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Title: AN ORDINANCE relating to fees and other charges for processing real estate services section right-of-way use agreements that authorize use of King County property 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 and Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080.

Sponsors: Joe McDermott

Indexes: Budget, Fees

Code sections: 14.45.040 - ., 14.45.080 -, 4A.675.060 - .

Attachments: 1. 2014-0401 Legislative Review Form.pdf, 2. 2014-0401 transmittal letter.doc, 3. 2014-0401 fiscal note.xls, 4. 2014-0401 notice of public hearing and summary.doc, 5. 2014-0401 hearing notice - publish Seattle Times 10/22/14, 6. Affidavit of Publishing - Seattle Times 10-22-14, 7. Staff Report Proposed Ordinance 2014-0401 Wireless Rights-of-Way Fees.docx, 8. Attachment 3 PowerPoint Presentation.pdf, 9. Staff Report Proposed dated November 4, 2014 Wireless Rights-of-Way Fees.docx, 10. Attachment 1 Striking Amendment S1 to 2014-0401.docx, 11. Attachment 2 Title Amendment T1 to 2014-0401.docx

Date	Ver.	Action By	Action	Result
11/10/2014	1	Metropolitan King County Council	Hearing Held	
11/6/2014	1	Budget and Fiscal Management Committee	Deferred	
11/4/2014	1	Budget and Fiscal Management Committee	Deferred	
10/29/2014	1	Budget and Fiscal Management Committee	Deferred	
10/28/2014	1	Budget and Fiscal Management Committee	Deferred	
9/29/2014	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/22/2014

AN ORDINANCE relating to fees and other charges for processing real estate services section right-of-way use agreements that authorize use of King County property 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 and Ordinance 13734, Section 10,

as amended, and K.C.C. 14.45.080.

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 eliminating multiple charge categories, clarifying wireless communication facility antenna support structures, establishing a new base annual use payment amount and revising the escalation rate.

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

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 ten thousand dollars.

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/or 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.~~

~~€.))~~ B. All use payments prescribed by subsection A. of this section shall be automatically escalated annually, beginning January 1, ~~((2004))~~ 2015, and every year thereafter~~((, using the most recent available 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)).~~ The compounded use payment shall be applied pro rata to all new wireless agreements executed within the corresponding calendar year. Once executed, all use payments required under the wireless agreements shall be automatically escalated annually based on the execution date of the agreement with an escalator of four percent per year compounded annually.

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. "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 county₂ 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;))~~ C. "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;))~~ D. "Wireless telecommunications facility" ((is)) means the capital, equipment and property, including₂ 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.))~~ E. "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.))~~ F. "Wireless" means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, microwave~~((;))~~ or satellite.

SECTION 4. A. Section 5 of this ordinance proposes changes to the structure of the application review and inspection fees currently charged for right-of-way use agreements by conforming the rate charged for road services division inspection fees to the rate charged for right-of-way construction permits.

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

SECTION 5. Ordinance 13734, Section 10, as amended, and K.C.C. 14.45.080 are each hereby amended to read as follows:

A.1. 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)	as set forth in K.C.C. 4A.675.050
Department of permitting and environmental review (zoning review)	as provided in K.C.C. 27.10.120

Road services division (inspection)

~~(((\$125))~~at rate

provided in K.C.C. 14.44.045

2. 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 and all expenses 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. 6. This ordinance takes effect January 1, 2015.