70.290 Intergovernmental coordination.**

A. The county may enter into agreements and continue existing agreements with other local governments and the state of Washington to coordinate concurrency standards, impact fees and other mitigation.

B. The county may apply concurrency standards, fees and mitigation to development in the county that impacts transportation facilities in other local governments and the state of Washington. Development approvals by the county may include conditions and mitigation that will be imposed on behalf of, and implemented by, other local governments and the state of Washington.

C. The county may receive impact fees or other mitigation based on or as a result of development proposed in other jurisdictions that impacts the county. The county may agree to accept and implement conditions and mitigation that are imposed by other jurisdictions on development in those jurisdictions.

D. The county shall not require fees or mitigation for transportation facilities of other agencies unless an agreement has been executed between the county and the affected agency. (Ord. 15030 § 9, 2004: Ord. 14050 § 16, 2001).

**14.70.300 Relationship to state Environmental Policy Act.** A determination of concurrency shall be an administrative action of King County that is categorically exempt from the state Environmental Policy Act. (Ord. 14050 § 17, 2001).

## **14.80 INTERSECTION STANDARDS**

### **Sections:**

- 14.80.010 Authority and purpose.
- 14.80.030 Significant adverse impacts.
- 14.80.040 Mitigation and payment of costs.
- 14.80.050 Interjurisdictional agreements.
- 14.80.060 Relation to other permit authority.

### **14.80.010 Authority and purpose.**

A. This chapter is enacted in accordance with the state Environmental Policy Act, K.C.C. chapter 20.44, chapter 58.17 RCW, the King County Charter as a home rule county and Article 11, Section 11 of the Washington state Constitution.

B. The purpose of this chapter is to:

1. Assure adequate levels of service, safety and operating efficiency on the King County road system, at intersections serving and directly impacted by proposed new development;
2. Establish standards for intersection operation and define the relationship between new developments on road intersection function;
3. Identify development conditions to assure intersection capacity, safety and operational efficiency; and
4. Require that owners of new developments pay the proportionate costs of required intersection improvements. (Ord. 18420 § 89, 2016: Ord. 11617 § 57, 1994).

### **14.80.030 Significant adverse impacts.**

A. For the purposes of the state Environmental Policy Act and this section, a significant adverse impact is defined as any traffic condition directly caused by proposed development that would reasonably result in one or more of the following conditions at the time any part of the development is completed and able to generate traffic:

1. A roadway intersection that provides access to a proposed development, that will function at a level of service worse than "E" and that will carry thirty or more added vehicles in any one-hour period as a direct impact of the proposed development, and that will be impacted by at least twenty percent of the new traffic generated from the proposed development in that same one-hour period; or

2. A roadway intersection or approach lane where the county road engineer determines that a hazard to safety could reasonably result.

B. The intersection standard for all intersections shall be "E" and calculated according to the most current version of the Highway Capacity Manual produced by the Transportation Research Board of the National Research Council. (Ord. 18420 § 91, 2016: Ord. 11617 § 60, 1994).

#### **14.80.040 Mitigation and payment of costs.**

A. Based on the identification of intersection standards being exceeded using analytical techniques and information acceptable to the director of the department of transportation, the owner of a proposed development shall be required to provide improvements that bring the intersection into compliance with intersection standards, or that return the intersection to its preproject condition, as may be required by the director. Approval to construct the proposed development shall not be granted until the owner has agreed to build or pay fair and equitable costs to build the improvements required by the director within the time schedule set by the director.

B. At the discretion of the director, and based on technical information regarding traffic conditions and expected traffic impacts, the county may require that the owner of a proposed development pay the full costs of required intersection standards improvements required under this title.

C. Administrative fees shall not be charged for intersection standards review, but the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the road services division. (Ord. 18420 § 92, 2016: Ord. 11617 § 61, 1994).

#### **14.80.050 Interjurisdictional agreements.**

A. Nothing in this section shall prevent the county from entering into agreements with the Washington state Department of Transportation or other local jurisdictions for the collection of fees and the mitigation of traffic on state highways or city arterials that may be caused by developments proposed in King County. The level of service standards used in such agreements shall be those of the county, the Washington state Department of Transportation or the local jurisdiction, or some combination of them, as provided in the agreement.

B. Nothing in this section shall prevent the continuation, modification or fulfillment of existing county agreements with the Washington state Department of Transportation and local jurisdictions that were in force January 9, 1995. (Ord. 18420 § 93, 2016: Ord. 11617 § 62, 1994).

**14.80.060 Relation to other permit authority.** The procedures in this chapter do not limit the authority of King County to deny or to approve with conditions the following:

A. Any zone reclassification request, based on its expected traffic impacts;

B. Any proposed development or zone reclassification if the department of transportation determines that a hazard to safety would result from its direct traffic impacts without roadway or intersection improvements, regardless of level of service standards; or

C. Any proposed development reviewed under the authority of the Washington state Environmental Policy Act. (Ord. 18420 § 94, 2016: Ord. 11617 § 63, 1994).

### **14.85 REGIONAL STORMWATER DECANT FACILITIES DISPOSAL (Formerly REGIONAL VACTOR WASTE DISPOSAL)**

**Sections:**

14.85.010 Establishment and purpose.

**14.85.010 Establishment and purpose.**

A. There is hereby established a fee relating to the regional vector waste disposal plan. Effective January 1, 1998, all non-road services division entities using county-operated liquid and solid vector waste disposal facilities shall pay the fee in this section and K.C.C. 4A.700.880.

B. The fee shall be collected by the department of transportation road services division, which shall establish a procedure for collecting and depositing the fee in the road services division operating fund in accordance with RCW 43.09.220. (Ord. 18420 § 95, 2016: Ord. 13019 § 1 (part), 1998).