



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 10/3/2016      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 11/14/2016

**Enactment date:** 11/17/2016      **Enactment #:** 18410

**Title:** AN ORDINANCE setting the annual use payment for continuing use of the county road rights-of-way as authorized in right-of-way use agreements for wireless telecommunications facilities; and amending Ordinance 17515, Section 13, as amended, and K.C.C. 4A.675.060, Ordinance 13734, Section 4, as amended, and K.C.C. 14.45.020.

**Sponsors:** Dave Upthegrove

**Indexes:** Budget, Right-of-Way, Roads

**Code sections:**

**Attachments:** 1. 18410.pdf, 2. 2016-0476 legislative review form.pdf, 3. 2016-0476 transmittal letter.doc, 4. 2016-0476 fiscal note.xlsx, 5. 2016-0476\_SR\_RES\_Wireless\_Telecommunication\_ROW\_Annual\_Use\_Fees.pdf, 6. 2016-0476\_ATT2\_Amendment1.pdf, 7. 2016 FEE ORDINANCES readvertise Seattle Times 10-26-16, 8. 2016-0476-0477-0478-0481-0482-0484-0490-0491-0492-0493-0495 Sea Times Aff of PUB 10-19-16, 9. 2016-0476\_Revised\_SR\_RES\_Wireless\_Telecommunication\_ROW\_Annual\_Use\_Fees.docx

Date	Ver.	Action By	Action	Result
11/14/2016	2	Metropolitan King County Council	Hearing Held	
11/14/2016	2	Metropolitan King County Council	Passed as Amended	Pass
11/7/2016	2	Metropolitan King County Council	Hearing Held	
11/1/2016	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
10/26/2016	1	Budget and Fiscal Management Committee	Deferred	
10/25/2016	1	Budget and Fiscal Management Committee	Deferred	
10/3/2016	1	Metropolitan King County Council	Referred	

AN ORDINANCE setting the annual use payment for continuing use of the county road rights-of-way as authorized in right-of-way use agreements for wireless telecommunications facilities; and amending Ordinance 17515, Section 13, as amended, and K.C.C. 4A.675.060, Ordinance 13734, Section 4, as amended, and K.C.C. 14.45.020.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. Section 2 of this ordinance proposes changes to the annual use payment currently charged for right-of-way use agreements by clarifying wireless communication facility antenna support structures, establishing a new annual use payment amount and revising the adjusted rate.

B. These fees are assessed pursuant to K.C.C.299.030.

SECTION 2. Ordinance 17515, Section 13, as amended, and K.C.C. 4A.675.060 are each hereby amended to read as follows:

A. The annual use payment for continuing use of the county rights-of-way ~~((as follows))~~ for wireless communications facilities shall be the following amounts for 2017 and, for each year thereafter, the 2017 amount adjusted as provided in subsection C. of this section:

Type of Equipment/Facility within the right-of-way	Use Payment
<del>((Separate ))</del> <u>Full cell wireless installation.</u>	<del>\$((5,000))</del>
<u>Antenna array or antenna array and equipment cabinet on a new, existing, or replacement antenna support structure <del>((such as a monopole or lattice) used solely for wireless antenna, with antenna/receiver transmitter and/or equipment cabinet)).</del></u>	<u>10,000</u>
<u>Combined element wireless installation.</u>	\$3,000
<u>Single <del>((A))</del> antenna <del>((/receiver transmitter (on an existing or replacement pole)))</del> and equipment cabinet on a new, existing or replacement antenna support structure.</u>	
<u>Single element wireless installation. Single <del>((A))</del> antenna <del>((/receiver transmitter (on an existing or replacement pole) and))</del> or equipment cabinet</u>	\$2,000

~~((, but not both))~~ on a new, existing or replacement antenna support structure.

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. ~~((A))~~ The amount of the annual use payments ~~((prescribed))~~ established by subsection A. of this section shall be automatically ~~((escalated))~~ adjusted annually, beginning January 1, ((2004)) 2018, and every year thereafter, ((for the change in)) using the U.S. Department of Labor, Bureau of Labor Statistics Consumer January through December Price Index for All Urban Consumers ("CPI-U") for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area for the year preceding the prior calendar year of the agreement's implementation. However, if the CPI-U is negative, there will be no adjustment. In the event the CPI-U ~~((or a successor or substitute index))~~ is no longer published, a reliable government or other ~~((non-partisan))~~ nonpartisan index of inflation selected by the county shall be used to calculate the adjusted amounts.

SECTION 3. Ordinance 13734, Section 4, and K.C.C. 14.45.020 are each hereby amended to read as follows:

The ~~((following terms shall be applicable to this chapter:))~~ definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Antenna support structure" means any pole, post, tower or other structure supporting, permitted and sufficient for the mounting and operation of wireless communications facilities.

B. "Array" means more than one antenna on the same support structure.

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

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

~~((C.))~~ E. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave or satellite.

F. "Wireless telecommunications facility" ~~((is))~~ means the capital, equipment and property, including, but not limited to, the poles and other antenna support structures, pipes, mains, conduits, ducts, pedestals~~((;))~~ and electronic equipment within the right-of-way used for the purpose of transmitting, receiving, distributing, providing~~((;))~~ or offering wireless telecommunications.

~~((D.))~~ G. "Wireless telecommunications provider" ~~((is))~~ means every person that owns, controls, operates or manages a wireless minor telecommunication facility within the county right-of-way for the purpose of offering wireless telecommunication services ~~((i.e.))~~. For the purposes of this subsection, "wireless telecommunication services" means transmission for hire of information in electronic or optical form, including, but not limited to, voice, video~~((;))~~ or data~~((;))~~.

~~((E. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave, or satellite.))~~

SECTION 4. This ordinance takes effect January 1, 2017.