



Legislation Details (With Text)

File #: 2012-0453 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/26/2012 **In control:** Budget and Fiscal Management Committee
On agenda: **Final action:** 1/28/2013
Enactment date: 2/7/2013 **Enactment #:** 17515

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

Sponsors: Joe McDermott

Indexes:

Code sections: 14.30.060 -, 14.44.040 -, 14.45.060 -, 14.45.080 -, 14.45.090 -., 14.46.080 -, 4.56.115 -, 4A -., 6.27.054 -

Attachments: 1. Ordinance 17515.pdf, 2. 2012-0453 Title 14 fee migration Staff Report at.doc

Date	Ver.	Action By	Action	Result
1/28/2013	1	Metropolitan King County Council	Hearing Held	
1/28/2013	1	Metropolitan King County Council	Passed	Pass
1/15/2013	1	Budget and Fiscal Management Committee	Recommended Do Pass Consent	Pass
11/26/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/15/2012

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

PREAMBLE:

The existing code on revenue and fiscal regulation, K.C.C. Title 4, was created for the most part in the 1970s and 1980s, though some provisions date back to at least the 1940s. Since the creation of K.C.C. Title 4, the title has been subject to many amendments each year. The cumulative effect of these amendments has been to create ambiguities and conflicts within the title, which make it difficult to apply the code effectively and predictably. The council determines that a new title on revenue and fiscal regulation, K.C.C. Title 4A, should be created, and material related to revenue and fiscal matters be codified in that title, and all other material in K.C.C. Title 4 that is not appropriate to be codified K.C.C. Title 4A should be codified in the appropriate titles.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

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

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

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

C. The real estate services section of the facilities management division may assess a surcharge to

recover costs as specified in K.C.C. 6.27.054.B.

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

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

B. The real estate services section (~~((shall have the authority to))~~) may require applicants to reimburse the real estate services section for the actual costs incurred by the real estate services section as a result of issuance, renewal or amendment of a franchise, to the extent the costs exceed the costs of processing the application recovered by the application fee. The payment of actual cost balances shall be made at the time of the franchise issuance.

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

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

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

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

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

A. An ~~((five hundred dollar))~~ application fee ~~((to recover the cost of processing))~~ as set forth in section 6 of this ordinance for the administrative costs and expenses incurred in the processing of the special use permit application ~~((as determined by the real estate services section of the facilities management division))~~ 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.

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

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

A. Pole lines, such as power and telephone:

Every six poles or portion thereof: \$200.00

B. Water:

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

Additional 1000 linear feet or fraction thereof: \$180.00

Excavation for connection: \$200.00

C. Sewer:

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

Additional 1000 linear feet or fraction thereof: \$180.00

Excavation for connection: \$200.00

D. Cable or conduit:

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

Additional 1000 linear feet or fraction thereof: \$180.00

Excavation for connection: \$200.00

E. Gas or oil:

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

Additional 1000 feet or fraction thereof: \$180.00

Excavation for connection: \$200.00

F. Attachment to existing poles for every three attachments: \$140.00

G. Immediate response permit requests: In addition to the required permit fees an additional fee of one hundred twenty dollars shall be charged.

H. Maintenance permits: Fees per number of connections:

1. 0 to 50 connections: \$200.00

2. 51 to 100 connections: \$250.00

3. 101 to 200 connections: \$300.00

4. 201 to 500 connections: \$400.00

5. 501 or more: \$450.00

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

Each application for a right-of-way construction permit requires a fee payable to the real estate services section as set forth in section 8 of this ordinance for the administrative costs and expenses of processing the

application. ((The following fee schedule applies:

~~A. Pole lines:~~

~~Power, telephone, etc. (every six poles or portion thereof): \$200.00~~

~~B. Water:~~

~~Installing mains (1000 lin. ft. or less): \$200.00~~

~~Additional 1000 lin. ft. or fraction thereof: \$180.00~~

~~Excavation for connection: \$200.00~~

~~C. Sewer:~~

~~Installation of mains (1000 ft. or fraction thereof): \$200.00~~

~~Additional 1000 lin. ft. or fraction thereof: \$180.00~~

~~Excavation for connection: \$200.00~~

~~D. Cable or conduit:~~

~~Installing cable or conduit (1000 ft. or less): \$200.00~~

~~Additional 1000 lin. ft. or fraction thereof: \$180.00~~

~~Excavation for connection: \$200.00~~

~~E. Gas or oil:~~

~~Installing mains (1000 lin. ft. or less): \$200.00~~

~~Additional 1000 ft. or fraction thereof: \$180.00~~

~~Excavation for connection: \$200.00~~

~~F. Attachment to existing poles for every three attachments: \$140.00~~

~~G. Immediate response permit requests: In addition to the required permit fees an additional fee of one hundred twenty dollars shall be charged.~~

~~H. Maintenance permits: Fees per number of connections:~~

~~1. 0 to 50 connections: \$200.00~~

2. 51 to 100 connections:	\$250.00
3. 101 to 200 connections:	\$300.00
4. 201 to 500 connections:	\$400.00
5. 501 or more:	\$450.00))

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

A. The ((~~property services~~)) 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 ((~~property services~~)) 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.

NEW SECTION. SECTION 11. There is hereby added to the new chapter created under section 1 of

this ordinance a new section to read as follows:

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

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

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

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	Fee
Real estate services section of the facilities management division (application processing and coordinating)	(((\$500)) <u>as set forth in section 11 of this ordinance</u>
Department of development and environmental services (zoning review)	as provided in K.C.C. 27.10.120
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 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.

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

A. The annual use payment for continuing use of the county rights-of-way shall 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 transmitter and/or equipment cabinet	\$5,000
Antenna/receiver transmitter (on an existing or replacement pole) and equipment cabinet	\$3,000
Antenna/receiver transmitter (on an existing or replacement pole) or equipment cabinet, but not both	\$2,000

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

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

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

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 ~~((follows:))~~ set forth in section 13 of this ordinance.

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

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

~~C.))~~ B. Use payments shall be paid to the ~~((property services))~~ 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.

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

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

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

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

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

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

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.

A. Each application requires a ~~((five hundred dollar))~~ fee as set forth in section 15 of this ordinance 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 section 15.C. of this ordinance to the department responsible for the management of the property to be affected ~~((based on the time spent on the job by inspectors during or after construction))~~.