

17691

S1

11/5/2013 Council Meeting

Sponsor: McDermott

wsh

Proposed No.: 2013-0430

James D MOVED

PASSED: 9-0

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2013-0430, VERSION**

2 1

3 On page 2, beginning on line 28, strike everything through page 19, line 394, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 12045, Section 11, as amended, and K.C.C. 4.56.115 are

6 each hereby amended as follows:

7 A. The executive is authorized to execute utility easements, bills of sale or related

8 documents necessary for the installation, operation and maintenance of utilities to county

9 property, provided that the documents are reviewed and approved by the custodial

10 department or agency and the real estate services section of the facilities management

11 division. Temporary and permanent easements for utility purposes other than service to

12 county property may be granted by the executive if the easements will not interfere with

13 or hinder the use of the property by the custodial department or agency though the utility

14 easements that exceed fifty thousand dollars in value shall be subject to prior approval by

15 ordinance. Any other permanent easements granted by the county shall be subject to

16 prior approval by ordinance when the value of the easement would exceed fifty thousand

17 dollars. A party requesting a new easement, amended easement or easement transfer

18 shall pay an easement application fee as set forth in K.C.C. 4A.675.010. The fee is for
19 reimbursement to the real estate services section for the administrative costs and expenses
20 incurred in the processing ~~((of))~~ the easement application. The easement application fee
21 is payable at the time the easement is requested from the real estate services section. The
22 easement application fee and other fees are not refundable, even if the application is
23 disapproved or not executed by the applicant. In addition, the real estate services section
24 shall have the authority to require applicants to reimburse the real estate services section
25 for the actual costs and all expenses incurred by the real estate services section as a result
26 of the grant, issuance, ~~((of))~~ renewal ~~((of))~~ or amendment of an easement, to the extent
27 the costs exceed the costs of processing the easement application recovered by the
28 application fee. The payment of actual costs balances shall be made at the time of the
29 easement issuance.

30 B. The executive is authorized to relinquish any easements granted to the county
31 which are determined to be surplus to the county's foreseeable needs or to trade an
32 easement for real property or easements of a similar nature and value, though
33 relinquishments of easements where the county spent more than fifty thousand dollars in
34 their acquisition shall be subject to prior approval by ordinance.

35 SECTION 2. Ordinance 17515, Section 2, and K.C.C. 4A.675.010 are each
36 hereby amended as follows:

37 The easement application fee for a party requesting a new easement, amended
38 easement or easement transfer under K.C.C. 4.56.115 is three thousand dollars, plus
39 actual costs and all expenses incurred by the real estate services section in excess of this
40 fee as specified in K.C.C. 4.56.115.

41 SECTION 3. Ordinance 17515, Section 4, and K.C.C. 4A.675.020 are each
42 hereby amended as follows:

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

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

48 C. The real estate services section of the facilities management division may
49 assess a surcharge to recover actual costs and all expenses as specified in K.C.C.
50 6.27.054.B.

51 SECTION 4. A. Section 5 of this ordinance proposes changes to the structure of
52 fees currently charged for right-of-way construction permits by eliminating fee categories
53 and establishing a new base fee.

54 B. These fees are established and assessed pursuant to K.C.C. 2.99.030.

55 SECTION 5. Ordinance 17515, Section 8, and K.C.C. 4A.675.030 are each
56 hereby amended as follows:

57 (~~The following fee schedule applies for the administrative costs and expenses of~~
58 ~~processing a right-of-way construction permit:~~

59 ~~A. Pole lines, such as power and telephone:~~

60 ~~Every six poles or portion thereof: _____ \$200.00~~

61 ~~B. Water:~~

62 ~~Installing mains (1000 linear feet or less): _____ \$200.00~~

63 ~~Additional 1000 linear feet or fraction thereof: _____ \$180.00~~

64	Excavation for connection:	\$200.00
65	C. Sewer:	
66	Installation of mains (1000 feet or fraction thereof):	\$200.00
67	Additional 1000 linear feet or fraction thereof:	\$180.00
68	Excavation for connection:	\$200.00
69	D. Cable or conduit:	
70	Installing cable or conduit (1000 feet or less):	\$200.00
71	Additional 1000 linear feet or fraction thereof:	\$180.00
72	Excavation for connection:	\$200.00
73	E. Gas or oil:	
74	Installing mains (1000 linear feet or less):	\$200.00
75	Additional 1000 feet or fraction thereof:	\$180.00
76	Excavation for connection:	\$200.00
77	F. Attachment to existing poles for every three attachments: \$140.00	
78	G. Immediate response permit requests: In addition to the required permit fees	
79	an additional fee of one hundred twenty dollars shall be charged.	
80	H. Maintenance permits: Fees per number of connections:	
81	1. 0 to 50 connections:	\$200.00
82	2. 51 to 100 connections:	\$250.00
83	3. 101 to 200 connections:	\$300.00
84	4. 201 to 500 connections:	\$400.00
85	5. 501 or more:	\$450.00))

86 A. The right-of-way construction permit application fee for a party requesting a
87 permit under K.C.C. chapter 14.44, is two-hundred dollars, as specified in K.C.C.
88 14.44.040.A.

89 B. The real estate services section of the facilities management division may
90 assess a surcharge to recover actual costs and all expenses as specified in K.C.C.
91 14.44.040.B.

92 C. The total of the permit application fee under subsection A. of this section and
93 the surcharge assessed under subsection B. of this section shall not exceed two-thousand
94 dollars.

95 SECTION 6. Ordinance 17515, Section 11, and K.C.C. 4A.675.050 are each
96 hereby amended as follows:

97 A. The ~~((fee for the administrative costs and expenses of))~~ application
98 ~~((processing and coordinating))~~ fee for a party requesting a wireless right-of-way use
99 agreement ((application)) as provided in K.C.C. 14.45.080, is five hundred dollars.

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

102 SECTION 7. Ordinance 17515, Section 13, and K.C.C. 4A.675.060 are each
103 hereby amended as follows:

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

Type of Equipment/Facility within the right-of-way	Use Payment
Separate support structure (such as a monopole or lattice)	
used solely for wireless antenna, with antenna/receiver	

109	transmitter and/or equipment cabinet	\$5,000
110	Antenna/receiver transmitter (on an existing or replacement	
111	pole) and equipment cabinet	\$3,000
112	Antenna/receiver transmitter (on an existing or replacement	
113	pole) or equipment cabinet, but not both	\$2,000

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

118 C. All use payments prescribed by subsection A. [of this section] shall be
119 automatically escalated annually, beginning January 1, 2001, and every year thereafter,
120 ~~((for the change in the))~~ using the most recent available U.S. Department of Labor,
121 Bureau of Labor Statistics Consumer Price Index for All Urban Consumers ("CPI-U") for
122 the Seattle-Tacoma-Bremerton Statistical Metropolitan Area for the preceding calendar
123 year. In the event the CPI-U (or a successor or substitute index) is no longer published, a
124 reliable government or other non-partisan index of inflation selected by the county shall
125 be used to calculate the adjusted amounts.

126 SECTION 8. Ordinance 10171, Section 1, as amended, and K.C.C. 6.27.054 are
127 each hereby amended as follows:

128 A. A party requesting a new franchise, amended franchise, renewal, extension of
129 an existing franchise or transfer shall pay a franchise application fee as set forth in K.C.C.
130 4A.675.020. The fee is for reimbursement to the real estate services section of the
131 facilities management division for the administrative costs and expenses incurred in the

132 processing of the franchise application. The franchise application fee is payable at the
133 time the application is filed with the clerk of the council. In addition, each applicant shall
134 pay an advertising fee as set forth in K.C.C. 4A.675.020.B. Franchise application and
135 advertising fees are not refundable, even if the application is disapproved.

136 B. The real estate services section may require applicants to reimburse the real
137 estate services section for the actual costs and all expenses incurred by the real estate
138 services section as a result of issuance, renewal, ~~or~~ amendment, extension or transfer of a
139 franchise, to the extent the costs exceed the costs of processing the application recovered
140 by the application fee. The payment of actual cost balances shall be made at the time of
141 the franchise issuance.

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

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

146 SECTION 9. Ordinance 6254, Section 8, and K.C.C. 14.30.080 are each hereby
147 amended as follows:

148 The manager of the ~~((property services division))~~ real estate services section and
149 director of the applicable custodial department are authorized to enforce ~~((the~~
150 ~~provisions))~~ of this chapter, ~~((pursuant to))~~ in accordance with K.C.C. Title 23.

151 SECTION 10. Ordinance 1711, Section 1, as amended and K.C.C. 14.44.010 are
152 each hereby amended as follows:

153 The purpose of this chapter is to regulate the granting of right-of-way construction
154 permits and to ~~((insure))~~ ensure that utility construction work undertaken pursuant to such

155 permits is consistent with the applicant's right-of-way franchise from the county, the
156 applicable district comprehensive plan, the critical areas code, the county comprehensive
157 plan, sound engineering and design standards, health and sanitation regulations, and
158 county standards for water mains and fire hydrants.

159 SECTION 11. Ordinance 1711, Section 2, as amended and K.C.C. 14.44.020 are
160 each hereby amended as follows:

161 A. All construction work performed by franchised utilities, telephone and
162 telegraph companies and within King County right-of-way shall require a right-of-way
163 construction permit to be issued by the (~~property services division~~) real estate services
164 section of the (~~department of construction and facility~~) facilities management(~~(;~~
165 ~~provided~~) division, except that construction work undertaken by King County or under
166 contract to King County or requested by King County due to new construction shall be
167 exempted from this requirement. Construction work shall include, but not be limited to,
168 the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum
169 pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and
170 any other such public and private utilities.

171 B. The department of transportation and all other county departments during the
172 construction of capital improvement projects shall install vacant conduit reserved for the
173 future installation of fiber optic cable in accordance with the county's I-Net and Wide
174 Area Network Plans; all capital improvement projects not requiring trenching or
175 modification to the subgrade, such as overlays and shoulder widening, shall be exempted
176 from this requirement.

177 SECTION 12. A. Section 13 of this ordinance proposes to provide the real estate
178 services section the ability to collect reimbursement for actual costs and expenses
179 associated with issuing right of way construction permits and establishes a maximum fee.

180 B. These fees are established and assessed pursuant to K.C.C. 2.99.030.

181 SECTION 13. Ordinance 1711, Section 4, as amended and K.C.C. 14.44.040 are
182 each hereby amended as follows:

183 A. Each application for a right-of-way construction permit requires a fee payable
184 to the real estate services section as set forth in K.C.C. 4A.675.030 for the administrative
185 costs and expenses of processing the application.

186 B. The real estate services section shall have the authority to require applicants to
187 reimburse the real estate services section for the actual costs and all expenses incurred by
188 the real estate services section as a result of issuance, renewal or amendment of a right-
189 of-way construction permit, to the extent the costs and expenses exceed the costs of
190 processing the application recovered by the application fee. The payment of actual costs
191 shall be made at the time of permit issuance.

192 SECTION 14. Ordinance 1711, Section 7, as amended, and K.C.C. 14.44.070 are
193 each hereby amended as follows:

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

199 construction for the purpose of coordinating other right-of-way construction with that
200 proposed by the applicant.

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

209 C. The ~~((property services division))~~ real estate services section shall inform the
210 department of transportation of all right-of-way construction permits issued.

211 D. The ~~((property services division))~~ real estate services section shall forward
212 copies of all right-of-way construction permit applications for projects ~~((1,000))~~ one
213 thousand feet or longer to the department of information and administrative services. The
214 division of information technology services will determine within ~~((15))~~ fifteen working
215 days whether the installation of conduit may be needed for the future installation of fiber
216 optic cable to connect county or other public facilities.

217 SECTION 15. Ordinance 14264, Section 9, and K.C.C. 14.44.115 are each
218 hereby amended as follows:

219 Concurrent with the annual submittal of the executive proposed budget, on or
220 about October 1 of each year, a report shall be provided to the county council by the
221 ~~((property services division))~~ real estate services section or its successor detailing

222 performance measurements for each function within the permit and franchises section or
223 its successor. The performance measurements shall include historical reporting for the
224 current year-to-date and the preceding three years. The data reported is to include, but
225 not be limited to: the number of permits and other transactions processed and the number
226 of employees for each period; the average, longest and shortest periods of time for
227 permits processed by the division for each year; the criteria used to determine the value
228 of easements and of annual fees for use of county property, demonstrating utilization of
229 commonly accepted principles of real estate appraisal; and the appraisal reports and fee
230 calculation formulas for easements and annual fees for uses for all fees assessed in excess
231 of one thousand dollars.

232 SECTION 16. Ordinance 13734, Section 6, and K.C.C. 14.45.040 are each
233 hereby amended as follows:

234 Wireless minor communication facilities shall only be located or constructed
235 within King County rights-of-way after a right-of-way use agreement is issued by the
236 ~~((property services division))~~ real estate services section of the ~~((department of~~
237 ~~construction and facility))~~ facilities management division. ~~((Prior to))~~ Before issuing the
238 agreement, the division shall ensure that the proposed facility is located, designed and
239 proposed to be constructed in a manner that complies with all applicable county policies
240 and codes, including but not limited to ~~((the provisions of))~~, Ordinance 13734, zoning
241 code, the county ~~((e))~~Comprehensive ~~((p))~~Plan, county road standards, and the
242 Regulation for Accommodations of Utilities on county Roads Right-of-Way adopted by
243 K.C.C. 14.44.060. Furthermore, the right-of-way use agreement shall only allow

244 placement of wireless telecommunication facilities on improved and maintained county
245 road rights-of-way.

246 SECTION 17. Ordinance 13734, Section 9, as amended, and K.C.C. 14.45.070
247 are each hereby amended as follows:

248 The (~~property services division~~) real estate services section, roads services
249 division of the department of transportation and the department of permitting and
250 environmental review shall coordinate review and inspection of the application for a
251 right-of-way use agreement and, to the extent required, any zoning approvals, building
252 permits and environmental review under the state Environmental Policy Act, as follows:

253 A. The (~~property services division~~) real estate services section shall coordinate
254 the review by all departments of right-of-way use agreement applications.

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

258 C. The department of permitting and environmental review shall review and
259 evaluate all applications to determine consistency with respect to the standards and
260 requirements of K.C.C. chapter 21A.26 and Ordinance 13734. The department shall also
261 be the lead agency for purposes of any environmental review required under K.C.C.
262 chapter 20.44.

263 SECTION 18. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080
264 are each hereby amended as follows:

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

Review Agency	Fee
Real estate services section of the facilities management division (application processing and coordinating)	as set forth in K.C.C. 4A.675.050
Department of permitting and environmental review (zoning review)	as provided in K.C.C. 27.10.120
Road services division (inspection)	\$125 per hour

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

270 B. In addition, the real estate services section shall have the authority to require
271 applicants to reimburse the real estate services section for actual costs and all expenses
272 incurred by the real estate services section as a result of issuance, renewing or amending
273 a wireless right-of-way use agreement under this chapter, to the extent the costs exceed
274 the costs of processing the application recovered by the application processing and
275 coordination fee. The payment of actual cost balances shall be made at the time the
276 wireless right-of-way use agreement is executed.

277 SECTION 19. Ordinance 4099, Section 9, as amended, and K.C.C. 14.46.090 are
278 each hereby amended as follows:

279 A. The ~~((property services division))~~ real estate services section shall coordinate
280 the review by all departments of permit applications.

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

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

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

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

297 F. In any case, the ~~((property services division))~~ real estate services section shall
298 forward the application to the department for recommendations on critical area issues and
299 the ~~((property services division))~~ real estate services section shall be responsible for
300 assuring that any application meets the requirements of K.C.C. chapter 21A.24 and the
301 administrative rules promulgated thereunder before the permit is issued.

302 SECTION 20. This ordinance takes effect January 1, 2014."
303

304 **EFFECT:**

- 305 • **Deletes the increase to the special use permit fee proposed by the Executive –**
306 **keeps the special use permit fee at the existing fee specified in code (\$500).**
- 307 • **Deletes the expansion of the special use inspection fee to custodial agencies**
308 **other than Department of Transportation and keeps the hourly rate at \$40.**
- 309 • **Allows for the changes proposed by the Executive to streamline the Right-of-**
310 **Way construction permits and establishing a base rate of \$200 and a**
311 **maximum of \$2,000 (lines 51-94).**
- 312 • **Allows for Real Estate Services to collect for actual costs above base fees, as**
313 **proposed by the Executive (lines 39-40, 49, 137, 186-191, 271).**
- 314 • **Makes other technical changes as proposed by the Executive.**

315

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17691

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11/3⁴/2013 Council Meeting

wsh

Sponsor: McDermott

Proposed No.: 2013-0430

Joe mc Moved
Passed: 9-0

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2013-0430, VERSION 1**

2 On page 1, beginning on line 1, strike everything through page 2, line 26, and insert:

3 "AN ORDINANCE relating to fees and other charges for
4 processing real estate services section permits that
5 authorize the use of King County property; and amending
6 Ordinance 12045, Section 11, as amended, and K.C.C.
7 4.56.115, Ordinance 17515, Section 2, and K.C.C.
8 4A.675.010, Ordinance 17515, Section 4, and K.C.C.
9 4A.675.020, Ordinance 17515, Section 8, and K.C.C.
10 4A.675.030, Ordinance 17515, Section 11, and K.C.C.
11 4A.675.050, Ordinance 17515, Section 13, and K.C.C.
12 4A.675.060, Ordinance 10171, Section 1, as amended, and
13 K.C.C. 6.27.054, Ordinance 6254, Section 8, and K.C.C.
14 14.30.080, Ordinance 1711, Section 1, as amended and
15 K.C.C. 14.44.010, Ordinance 1711, Section 2, as amended
16 and K.C.C. 14.44.020, Ordinance 1711, Section 4, as
17 amended and K.C.C. 14.44.040, Ordinance 1711, Section

18 7, as amended, and K.C.C. 14.44.070, Ordinance 14264,
19 Section 9, and K.C.C. 14.44.115, Ordinance 13734, Section
20 6, and K.C.C. 14.45.040, Ordinance 13734, Section 9, as
21 amended, and K.C.C. 14.45.070, Ordinance 13734, Section
22 10, as amended, and K.C.C. 14.45.080 and Ordinance
23 4099, Section 9, as amended, and K.C.C. 14.46.090."

24

25 **EFFECT: Amends the title to reflect the striking amendment.**