



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 15, 2016**

**Ordinance 18410**

**Proposed No. 2016-0476.3**

**Sponsors Upthegrove**

1 AN ORDINANCE setting the annual use payment for  
2 continuing use of the county road rights-of-way as  
3 authorized in right-of-way use agreements for wireless  
4 telecommunications facilities; and amending Ordinance  
5 17515, Section 13, as amended, and K.C.C. 4A.675.060,  
6 Ordinance 13734, Section 4, as amended, and K.C.C.  
7 14.45.020.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

20	Type of Equipment/Facility within the right-of-way	Use Payment
21	<del>((Separate))</del> <u>Full cell wireless installation.</u>	<del>\$(5,000)</del>
22	<u>Antenna array or antenna array and equipment</u>	<u>10,000</u>
23	<u>cabinet on a new, existing, or replacement antenna</u>	
24	<u>support structure <del>((such as a monopole or lattice)</del></u>	
25	<u><del>used solely for wireless antenna, with antenna/receiver</del></u>	
26	<u><del>transmitter and/or equipment cabinet).</del></u>	
27	<u>Combined element wireless installation.</u>	\$3,000
28	<u>Single <del>((A))</del> antenna <del>((/receiver transmitter (on an</del></u>	
29	<u><del>existing or replacement pole)))</del> and equipment cabinet</u>	
30	<u>on a new, existing or replacement antenna support</u>	
31	<u>structure.</u>	
32	<u>Single element wireless installation. Single</u>	\$2,000
33	<u><del>((A))</del> antenna <del>((/receiver transmitter (on an existing or</del></u>	
34	<u><del>replacement pole) and))</del> <u>or</u> equipment cabinet</u>	
35	<u><del>((, but not both))</del> <u>on a new, existing or replacement</u></u>	
36	<u>antenna support structure.</u>	

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

41 C. ~~((A))~~ The amount of the annual use payments ~~((prescribed))~~ established by  
 42 subsection A. of this section shall be automatically ~~((escalated))~~ adjusted annually,

43 beginning January 1, ~~((2004))~~ 2018, and every year thereafter, ~~((for the change in))~~  
44 using the U.S. Department of Labor, Bureau of Labor Statistics Consumer January  
45 through December Price Index for All Urban Consumers ("CPI-U") for the Seattle-  
46 Tacoma-Bremerton Statistical Metropolitan Area for the year preceding the prior  
47 calendar year of the agreement's implementation. However, if the CPI-U is negative,  
48 there will be no adjustment. In the event the CPI-U ~~((or a successor or substitute~~  
49 ~~index)))~~ is no longer published, a reliable government or other ~~((non-partisan))~~  
50 nonpartisan index of inflation selected by the county shall be used to calculate the  
51 adjusted amounts.

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

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

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

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

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

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

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

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

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

83           ~~((E. "Wireless" means transmissions through the airwaves including, but not~~

84 ~~limited to, infrared line of sight, cellular, microwave, or satellite.))~~

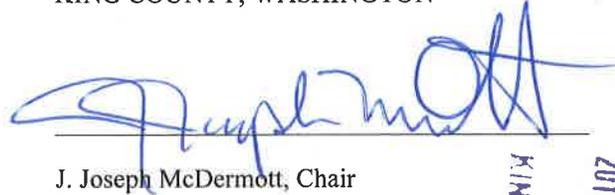
85 SECTION 4. This ordinance takes effect January 1, 2017.

86

Ordinance 18410 was introduced on 10/3/2016 and passed as amended by the Metropolitan King County Council on 11/14/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

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APPROVED this 17<sup>th</sup> day of November, 2016.



Dow Constantine, County Executive

Attachments: None