

September 19, 2011 Council Meeting

Sponsor: Joe McDermott

Proposed No.: 2011-0312

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Joe McD MOVED  
PASSED 8-0 PUR Exceeded

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0312, VERSION**

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3 On page 1, beginning on line 11, strike everything through page 23, line 245, and insert:

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

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

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

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

16 2. The department of transportation may approve a reduction in generated  
17 vehicle trips calculated under subsection B.1\_ of this section based on the types of land

18 uses that are to be developed, on the expected amount of travel internal to the  
19 development, on the expected pass-by trips from existing traffic or on the expected  
20 reduction of vehicle traffic volumes. Such a reduction shall be used when calculating  
21 ~~((MPS))~~ mitigation payment system and ~~((IS))~~ intersection standards, including any  
22 impact and mitigation fees and costs for which the development shall be liable.

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

28 C. Intersection level of service shall be calculated according to the most recent  
29 Highway Capacity Manual or an alternative method approved by the department of  
30 transportation.

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

34 E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and  
35 road design, the standards in subsection D<sub>2</sub> of this section shall be used in the integrated  
36 transportation program for the determination of traffic impacts for the ~~((SEPA))~~ state  
37 Environmental Policy Act evaluation of a proposed development.

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

40           1. All developments subject to the ((MPS)) mitigation payment system fees  
41 shall pay an administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the  
42 time of application for a((n MPS)) mitigation payment system determination. Payment  
43 for impact mitigation fees under ((MPS)) mitigation payment system shall be paid at the  
44 time a development permit is issued, but residential developments may defer payment  
45 until building permits are issued; except as otherwise provided in section 5 of this  
46 ordinance; and

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

51           G. The need for the environmental assessment of a proposed development must  
52 be determined by the department of development and environmental services, following  
53 the filing of a completed permit application. Impacts on the road system will be  
54 mitigated through ((MPS)) mitigation payment system fees. Impacts on intersections will  
55 be mitigated through K.C.C. chapter 14.80.

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

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

65            A. Fee schedules stating the amount of the ~~((MPS))~~ mitigation payment system  
66 fee ~~((which))~~ that residential development shall pay for development subject to ~~((MPS))~~  
67 mitigation payment system fees are set forth in subsection E<sub>2</sub> of this section as described  
68 in subsection D. of this section. Subsequent fee schedules shall be established in  
69 accordance with K.C.C. 14.75.050. All other development shall pay a~~((n MPS))~~  
70 mitigation payment system fee individually calculated by the department, as set forth in  
71 K.C.C. 14.75.050.B. The ~~((MPS))~~ mitigation payment system administrative fee, which  
72 all developers shall pay, is set forth in K.C.C. 14.75.080 and 14.75.090.

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

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

79            2. The developer submits studies or data showing that the fee as set forth in the  
80 applicable schedule or as calculated by the department is in error, as provided in K.C.C.  
81 14.75.150.

82            C. The department may adjust the standard impact fee as set forth in the fee  
83 schedules at the time the fee is imposed to consider unusual circumstances in specific  
84 cases to ensure that ~~((MPS))~~ mitigation payment system fees are imposed fairly. The

85 department shall set forth its reasons for adjusting the standard ((MPS)) mitigation  
 86 payment system fee in written findings.

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

92 E. King County residential fee schedule.

<b>Zone</b>	<b>\$Fee</b>	<b>Zone</b>	<b>\$Fee</b>	<b>Zone</b>	<b>\$ Fee</b>	<b>Zone</b>	<b>\$Fee</b>
<b>70</b>	\$((23)) <u>43</u>	<b>71</b>	\$((25)) <u>42</u>	<b>75</b>	\$((59)) <u>37</u>	<b><u>83</u></b>	<b><u>\$23</u></b>
<b>85</b>	\$((1078)) <u>17</u>	<b>((86</b>	<b>\$325))</b>	<b>88</b>	\$((342)) <u>24</u>	<b>((89</b>	<b>\$445))</b>
<b>90</b>	\$((831)) <u>32</u>	<b>((102</b>	<b>\$194</b>	<b>108</b>	<b>\$2119))</b>	<b>113</b>	<b>\$((256))</b> <u>227</u>
<b>115</b>	\$((446)) <u>173</u>	<b>((117</b>	<b>\$1064))</b>	<b>120</b>	\$((284)) <u>188</u>	<b>121</b>	<b>\$((149))</b> <u>168</u>
<b>124</b>	\$((72)) <u>120</u>	<b>126</b>	\$((33)) <u>270</u>	<b>128</b>	\$((42)) <u>150</u>	<b>129</b>	<b>\$((38))</b> <u>272</u>
<b><u>130</u></b>	<b><u>\$377</u></b>	<b>132</b>	\$((34)) <u>521</u>	<b>133</b>	<b>\$1</b>	<b>134</b>	<b>\$((4617))</b> <u>6033</u>
<b>135</b>	\$((3374)) <u>3039</u>	<b>136</b>	\$((4542)) <u>6199</u>	<b>137</b>	\$((4644)) <u>4486</u>	<b>138</b>	<b>\$((3759))</b> <u>2596</u>

139	\$((3152)) <u>2583</u>	140	\$((1872)) <u>1419</u>	141	\$((1706)) <u>1453</u>	142	\$((1595)) <u>647</u>
143	\$((1339)) <u>477</u>	144	\$((653)) <u>579</u>	145	\$((593)) <u>105</u>	146	\$((627)) <u>518</u>
147	\$((391)) <u>47</u>	148	\$((253)) <u>49</u>	149	\$((221)) <u>21</u>	176	\$((29)) <u>79</u>
177	\$((22)) <u>103</u>	178	\$((13)) <u>99</u>	179	\$((9)) <u>94</u>	180	\$((10)) <u>152</u>
181	\$((34)) <u>154</u>	182	\$((47)) <u>166</u>	183	\$((58)) <u>195</u>	184	\$((67)) <u>227</u>
185	\$((144)) <u>544</u>	187	\$((42)) <u>231</u>	188	\$((50)) <u>181</u>	189	\$((61)) <u>279</u>
((190	\$53	191	\$68	192	\$84))	194	\$((162)) <u>242</u>
195	\$((132)) <u>195</u>	196	\$((256)) <u>227</u>	((199	\$135	200	\$77))
215	\$((1272)) <u>224</u>	216	\$((784)) <u>253</u>	223	\$((134)) <u>310</u>	226	\$((218)) <u>191</u>
227	\$((151)) <u>195</u>	232	\$((156)) <u>185</u>	233	\$((184)) <u>182</u>	234	\$((221)) <u>216</u>
235	\$((165)) <u>490</u>	236	\$((184)) <u>177</u>	239	\$((64)) <u>334</u>	240	\$((37)) <u>187</u>
241	\$((26))	242	\$((56))	243	\$((49))	257	\$((16))

	<u>226</u>		<u>167</u>		<u>214</u>		<u>308</u>
<b>258</b>	\$((38)) <u>454</u>	<b>259</b>	\$((40)) <u>464</u>	<b>260</b>	\$((29)) <u>221</u>	<b>263</b>	\$((21)) <u>490</u>
<b>264</b>	\$((1345)) <u>1232</u>	<b>265</b>	\$((542)) <u>290</u>	<b>266</b>	\$((631)) <u>1430</u>	<b>267</b>	\$((1620)) <u>182</u>
<b>268</b>	\$((885)) <u>261</u>	<b>269</b>	\$((657)) <u>273</u>	<b>270</b>	\$((723)) <u>178</u>	<b>271</b>	\$((605)) <u>641</u>
<b>272</b>	\$((521)) <u>508</u>	<b>273</b>	\$((491)) <u>503</u>	<b>274</b>	\$((1661)) <u>311</u>	<b>275</b>	\$((254)) <u>146</u>
<b>276</b>	\$((351)) <u>146</u>	<b>277</b>	\$((658)) <u>194</u>	<b>278</b>	\$((150)) <u>210</u>	<b>279</b>	\$((160)) <u>139</u>
<b>280</b>	\$((106)) <u>199</u>	<b>281</b>	\$((253)) <u>259</u>	<b>282</b>	\$((348)) <u>701</u>	<b>283</b>	\$((278)) <u>851</u>
<b>284</b>	\$((314)) <u>207</u>	<b>287</b>	<u>\$257</u>	<b>289</b>	\$((377)) <u>421</u>	<b>290</b>	\$((420)) <u>398</u>
<b>292</b>	\$((865)) <u>774</u>	<b>295</b>	\$((5488)) <u>3806</u>	<b>296</b>	\$((7534)) <u>6450</u>	<b>297</b>	\$((996)) <u>1120</u>
<b>298</b>	\$((2928)) 741	<b>299</b>	\$((6473)) 2027	<b>300</b>	\$((1923)) 759	<b>301</b>	\$((2048)) <u>261</u>
<b>302</b>	\$((2017)) <u>1108</u>	<b>303</b>	\$((6454)) <u>4798</u>	<b>304</b>	\$((1960)) <u>499</u>	<b>305</b>	\$((4732)) <u>2926</u>
<b>306</b>	\$((6328)) <u>3025</u>	<b>307</b>	\$((6056)) <u>1166</u>	<b>311</b>	\$((1091)) <u>1077</u>	<b>312</b>	\$((1576)) <u>3685</u>

313	\$((1052)) <u>1140</u>	314	\$((1580)) <u>1140</u>	((316	\$257	317	\$314))
318	\$((523)) <u>1245</u>	((319	\$426	320	\$1205	321	\$1401
325	\$1372	326	\$2293	327	\$1899	328	\$1253))
331	\$((4729)) <u>1424</u>	((333	\$821	334	\$1766))	335	\$((1850)) <u>1360</u>
336	\$((4679)) <u>1685</u>	337	\$((6339)) <u>6368</u>	338	\$((4891)) <u>2976</u>	339	\$((5558)) <u>3954</u>
((340	\$3167	341	\$3349))	342	\$((3720)) <u>1090</u>	((343	\$1226
344	\$2892))	345	\$((3693)) <u>969</u>	346	\$((3875)) <u>2183</u>	347	\$((1515)) <u>205</u>
348	\$((2859)) <u>2392</u>	349	\$((2601)) <u>1829</u>	350	\$((1377)) <u>263</u>	((351	\$609
354	\$733	355	\$1557	356	\$647	357	\$1502
358	\$2146	359	\$1625))	363	\$((2015)) <u>3293</u>	365	\$((265)) <u>824</u>
366	\$((162)) <u>283</u>	367	\$((893)) <u>1519</u>	369	\$((181)) <u>366</u>	370	\$((470)) <u>176</u>
371	\$((512)) <u>274</u>	((372	\$291	373	\$348))	374	\$((104)) <u>840</u>
((375	\$196))	376	\$((239))	((377	\$111))	378	\$((191))



			<u>1002</u>				<u>601</u>
<b>379</b>	\$((103))	<b>380</b>	\$((56))	<b>381</b>	\$((50))	<b>382</b>	\$((6200))
	<u>980</u>		<u>1198</u>		<u>537</u>		<u>6518</u>
<b>383</b>	\$((5582))	<b>384</b>	\$((4879))	<b>385</b>	\$((5842))	<b>386</b>	\$((5479))
	<u>5292</u>		<u>5623</u>		<u>6250</u>		<u>4539</u>
<b>387</b>	\$((5006))	<b>388</b>	\$((7133))	<b>389</b>	\$((4808))	<b>390</b>	\$((3310))
	<u>5351</u>		<u>2618</u>		<u>2432</u>		<u>2982</u>
<b>391</b>	\$((3195))	<b>392</b>	\$((3807))	<b>393</b>	\$((4688))	<b>394</b>	\$((4773))
	<u>6394</u>		<u>3264</u>		<u>4054</u>		<u>5845</u>
<b>395</b>	\$((2307))	<b>396</b>	\$((4784))	<b>397</b>	\$((3037))	<b>398</b>	\$((3074))
	<u>1493</u>		<u>6655</u>		<u>4123</u>		<u>2447</u>
<b>399</b>	\$((2200))	<b>400</b>	\$((2061))	<b>401</b>	\$((1379))	<b>402</b>	\$((1284))
	<u>3350</u>		<u>2361</u>		<u>2582</u>		<u>1542</u>
<b>403</b>	\$((1101))	<b>404</b>	\$((969))	<b>405</b>	\$((943))	<b>406</b>	\$((1986))
	<u>1394</u>		<u>847</u>		<u>874</u>		<u>2580</u>
<b>407</b>	\$((1788))	<b>408</b>	\$((2807))	<b>409</b>	\$((2696))	<b>410</b>	\$((3343))
	<u>2113</u>		<u>1032</u>		<u>729</u>		<u>589</u>
<b>411</b>	\$((845))	<b>416</b>	\$((2592))	<b>417</b>	\$((1725))	<b>418</b>	\$((1418))
	<u>364</u>		<u>693</u>		<u>729</u>		<u>941</u>
<b>((419</b>	<b>\$900))</b>	<b><u>421</u></b>	<b><u>\$303</u></b>	<b>424</b>	<b>\$((564))</b>	<b>425</b>	<b>\$((493))</b>
					<u>626</u>		<u>262</u>
<b>426</b>	\$((603))	<b>427</b>	\$((401))	<b>428</b>	\$((1135))	<b>431</b>	\$((911))
	<u>409</u>		<u>289</u>		<u>210</u>		<u>453</u>

<b>432</b>	\$((2125))	<b>433</b>	\$((1713))	<b>434</b>	\$((802))	<b>435</b>	\$((657))
	<u>895</u>		<u>488</u>		<u>913</u>		<u>741</u>
<b>436</b>	\$((1062))	<b>437</b>	\$((777))	<b>439</b>	\$((1202))	<b>440</b>	\$((4547))
	<u>1686</u>		<u>931</u>		<u>339</u>		<u>491</u>
<b>441</b>	\$((2030))	<b>442</b>	\$((2874))	<b>443</b>	\$((1987))	<b>449</b>	\$((2690))
	<u>1029</u>		<u>556</u>		<u>711</u>		<u>1109</u>
<b>450</b>	\$((1540))	<b>451</b>	\$((1377))	<b>452</b>	\$((1970))	<b>453</b>	\$((1098))
	<u>903</u>		<u>1056</u>		<u>1655</u>		<u>925</u>
<b>454</b>	\$((2355))	<b>((455</b>	<b>\$351))</b>	<b>456</b>	\$((521))	<b><u>460</u></b>	<b><u>\$430</u></b>
	<u>997</u>				<u>366</u>		
<b><u>461</u></b>	<b><u>\$246</u></b>	<b><u>465</u></b>	<b><u>\$92</u></b>				

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

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

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

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

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

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

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

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

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

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

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

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

119 1. The council by ordinance removes the project from the ((MPS)) mitigation  
120 payment system project list, in which case the fees already collected will be refunded if  
121 necessary to ensure that the ((MPS)) mitigation payment system fee remains reasonably  
122 related to the traffic impacts of development that have paid a((n-MPS)) mitigation  
123 payment system fee. However, a refund shall not be necessary if the council transfers the  
124 fees to the budget of another project that the council determines will mitigate essentially  
125 the same traffic impacts; or

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

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

Jurisdiction	Project Number	Project Name	From	To	((MPS)) <u>Mitigation</u> <u>Payment</u> <u>System Cost</u>
County	B-6	NE 132 ST/NE 128 ST	184 AVE NE	196 AVE NE	(((\$6,134,000)) \$13,272,400
((County	B-9.10	AVONDALE RD	WOOD- DUVALL RD	NE 155 ST	\$8,361,000
County	B-9.20	AVONDALE RD PH III	NE 155 ST	NE 133 ST	\$4,920,000))
County	B-9.30	Woodinville- Duvall Rd @ Avondale Rd NE			(((\$2,806,000)) \$8,290,613
((County	B-23	NE UNION HILL RD	198 AVE NE	206 AVE NE	\$11,437,000
County	B-29	AVONDALE RD	REDMON	AVONDALE	\$11,089,000))

			D C/L	PL NE	
County	B-30	AVONDALE RD PH III	AVONDALE PL NE	NE 132 ST	(((\$7,544,000)) <u>\$5,770,619</u>
County	B-56.12	NOVELTY HILL RD ((STAGE-2)) <u>PH I</u>	AVONDALE RD NE	244 AVE NE	(((\$20,697,000)) <u>\$52,796,733</u>
((County	B-56.20	NOVELTY HILL <del>EAST</del> REDMOND	AVONDA LE RD NE	REDMOND C/L	\$1,029,000
County	ES-2.50	E LK SAMMAMISH PKWY INTERST	@ INGLEW OOD HILL RD	@ THOMPSON RD	\$1,641,000
County	ES-5.10	SE 56 ST BRIDGE	SE 56 XING	ISSAQUAH CREEK	\$582,000
County	ES-6.20	E LK SAMMAMISH PKWY	SE 56 St	Issaquah Fall City Rd	\$5,794,000
County	ES-6.30	E LK SAMMAMISH PKWY	ISSAQ FALL CITY RD	I-90 on Ramp	\$6,347,000
County	ES-7.30	SUNSET INTERCHANGE			\$2,022,000

		I-90 IMPRVMTS			
County	ES-12.22	ISSQ-PINE LK RD PH I CONSTRUCTIO N	SE-48 ST	ISSAQUAH FALL-CITY RD	\$5,022,000
County	ES-15.10	ISSQ-FALL CITY RD PH II	ISSQ- PINE LK RD	2300' EAST OF ISSQ PINE LK RD	\$4,109,000
County	ES-15.42	ISSAQUAH- FALL-CITY RD -PHII	APPROX SE-48 ST	KLAHANIE DR	\$6,993,000
County	ES-48.12	SPAR-NORTH LINK STAGE 1	ISSQ- FALL CITY/PIN E LK	GRAND RIDGE MPD	\$20,550,000
County	ES-48.22	SPAR-SOUTH LINK CONST	GRAND RIDGE MPD	I-90 SUNSET INTERCHAN GE	\$30,232,000))
County	ES-75.22	SAHALEE WAY CONST	NE 50 ST	SR-202	(((\$805,000)) \$475,334
((County	F-24	S-272 ST	SR-99	16 AVE S	\$1,487,000
County	G-6.10	GREEN RIVER BRIDGE	83 AVE S @ GREEN		\$2,179,000

		PROJECTS	RIV		
County	G-6.20	EAST VALLEY HIGHWAY	GREEN RIVER BRIDGE	S 277 ST	\$689,000
County	G-6.30	GREEN RIVER OVERFLOW BRIDGE	CROSSIN G-GREEN RIV		\$259,000
County	G-8.40	S 196 ST / S 200 ST CORRIDOR	W VALLEY HWY	ORILLIA RD	\$5,771,000
County	G-85	55 AVE S @ S 277 ST			\$938,000
County	H-36.20	1 AVE S	S 146 ST	S 160 ST	\$433,000
County	H-48	4 AVE SW @ SW 136 ST			\$222,000))
((County	NC-2	LAKEMONT BLVD EXTENSION	171 AVE SE	NEWPORT WAY	\$9,369,000))
County	NC-5.10	ELLIOTT BRIDGE NO: 3166	ON 149 AVE SE	XING CEDAR RVR	(((\$8,447,000)) <u>\$9,083,881</u>
((County	NC-5.20	149 AVE SE	SR-169	ELLIOT BRIDGE	\$5,399,000

County	NC-12.12	COAL-CREEK PARKWAY CONSTRUCT	SE 72 ST	RENTON/CL	\$6,398,000))
County	NC-58	SE 128 ST @ 164 AVE SE			(((\$1,011,000)) <u>\$2,488,743</u>
((County	N-11.20	100 AVE NE	NE 139 ST	NE 145 ST	\$3,725,000
County	N-12.10	JUANITA- WOODINVILLE WY NE	100 AVE NE	NE 145 ST	\$3,478,000))
County	N-16.11	JUANITA- WOODINVILLE WAY NE	NE 145 ST	112 AVE NE	(((\$1,981,000)) <u>\$5,684,072</u>
County	N-16.20	JUANITA- WOODINVILLE WAY NE	112 AVE NE	I-405	(((\$3,367,000)) <u>\$2,414,516</u>
County	N-19.20	NE 160 ST	116 AVE NE	124 AVE NE	(((\$2,028,000)) <u>\$2,336,783</u>
((County	N-28.10	NE 124 ST PH II	132 PL NE	WILLOWS RD	\$10,502,000))
County	N-28.30	NE 124 ST PH III	WILLOW S RD	SR-202	(((\$7,293,000)) <u>\$9,198,392</u>
((County	N-30.10	NE 124 ST/NE 128 ST	SR-202	172 AVE NE	\$6,201,000))



County	N-35.12	WOODINVILLE -DUVALL RD CONST	171 AVE NE	AVONDALE RD	<del>(\$9,423,000)</del> <u>\$11,103,010</u>
<del>County</del>	N-37	WOODINVILLE CBD-BYPASS	NE-175 ST	140 AVE NE	\$6,674,000
County	N-39	NE-195 ST	139 AVE NE	WOOD-DUV. @ 149 NE	\$15,759,000
County	N-45.12	124TH AVE NE CONSTRUCT	NE-132 ST	NE-145 ST	\$4,936,000
County	N-61.10	132 PL / AVE NE-PHASE I	NE-124 ST	NE-132 ST	<del>(\$6,553,000)</del>
County	<u>OPT-INT- 122</u>	<u>W. SNOQUALMIE VALLEY RD @ NE 124 ST.</u>			<u>\$4,807,000</u>
County	<u>OPT-INT- 123</u>	<u>ISSAQUAH- HOBART RD</u>	<u>MAY VALLEY RD</u>	<u>SE 156 ST.</u>	<u>\$6,422,000</u>
<del>County</del>	S-85	5 AVE NE @ NE 175 ST			<del>(\$2,967,000)</del>
County	SC-23	140 PL SE	SR-169	PETROVITSKY RD	<del>(\$16,706,000)</del> <u>\$8,018,005</u>
<del>County</del>	SC-26.12	SE 240 ST	116 AVE	138 AVE SE	\$11,963,000

			SE		
County	SC-34.12	SE 208 ST PH II	116 AVE SE	132 AVE SE	\$9,748,000))
County	SC-55.10	140 PL SE/132 AVE SE	SE 176 ST	SE 196 ST	(((\$16,410,000)) <u>\$13,154,339</u> )
((County	SC-55.32	140/132 AVE SE PH III CONST	SE 208 ST	SE 224 ST	\$8,815,000
County	SC-55.42	140 PL SE/132 AVE SE PH IV CONST	SE 224 ST	SE 242 ST	\$7,180,000
County	SC-68.23	SE CARR RD DESIGN AND CONSTRUCTIO N	108 AVE SE	SR-167	\$7,560,000))
County	SC-78.12	PETROVITSKY RD PHASE III	143 AVE SE	151 AVE SE	(((\$6,935,000)) <u>\$4,217,528</u> )
((County	SC-150.12	SE 212 WY / SE 208 CONST	SR-515	SR-167	\$8,297,000))
County	SC-201	140 AVE SE @ PETROVITSKY			(((\$7,074,000)) <u>\$14,442,000</u> )
((County	SC-215	SR-515 (BENSON RD) @			\$9,415,000))

		PETROVITSKY			
		<b>Total</b>			<b>(((\$395,706,000))</b> <b>\$173,975,968</b>
((Newcastle		Newcastle- COAL CREEK PARKWAY CONST	SE 72 ST	RENTON C/L	\$33,947,000
		<b>Total</b>			<b>\$33,947,000</b>
Redmond		WILLOWS ROAD	NE 90 St	NE 95 St	\$1,475,000
Redmond		WILLOWS ROAD	NE 100 St	NE 116 St	\$2,025,000
Redmond		WILLOWS ROAD	NE 116 St	NE 124 St	\$4,260,000
Redmond		West Lake Sammamish Parkway	SR 520	Bel Red Rd	\$8,100,000
Redmond		West Lake Sammamish Parkway	Leary Way	SR 520-eastbd ramp	\$1,900,000
Redmond		NE 90 STREET	154 Ave NE	160 Ave NE	\$12,500,000
Redmond		UNION HILL	Avondale	178 PINE	\$1,730,000

		ROAD	Rd		
Redmond		UNION HILL ROAD	178 PINE	Redmond City Limits	\$6,500,000
Redmond		160 AVE NE	NE 90 St	Redmond Woodinville Rd	\$12,000,000
Redmond		EAST LAKE SAMMAMISH PKWY	Redmond Way	187 Ave NE	\$7,300,000
Redmond		NE 116 ST	Redmond Woodinville Rd	Avondale Rd	\$12,500,000
Redmond		188 AVE NE	Redmond Way	Union Hill Rd	\$7,300,000
Redmond		185 AVE NE	NE 80 St	Union Hill Rd	\$4,950,000
Redmond		AVONDALE RD -HOV	Union Hill Rd	SR-520	\$1,540,000
Redmond		WILLOWS RD @ NE 116 ST			\$100,000
Redmond		WILLOWS RD @ NE 90 ST			\$565,000
Redmond		UNION HILL RD @ 178 PL			\$254,000

		NE			
Redmond		UNION HILL RD @ AVONDALE RD			\$725,000
Redmond		160 Ave NE	Redmond- Woodinville -Duvall Rd @106	NE 124 St	\$3,000,000
		<b>Total</b>			<b>\$88,724,000</b>
		<b>Grand Total</b>			<b>\$518,377,000))</b>

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

133 hereby amended to read as follows:

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

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

143 C. An individually determined ((MPS)) mitigation payment system fee shall be  
144 calculated at the time of application for a development permit, after transmittal to the

145 department of the information provided by the developer to DDES. The department's  
146 determination of the development's traffic impacts shall be transmitted to DDES for use  
147 in its review ~~((pursuant to))~~ under the ~~((S))~~ state Environmental Policy Act.

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

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

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

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

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

164 A. Developers of residential subdivisions, short subdivisions, urban planned  
165 developments or planned unit developments may defer payment of the mitigation  
166 payment system fee required by K.C.C. 14.75.070 until building permits are issued for

167 the lots within the subdivision, short subdivision or planned unit development, but only if  
168 the developer:

- 169 1. Records the subdivision or short subdivision;
- 170 2. Submits to the department of development and environmental services a  
171 signed and notarized deferred mitigation payment system fee application and  
172 acknowledgement form for either one or more single detached dwelling units in the same  
173 development or all of the dwelling units in a multifamily residential building for which  
174 the property owner wishes to defer payment of the mitigation payment system fees; and  
175 3. Pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

176 B. Building permit applicants may defer payment of the mitigation payment  
177 system fee required by K.C.C. 14.75.070 for a single detached dwelling unit or all of the  
178 dwelling units in a multifamily building until the earlier of final inspection or eighteen  
179 months after issuance of the original building permit, but only if, before issuance of the  
180 building permit, the applicant:

- 181 1. Submits to the department of development and environmental services a  
182 signed and notarized deferred mitigation payment system fee application and  
183 acknowledgement form for each single detached dwelling unit or all of the dwelling units  
184 in a multifamily building for which the property owner wishes to defer payment of the  
185 mitigation payment system fees;
- 186 2. Pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080; and
- 187 3. Records, at the applicant's expense, a lien for mitigation payment system fees  
188 against the lot on which each single detached dwelling unit or multifamily building will  
189 be built in favor of the county in the total amount of all deferred mitigation payment

190 system fees and provides the department of development and environmental services with  
191 a certified copy of the recorded lien. The lien for mitigation payment system fees shall:

192 a. be in a form approved by the department of development and environmental  
193 services; and

194 b. include the legal description, tax account number, and address of the lot.

195 C. Any mitigation payment system fee deferred under subsection A. or B. of this  
196 section shall be paid in full not later than the earlier of the date of final inspection or  
197 eighteen months from the date of issuance of the original building permit. Any  
198 administrative deferral fee paid under K.C.C. 14.75.080 shall not be credited against the  
199 mitigation payment system fee required by K.C.C. 14.75.070.

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

203 E. Upon receipt of payment of mitigation payment system fees deferred under  
204 subsection A. or B. of this section, the department of development and environmental  
205 services shall execute a lien release for each single detached dwelling unit or all of the  
206 dwelling units in a multifamily residential building for which the mitigation payment  
207 system fees have been received. The property owner, at the owner's expense, shall be  
208 responsible for recording the lien release.

209 F. Compliance with the requirements for deferring mitigation payment system  
210 fees under subsection A. or B. of this section constitutes compliance with subdivision or  
211 short subdivision conditions relating to the timing of the mitigation payment system  
212 impact fees under this chapter.



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

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

218            B. All development permits ~~((which))~~ that require an individually determined  
219 ~~((MPS))~~ mitigation payment system fee according to K.C.C. 14.75.070\_C shall pay an  
220 administrative processing fee of three hundred twenty dollars.

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

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

228            a. eighty-five dollars for each single detached dwelling unit; and

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

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

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

236            SECTION 8. If any provision of this ordinance or its application to any person or  
237            circumstance is held invalid, the remainder of the ordinance or the application of the  
238            provision to other persons or circumstances is not affected."

239            **EFFECT: Modifies section 2E, the residential fee schedule, to reflect the deletion of**  
240            **the South Park Bridge from the list of eligible projects; modifies the fees for zones**  
241            **272 and 363 to correct errors; modifies section 3E to delete the South Park Bridge**  
242            **from the mitigation payment system project list and adjusts the total cost**  
243            **accordingly.**

September 19, 2011 Council Meeting

Sponsor:

*Larry Hillier*

Proposed No.: 2011-0312

LP MOVED

PASSED: 8-0 PUR EXCUSED

1 AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2 2011-0312, VERSION 2

3 On page 22, beginning on line 162, strike everything through page 25, line 229, and  
4 insert:

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

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

- 10 a. records the subdivision or short subdivision;
- 11 b. submits to the department of development and environmental services a  
12 signed and notarized deferred mitigation payment system fee application and  
13 acknowledgement form for either one or more single detached dwelling units in the same  
14 development or all of the dwelling units in a multifamily residential building for which  
15 the property owner wishes to defer payment of the mitigation payment system fees; and
- 16 c. pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

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

20           B. A building permit applicant may defer payment of the mitigation payment  
21 system fee required by K.C.C. 14.75.070 for a single detached dwelling unit,  
22 condominium unit, or all of the dwelling units in a multifamily residential building until  
23 the earlier of the seven days after the date of the sale of a single detached dwelling unit, a  
24 condominium unit or a multifamily residential building or eighteen months after issuance  
25 of the original building permit, but only if before issuance of the building permit, the  
26 applicant:

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

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

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

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

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

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

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

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

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

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

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

61 F. Compliance with the requirements for deferring mitigation payment system  
62 fees under subsection A. or B. of this section constitutes compliance with subdivision or  
63 short subdivision conditions relating to the timing of the mitigation payment system  
64 impact fees under this chapter.

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

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

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

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

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

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

82 b. eighty-five dollars for each multifamily residential building."

83 After line 235, insert: —

84           "SECTION 8. Not later than March 1, 2014, the departments of transportation  
85 and development and environmental services shall report to the transportation, economy  
86 and environment committee, or its successor, on the effect of section 5 of this ordinance.  
87 The report shall include information on the number of applications for deferral, the length  
88 of time of deferral, the amount of fees deferred, the number of fees and amount not paid  
89 as required by section 5 of this ordinance, and any adverse impacts to the ability of the  
90 department of transportation to construct projects made necessary by new development.  
91 The report shall also include recommendations for changes to address deficiencies  
92 identified in the report. The departments shall consult with the independent expert  
93 review panel established by K.C.C. 14.70.270 in the preparation of the report. One paper  
94 copy and an electronic copy of the report shall be filed with the clerk of the council, who  
95 shall transmit an electronic copy of the report to all members of the transportation,  
96 economy and environment committee, or its successor."

97 Renumber the remaining sections consecutively and correct any internal references  
98 accordingly.

99 **EFFECT: Provides for deferral of road impact fees until the earlier of eighteen**  
100 **months after building permit issuance or closing. This replaces the option to defer**  
101 **until a certificate of occupancy is issued. Requires recording of a covenant to ensure**  
102 **impact fees are paid and seller pays impact fees out of closing costs unless seller and**  
103 **buyer agree otherwise. Requires KCDOT and DDES to report to the Council's**  
104 **Transportation, Economy and Environment Committee or its successor by March 1,**  
105 **2014 on impact of the deferral program.**  
106