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Title: AN ORDINANCE relating to fees and other charges assessed by the real estate services section for processing applications and authorizing use of King County property through easements, franchises, special use permits, right-of-way construction permits, wireless right of way use agreements, public and private utility permits and other uses of King County property; and 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 10, and K.C.C. 14.45.080, Ordinance 4099, Section 7, and K.C.C. 14.46.070 and Ordinance 4099, Section 8, as amended, and K.C.C. 14.46.080.

Sponsors: Larry Phillips

Indexes: Budget, Fees, Property Services Division

Code sections: 14.30.060 -, 14.44.040 -, 14.45.080 -, 14.46.070 -, 14.46.080 -, 4.56.115 -, 6.27.054 -

Attachments: 1. 16295.pdf, 2. 2008-0571 through 0583 FEES hearing notice.doc, 3. 2008-0581 Fiscal Note.xls, 4. 2008-0581 Regulatory Note.doc, 5. 2008-0581 RES SR Attachment 6 All Fees Chart.doc, 6. 2008-0581 Staff Report RES Fees ws.doc, 7. 2008-0581 Transmittal Letter.doc

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------------------------|-----------------------------|--------|
| 11/17/2008 | 1 | Metropolitan King County Council | Hearing Held | |
| 11/17/2008 | 1 | Metropolitan King County Council | Passed | Pass |
| 11/13/2008 | 1 | Budget Review and Adoption Committee | Recommended Do Pass Consent | Pass |
| 11/12/2008 | 1 | Budget Review and Adoption Committee | Deferred | |
| 11/10/2008 | 1 | Metropolitan King County Council | | |
| 11/10/2008 | 1 | Metropolitan King County Council | | |
| 10/20/2008 | 1 | Metropolitan King County Council | Introduced and Referred | |

Clerk 10/14/2008

AN ORDINANCE relating to fees and other charges assessed by the real estate services section for processing applications and authorizing use of King County property through easements, franchises, special use permits, right-of-way construction permits, wireless right of way use agreements, public and private utility permits and other uses of King County property; and 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 10, and K.C.C. 14.45.080, Ordinance 4099, Section 7, and K.C.C. 14.46.070 and Ordinance 4099, Section 8, as amended, and K.C.C. 14.46.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. Section 2 of this ordinance proposes establishing a fee for easement applications and authorizes reimbursement of real estate services section's costs in approving and issuing an easement.

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

SECTION 2. Ordinance 12045, Section 11, as amended, and K.C.C. 4.56.115 is hereby amended 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 ~~((such))~~ the easements will not interfere with or hinder the use of the property by the custodial department or agency ~~((; provided that such))~~ though the utility easements that exceed ~~((thirty))~~ fifty thousand dollars in value shall be subject to prior approval by ~~((the council))~~ ordinance. Any other permanent easements granted by the county shall be subject to prior approval by ~~((the council))~~ 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 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, ~~((provided that))~~ though relinquishments of easements where the county spent more than ~~\$((30,000))~~ 50,000 in their acquisition shall be subject to prior approval by ~~((the council))~~ ordinance.

SECTION 3. A. Section 4 of this ordinance proposes changes in the fees currently charged for processing franchise applications and authorizes reimbursement of real estate services section's costs in approving and issuing a franchise.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

SECTION 4. Ordinance 10171, Section 1, as amended, and K.C.C. 6.27.054 is hereby amended as follows:

A. ~~((Effective January 1, 2002, a))~~ A party requesting a new franchise, amended franchise, renewal, extension of an existing franchise or transfer shall pay a franchise application fee of ~~((one thousand four))~~ two thousand five hundred dollars as reimbursement to ~~((King County))~~ 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. 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 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.

~~((C.))~~ 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.

SECTION 5. A. Section 6 of this ordinance proposes changes in the fees currently charged for processing a special use permit.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

SECTION 6. Ordinance 6254, Section 6, as amended, and K.C.C. 14.30.060 is hereby amended as follows:

A.~~((Effective January 1, 2002, a eighty five))~~ A five hundred dollar application fee to recover the cost of processing the application as determined by the ((property services division)) real estate services section of the facilities management division shall be paid thereto upon filing of the application. The fee is nonrefundable. However, the ((property services division)) real estate services section manager shall have the authority to waive fees for permits whn waiver of the fees is in the best interest of the public health, safety and welfare.

B. The ~~((property services division))~~ 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 ~~((property services division))~~ real estate services section shall have the authority to require applicants to reimburse ~~((King County))~~ the real estate services section for the actual costs and all expenses ((to be)) incurred by ((King County)) 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.

SECTION 7. A. Section 8 of this ordinance proposes changes in the fees currently charged for right-of-way construction permits.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

SECTION 8. Ordinance 1711, Section 4, as amended, and K.C.C. 14.44.040 is hereby amended as follows:

Each application requires a fee payable to the real estate services section 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): ~~\$(100.00)~~
200.00

B. Water:

Installing mains (1000 lin. ft. or less): ~~\$(100.00)~~ 200.00
Additional 1000 lin. ft. or fraction thereof: ~~\$(90.00)~~ 180.00
Excavation for connection: ~~\$(100.00)~~ 200.00

C. Sewer:

Installation of mains (1000 ft or fraction thereof) ~~\$(100.00)~~ 200.00
Additional 1000 lin. ft. or fraction thereof: ~~\$(90.00)~~ 180.00
Excavation for connection: ~~\$(100.00)~~ 200.00

D. Cable or conduit:

Installing cable or conduit (1000 ft. or less): ~~\$(100.00)~~ 200.00
Additional 1000 lin. ft. or fraction thereof: ~~\$(90.00)~~ 180.00
Excavation for connection: ~~\$(100.00)~~ 200.00

E. Gas or oil:

Installing mains (1000 lin. ft. or less): \$((100.00)) 200.00

Additional 1000 lin. ft. or fraction thereof: \$((90.00)) 180.00

Excavation for connection: \$((100.00)) 200.00

F. Attachment to existing poles for every three attachments: \$((70.00)) 140.00

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

H. Maintenance permits: Fees per number of connections:

1. 0 to 50 connections: \$((100.00)) 200.00

2. 51 to 100 connections: \$((125.00)) 250.00

3. 101 to 200 connections: \$((150.00)) 300.00

4. 201 to 500 connections: \$((200.00)) 400.00

5. 501 or more: \$((225.00)) 450.00

SECTION 9. A. Section 10 of this ordinance proposes changes in the fees currently charged for processing wireless minor communication facilities applications within county rights-of-way and authorizes reimbursement of real estate services section's costs in approving and entering into a wireless right-of-way use agreement.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

SECTION 10. Ordinance 13734, Section 10, and K.C.C. 14.45.080 is hereby amended 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 |
|---|----------------------|
| ((Property services division)) <u>Real estate services section of the facilities management division (application processing and coordinating)</u> | \$((100)) <u>500</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.

SECTION 11. A. Sections 12 and 13 of this ordinance proposes changes in the fees currently charged for permit applications for the accommodation of public and private utility facilities, and other uses upon county owned real property which are not dedicated as right-of-way and authorizes reimbursement of the real estate services section's costs in approving and issuing the permits.

B. These fees are assessed pursuant to K.C.C. 2.99.030.

SECTION 12. Ordinance 4099, Section 7, and K.C.C. 14.46.070, are each hereby amended as follows:

Applications for all permits shall be submitted, in writing, to the ~~((real property division))~~ real estate services section of the facilities management division. The application shall contain whatever information, including plans and specifications, the ~~((real property division shall))~~ real estate services section requires.

SECTION 13. Ordinance 4099, Section 8, as amended, and K.C.C. 14.46.080 are each hereby amended to read as follows:

A. ~~((Effective January 1, 2002, e))~~ Each application requires a ~~((one))~~ five hundred ~~((twenty-five))~~ dollar fee payable to the ~~((property services division))~~ real estate services section of the facilities management division for the administrative costs 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 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.

SECTION 14. This ordinance takes effect January 1, 2009.