Legislation Details (With Text)

File #:	2011-0312 **Version:** 3		
Type:	Ordinance	**Status:**	Passed
File created:	7/18/2011	**In control:**	Transportation, Economy, and Environment Committee
On agenda:	9/19/2011	**Final action:**	9/19/2011
Enactment date:	9/28/2011	**Enactment #:**	17190

Title: AN ORDINANCE relating to road fees; amending Ordinance 11617, Section 43, and Attachment B, as amended, and K.C.C. 14.65.020, Ordinance 11617, Section 43, and Attachment B, as amended, and K.C.C. 14.75.040, Ordinance 11617, Section 49, as amended, and K.C.C. 14.75.100, Ordinance 11617, Section 46, and K.C.C. 14.75.070, Ordinance 11617, Section 47, and K.C.C. 14.75.080 and Ordinance 11617, Section 48, and K.C.C. 14.75.090 and adding a new section to K.C.C. chapter 14.75.

Sponsors: Larry Phillips, Jane Hague

Indexes: Fees, Roads

Code sections: 14.65.020 -, 14.75 - ., 14.75.040 -, 14.75.070 - ., 14.75.080 -, 14.75.090 - ., 14.75.100 -

Attachments: 1. 17190.pdf, 2. 2011-0312 Attachment to Transmittal Letter.pdf, 3. 2011-0312 Fiscal Note.doc, 4. 2011-0312 transmittal letter.doc, 5. 2011-0312 hearing notice.doc, 6. 2011-0312 Staff Report (7-26-11).doc, 7. 2011-0312 Striking Amendment (7-26-11).doc, 8. 2011-0312 Title Amendment (07-19-11).doc, 9. 2011-0312 Revised Staff Report (07-26-11).doc, 10. Amendment package 9-19-11.pdf, 11. 17190 Adoption Notice.doc

Date	Ver.	Action By	Action	Result
9/19/2011	2	Metropolitan King County Council	Passed as Amended	Pass
9/6/2011	2	Metropolitan King County Council	Hearing Held	
9/6/2011	2	Metropolitan King County Council	Deferred	
7/26/2011	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
7/18/2011	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to road fees; amending Ordinance 11617, Section 43, and Attachment B, as amended, and K.C.C. 14.65.020, Ordinance 11617, Section 43, and Attachment B, as amended, and K.C.C. 14.75.040, Ordinance 11617, Section 49, as amended, and K.C.C. 14.75.100, Ordinance 11617, Section 46, and K.C.C. 14.75.070, Ordinance 11617, Section 47, and K.C.C. 14.75.080 and Ordinance 11617, Section 48, and K.C.C. 14.75.090 and adding a new section to K.C.C. chapter 14.75.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11617, Section 4, as amended, and K.C.C. 14.65.020 are each hereby amended to read as follows:

A. Following the submission of a development application, the department of transportation shall determine the transportation impact fee to be paid under K.C.C. chapter 14.75 and shall determine the traffic impacts of the proposed development on roadway intersections that will be adversely impacted and which must be mitigated using K.C.C. chapter 14.80.

B.1. The vehicular trips expected to be generated by a proposed development shall be calculated as of the time of application, using standard generation rates published by the Institute of Transportation Engineers, other standard references or from other documented information and surveys approved by the department of transportation.

2. The department of transportation may approve a reduction in generated vehicle trips calculated under subsection B.1. of this section based on the types of land uses that are to be developed, on the expected amount of travel internal to the development, on the expected pass-by trips from existing traffic or on the expected reduction of vehicle traffic volumes. Such a reduction shall be used when calculating ((~~MPS~~)) mitigation payment system and ((~~IS~~)) intersection standards, including any impact and mitigation fees and costs for which the development shall be liable.

3. The calculation of vehicular trip reductions as described in this section shall be based in all cases upon sound and recognized technical information and analytical process that represent current engineering practice. In all cases, the department of transportation shall have final approval of all such data, information and technical procedures used to calculate trip reductions.

C. Intersection level of service shall be calculated according to the most-recent Highway Capacity Manual or an alternative method approved by the department of transportation.

D. The intersection standard for all intersections shall be "E" as required by the K.C.C. chapter 14.80

and calculated according to the most recent Highway Capacity Manual or approved alternative method.

E. As well as other criteria for bicycle, pedestrian, traffic congestion, safety and road design, the standards in subsection D. of this section shall be used in the integrated transportation program for the determination of traffic impacts for the ((~~SEPA~~)) state Environmental Policy Act evaluation of a proposed development.

F. Fees for the ((~~MPS~~)) mitigation payment system and ((~~IS~~)) intersection standards shall be as follows:

1. All developments subject to the ((~~MPS~~)) mitigation payment system fees shall pay an administrative fee as established by K.C.C. 14.75.080 and 14.75.090 at the time of application for a((~~n MPS~~)) mitigation payment system determination. Payment for impact mitigation fees under ((~~MPS~~)) mitigation payment system shall be paid at the time a development permit is issued, but residential developments may defer payment until building permits are issued~~;~~, except as otherwise provided in section 5 of this ordinance; and

2. Administrative fees shall not be charged for ((~~IS~~)) intersection standards review, but the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the director.

G. The need for the environmental assessment of a proposed development must be determined by the department of development and environmental services, following the filing of a completed permit application. Impacts on the road system will be mitigated through ((~~MPS~~)) mitigation payment system fees. Impacts on intersections will be mitigated through K.C.C. chapter 14.80.

H. Nothing in this chapter shall cause a developer to pay mitigation and impact fees more than once for the same impact. Improvements and mitigation measures shall be coordinated by the director with other such improvements and measures attributable to other proposed developments, and with the county road improvement program so that the county road system is improved efficiently and effectively, with minimum costs to be incurred by public and private entities. This title does not supersede or replace the county ((~~SEPA~~))

state Environmental Policy Act authority as enacted in K.C.C. chapter 20.44.

SECTION 2. Ordinance 11617, Section 43, and Attachment B, as amended, and K.C.C. 14.75.040 are each hereby amended to read as follows:

A. Fee schedules stating the amount of the ((~~MPS~~)) mitigation payment system fee ((~~which~~)) that residential development shall pay for development subject to ((~~MPS~~)) mitigation payment system fees are set forth in subsection E. of this section as described in subsection D. of this section. Subsequent fee schedules shall be established in accordance with K.C.C. 14.75.050. All other development shall pay a((~~n MPS~~)) mitigation payment system fee individually calculated by the department, as set forth in K.C.C. 14.75.050.B. The ((~~MPS~~)) mitigation payment system administrative fee, which all developers shall pay, is set forth in K.C.C. 14.75.080 and 14.75.090.

B. For purposes of this chapter, the county is divided into service districts as set forth in Attachment A to Ordinance 13696. In each service district, similar types of residential development shall pay the same ((~~MPS~~)) mitigation payment system fee, unless the amount of the fee is altered because:

1. Unusual circumstances exist and the department adjusts the amount of the fee as provided in subsection C. of this section; or

2. The developer submits studies or data showing that the fee as set forth in the applicable schedule or as calculated by the department is in error, as provided in K.C.C. 14.75.150.

C. The department may adjust the standard impact fee as set forth in the fee schedules at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that ((~~MPS~~)) mitigation payment system fees are imposed fairly. The department shall set forth its reasons for adjusting the standard ((~~MPS~~)) mitigation payment system fee in written findings.

D. The multifamily residential fee shall be determined based on the appropriate single family fee shown in subsection E. of this section multiplied by 0.6. The residential ((~~MPS~~)) mitigation payment system fee for any unincorporated area not within a zone listed on the King County residential fee schedule shall be one

hundred eighty-nine dollars.

E. King County residential fee schedule.

Zone	$Fee	Zone	$Fee	Zone	$ Fee	Zone	$Fee
70	$((~~23~~)) 43	**71**	$((~~25~~)) 42	**75**	$((~~59~~)) 37	**83**	$23
85	$((~~1078~~)) 17	**((~~86~~**	~~$325~~))	**88**	$((~~342~~)) 24	**((~~89~~**	~~$445~~))
90	$((~~831~~)) 32	**((~~102~~**	~~$194~~	**~~108~~**	~~$2119~~))	**113**	$((~~256~~)) 227
115	$((~~446~~)) 173	**((~~117~~**	~~$1064~~))	**120**	$((~~284~~)) 188	**121**	$((~~149~~)) 168
124	$((~~72~~)) 120	**126**	$((~~33~~)) 270	**128**	$((~~42~~)) 150	**129**	$((~~38~~)) 272
130	$377	**132**	$((~~34~~)) 521	**133**	$1	**134**	$((~~4617~~)) 6033
135	$((~~3374~~)) 3039	**136**	$((~~4542~~)) 6199	**137**	$((~~4644~~)) 4486	**138**	$((~~3759~~)) 2596
139	$((~~3152~~)) 2583	**140**	$((~~1872~~)) 1419	**141**	$((~~1706~~)) 1453	**142**	$((~~1595~~)) 647
143	$((~~1339~~)) 477	**144**	$((~~653~~)) 579	**145**	$((~~593~~)) 105	**146**	$((~~627~~)) 518
147	$((~~391~~)) 47	**148**	$((~~253~~)) 49	**149**	$((~~221~~)) 21	**176**	$((~~29~~)) 79
177	$((~~22~~)) 103	**178**	$((~~13~~)) 99	**179**	$((~~9~~)) 94	**180**	$((~~10~~)) 152
181	$((~~34~~)) 154	**182**	$((~~47~~)) 166	**183**	$((~~58~~)) 195	**184**	$((~~67~~)) 227
185	$((~~144~~)) 544	**187**	$((~~42~~)) 231	**188**	$((~~50~~)) 181	**189**	$((~~61~~)) 279
((~~190~~	~~$53~~	**~~191~~**	~~$68~~	**~~192~~**	~~$84~~))	**194**	$((~~162~~)) 242
195	$((~~132~~)) 195	**196**	$((~~256~~)) 227	**((~~199~~**	~~$135~~	**~~200~~**	~~$77~~))
215	$((~~1272~~)) 224	**216**	$((~~784~~)) 253	**223**	$((~~134~~)) 310	**226**	$((~~218~~)) 191
227	$((~~151~~)) 195	**232**	$((~~156~~)) 185	**233**	$((~~184~~)) 182	**234**	$((~~221~~)) 216
235	$((~~165~~)) 490	**236**	$((~~184~~)) 177	**239**	$((~~64~~)) 334	**240**	$((~~37~~)) 187
241	$((~~26~~)) 226	**242**	$((~~56~~)) 167	**243**	$((~~49~~)) 214	**257**	$((~~16~~)) 308
258	$((~~38~~)) 454	**259**	$((~~40~~)) 464	**260**	$((~~29~~)) 221	**263**	$((~~21~~)) 490

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264	$((~~1345~~)) 1232	**265**	$((~~542~~)) 290	**266**	$((~~631~~)) 1430	**267**	$((~~1620~~)) 182
268	$((~~885~~)) 261	**269**	$((~~657~~)) 273	**270**	$((~~723~~)) 178	**271**	$((~~605~~)) 641
272	$((~~521~~)) 508	**273**	$((~~491~~)) 503	**274**	$((~~1661~~)) 311	**275**	$((~~254~~)) 146
276	$((~~351~~)) 146	**277**	$((~~658~~)) 194	**278**	$((~~150~~)) 210	**279**	$((~~160~~)) 139
280	$((~~106~~)) 199	**281**	$((~~253~~)) 259	**282**	$((~~348~~)) 701	**283**	$((~~278~~)) 851
284	$((~~314~~)) 207	**287**	$257	**289**	$((~~377~~)) 421	**290**	$((~~420~~)) 398
292	$((~~865~~)) 774	**295**	$((~~5488~~)) 3806	**296**	$((~~7534~~)) 6450	**297**	$((~~996~~)) 1120
298	$((~~2928~~)) 741	**299**	$((~~6473~~)) 2027	**300**	$((~~1923~~)) 759	**301**	$((~~2048~~)) 261
302	$((~~2017~~)) 1108	**303**	$((~~6454~~)) 4798	**304**	$((~~1960~~)) 499	**305**	$((~~4732~~)) 2926
306	$((~~6328~~)) 3025	**307**	$((~~6056~~)) 1166	**311**	$((~~1091~~)) 1077	**312**	$((~~1576~~)) 3685
313	$((~~1052~~)) 1140	**314**	$((~~1580~~)) 1140	**((~~316~~**	~~$257~~	**~~317~~**	~~$314~~))
318	$((~~523~~)) 1245	**((~~319~~**	~~$426~~	**~~320~~**	~~$1205~~	**~~321~~**	~~$1401~~
~~325~~	~~$1372~~	**~~326~~**	~~$2293~~	**~~327~~**	~~$1899~~	**~~328~~**	~~$1253~~))
331	$((~~4729~~)) 1424	**((~~333~~**	~~$821~~	**~~334~~**	~~$1766~~))	**335**	$((~~1850~~)) 1360
336	$((~~4679~~)) 1685	**337**	$((~~6339~~)) 6368	**338**	$((~~4891~~)) 2976	**339**	$((~~5558~~)) 3954
((~~340~~	~~$3167~~	**~~341~~**	~~$3349~~))	**342**	$((~~3720~~)) 1090	**((~~343~~**	~~$1226~~
~~344~~	~~$2892~~))	**345**	$((~~3693~~)) 969	**346**	$((~~3875~~)) 2183	**347**	$((~~1515~~)) 205
348	$((~~2859~~)) 2392	**349**	$((~~2601~~)) 1829	**350**	$((~~1377~~)) 263	**((~~351~~**	~~$609~~
~~354~~	~~$733~~	**~~355~~**	~~$1557~~	**~~356~~**	~~$647~~	**~~357~~**	~~$1502~~
~~358~~	~~$2146~~	**~~359~~**	~~$1625~~))	**363**	$((~~2015~~)) 3293	**365**	$((~~265~~)) 824
366	$((~~162~~)) 283	**367**	$((~~893~~)) 1519	**369**	$((~~181~~)) 366	**370**	$((~~470~~)) 176
371	$((~~512~~)) 274	**((~~372~~**	~~$291~~	**~~373~~**	~~$348~~))	**374**	$((~~104~~)) 840
((~~375~~	~~$196~~))	**376**	$((~~239~~)) 1002	**((~~377~~**	~~$111~~))	**378**	$((~~191~~)) 601

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379	$((~~103~~)) 980	**380**	$((~~56~~)) 1198	**381**	$((~~50~~)) 537	**382**	$((~~6200~~)) 6518
383	$((~~5582~~)) 5292	**384**	$((~~4879~~)) 5623	**385**	$((~~5842~~)) 6250	**386**	$((~~5479~~)) 4539
387	$((~~5006~~)) 5351	**388**	$((~~7133~~)) 2618	**389**	$((~~4808~~)) 2432	**390**	$((~~3310~~)) 2982
391	$((~~3195~~)) 6394	**392**	$((~~3807~~)) 3264	**393**	$((~~4688~~)) 4054	**394**	$((~~4773~~)) 5845
395	$((~~2307~~)) 1493	**396**	$((~~4784~~)) 6655	**397**	$((~~3037~~)) 4123	**398**	$((~~3074~~)) 2447
399	$((~~2200~~)) 3350	**400**	$((~~2061~~)) 2361	**401**	$((~~1379~~)) 2582	**402**	$((~~1284~~)) 1542
403	$((~~1101~~)) 1394	**404**	$((~~969~~)) 847	**405**	$((~~943~~)) 874	**406**	$((~~1986~~)) 2580
407	$((~~1788~~)) 2113	**408**	$((~~2807~~)) 1032	**409**	$((~~2696~~)) 729	**410**	$((~~3343~~)) 589
411	$((~~845~~)) 364	**416**	$((~~2592~~)) 693	**417**	$((~~1725~~)) 729	**418**	$((~~1418~~)) 941
((~~419~~	~~$900~~))	**421**	$303	**424**	$((~~564~~)) 626	**425**	$((~~493~~)) 262
426	$((~~603~~)) 409	**427**	$((~~401~~)) 289	**428**	$((~~1135~~)) 210	**431**	$((~~911~~)) 453
432	$((~~2125~~)) 895	**433**	$((~~1713~~)) 488	**434**	$((~~802~~)) 913	**435**	$((~~657~~)) 741
436	$((~~1062~~)) 1686	**437**	$((~~777~~)) 931	**439**	$((~~1202~~)) 339	**440**	$((~~4547~~)) 491
441	$((~~2030~~)) 1029	**442**	$((~~2874~~)) 556	**443**	$((~~1987~~)) 711	**449**	$((~~2690~~)) 1109
450	$((~~1540~~)) 903	**451**	$((~~1377~~)) 1056	**452**	$((~~1970~~)) 1655	**453**	$((~~1098~~)) 925
454	$((~~2355~~)) 997	**((~~455~~**	~~$351~~))	**456**	$((~~521~~)) 366	**460**	$430
461	$246	**465**	$92				

Any unincorporated residential fee not otherwise listed in this subsection E. is $189.

SECTION 3. Ordinance 11617, Section 49, as amended, and K.C.C. 14.75.100 are each hereby amended to read as follows:

A. In conjunction with the department's review and update of the Transportation Needs Report ((~~("TNR")~~)), or its successor, element of the King County Comprehensive Plan the department shall do the following:

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1. Identify each project that is growth-related and the proportion of each such project that is growth-related;

2. Forecast the total money available from taxes and other public sources for road improvements over the multiyear program;

3. Calculate the amount of ((~~MPS~~)) mitigation payment system fees already paid; and

4. Identify those ((~~MPS~~)) mitigation payment system projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The department shall use this information to prepare a draft ((~~MPS~~)) mitigation payment system project list, which shall comprise:

1. The projects in the ((~~TNR~~)) Transportation Needs Report, or its successor, in order of priority, that are growth-related and that are capable of being funded with the forecast public money and the ((~~MPS~~)) mitigation payment system fees already paid; and

2. The ((~~MPS~~)) mitigation payment system projects already built or funded under this chapter whose performance capacity has not been fully utilized.

C. The council shall by ordinance establish the ((~~MPS~~)) mitigation payment system project list by adopting, with or without modification, the department's draft list.

D. Once a project is placed on the ((~~MPS~~)) mitigation payment system project list, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:

1. The council by ordinance removes the project from the ((~~MPS~~)) mitigation payment system project list, in which case the fees already collected will be refunded if necessary to ensure that the ((~~MPS~~)) mitigation payment system fee remains reasonably related to the traffic impacts of development that have paid a((~~n MPS~~)) mitigation payment system fee. However, a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or

2. The capacity created by the project has been fully utilized, in which case the department shall administratively remove the project from the ((~~MPS~~)) mitigation payment system project list.

E. The ((~~MPS~~)) mitigation payment system project list in this subsection E. shall be used by the department of transportation in preparing the mitigation payment system program fee schedules and in calculating mitigation payment system program fees.

Jurisdiction	**Project Number**	**Project Name**	**From**	**To**	**((~~MPS~~)) Mitigation Payment System Cost**
County	B-6	NE 132 ST/NE 128 ST	184 AVE NE	196 AVE NE	((~~$6,134,000~~)) $13,272,400
((~~County~~	~~B-9.10~~	~~AVONDALE RD~~	~~WOOD-DUVALL RD~~	~~NE 155 ST~~	~~$8,361,000~~
~~County~~	~~B-9.20~~	~~AVONDALE RD PH III~~	~~NE 155 ST~~	~~NE 133 ST~~	~~$4,920,000~~))
County	B-9.30	Woodinville-Duvall Rd @ Avondale Rd NE			((~~$2,806,000~~)) $8,290,613
((~~County~~	~~B-23~~	~~NE UNION HILL RD~~	~~198 AVE NE~~	~~206 AVE NE~~	~~$11,437,000~~
~~County~~	~~B-29~~	~~AVONDALE RD~~	~~REDMOND C/L~~	~~AVONDALE PL NE~~	~~$11,089,000~~))
County	B-30	AVONDALE RD PH III	AVONDALE PL NE	NE 132 ST	((~~$7,544,000~~)) $5,770,619
County	B-56.12	NOVELTY HILL RD ((~~STAGE 2~~)) PH I	AVONDALE RD NE	244 AVE NE	((~~$20,697,000~~)) $52,796,733
((~~County~~	~~B-56.20~~	~~NOVELTY HILL -EAST-REDMOND~~	~~AVONDALE RD NE~~	~~REDMOND C/L~~	~~$1,029,000~~
~~County~~	~~ES-2.50~~	~~E LK SAMMAMISH PKWY INTERST~~	~~@ INGLEWOOD HILL RD~~	~~@ THOMPSON RD~~	~~$1,641,000~~
~~County~~	~~ES-5.10~~	~~SE 56 ST BRIDGE~~	~~SE 56 XING~~	~~ISSAQUAH CREEK~~	~~$582,000~~
~~County~~	~~ES-6.20~~	~~E LK SAMMAMISH PKWY~~	~~SE 56 St~~	~~Issaquah Fall City Rd~~	~~$5,794,000~~

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~~County~~	~~ES-6.30~~	~~E LK SAMMAMISH PKWY~~	~~ISSAQ FALL CITY RD~~	~~I-90 on Ramp~~	~~$6,347,000~~
~~County~~	~~ES-7.30~~	~~SUNSET INTERCHANGE I-90 IMPRVMTS~~			~~$2,022,000~~
~~County~~	~~ES-12.22~~	~~ISSQ-PINE LK RD PH I CONSTRUCTION~~	~~SE 48 ST~~	~~ISSAQUAH FALL CITY RD~~	~~$5,022,000~~
~~County~~	~~ES-15.10~~	~~ISSQ-FALL CITY RD PH II~~	~~ISSQ-PINE LK RD~~	~~2300 ' EAST OF ISSQ PINE LK RD~~	~~$4,109,000~~
~~County~~	~~ES-15.42~~	~~ISSAQUAH - FALL CITY RD - PHIII~~	~~APPROX SE 48 ST~~	~~KLAHANIE DR~~	~~$6,993,000~~
~~County~~	~~ES-48.12~~	~~SPAR NORTH LINK STAGE 1~~	~~ISSQ-FALL CITY/PINE LK~~	~~GRAND RIDGE MPD~~	~~$20,550,000~~
~~County~~	~~ES-48.22~~	~~SPAR SOUTH LINK CONST~~	~~GRAND RIDGE MPD~~	~~I-90 SUNSET INTERCHANGE~~	~~$30,232,000~~))
County	ES-75.22	SAHALEE WAY CONST	NE 50 ST	SR-202	((~~$805,000~~)) $475,334
((~~County~~	~~F-24~~	~~S 272 ST~~	~~SR-99~~	~~16 AVE S~~	~~$1,487,000~~
~~County~~	~~G-6.10~~	~~GREEN RIVER BRIDGE PROJECTS~~	~~83 AVE S @ GREEN RIV~~		~~$2,179,000~~
~~County~~	~~G-6.20~~	~~EAST VALLEY HIGHWAY~~	~~GREEN RIVER BRIDGE~~	~~S 277 ST~~	~~$689,000~~
~~County~~	~~G-6.30~~	~~GREEN RIVER OVERFLOW BRIDGE~~	~~CROSSING GREEN RIV~~		~~$259,000~~
~~County~~	~~G-8.40~~	~~S 196 ST / S 200 ST CORRIDOR~~	~~W VALLEY HWY~~	~~ORILLIA RD~~	~~$5,771,000~~
~~County~~	~~G-85~~	~~55 AVE S @ S 277 ST~~			~~$938,000~~
~~County~~	~~H-36.20~~	~~1 AVE S~~	~~S 146 ST~~	~~S 160 ST~~	~~$433,000~~
~~County~~	~~H-48~~	~~4 AVE SW @ SW 136 ST~~			~~$222,000~~))

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((~~County~~	~~NC-2~~	~~LAKEMONT BLVD EXTENSION~~	~~171 AVE SE~~	~~NEWPORT WAY~~	~~$9,369,000~~))
County	NC-5.10	ELLIOTT BRIDGE NO: 3166	ON 149 AVE SE	XING CEDAR RVR	((~~$8,447,000~~)) $9,083,881
((~~County~~	~~NC-5.20~~	~~149 AVE SE~~	~~SR-169~~	~~ELLIOT BRIDGE~~	~~$5,399,000~~
~~County~~	~~NC-12.12~~	~~COAL CREEK PARKWAY CONSTRUCT~~	~~SE 72 ST~~	~~RENTON/CL~~	~~$6,398,000~~))
County	NC-58	SE 128 ST @ 164 AVE SE			((~~$1,011,000~~)) $2,488,743
((~~County~~	~~N-11.20~~	~~100 AVE NE~~	~~NE 139 ST~~	~~NE 145 ST~~	~~$3,725,000~~
~~County~~	~~N-12.10~~	~~JUANITA-WOODINVILLE WY NE~~	~~100 AVE NE~~	~~NE 145 ST~~	~~$3,478,000~~))
County	N-16.11	JUANITA-WOODINVILLE WAY NE	NE 145 ST	112 AVE NE	((~~$1,981,000~~)) $5,684,072
County	N-16.20	JUANITA-WOODINVILLE WAY NE	112 AVE NE	I-405	((~~$3,367,000~~)) $2,414,516
County	N-19.20	NE 160 ST	116 AVE NE	124 AVE NE	((~~$2,028,000~~)) $2,336,783
((~~County~~	~~N-28.10~~	~~NE 124 ST PH II~~	~~132 PL NE~~	~~WILLOWS RD~~	~~$10,502,000~~))
County	N-28.30	NE 124 ST PH III	WILLOWS RD	SR-202	((~~$7,293,000~~)) $9,198,392
((~~County~~	~~N-30.10~~	~~NE 124 ST/NE 128 ST~~	~~SR 202~~	~~172 AVE NE~~	~~$6,201,000~~))
County	N-35.12	WOODINVILLE-DUVALL RD CONST	171 AVE NE	AVONDALE RD	((~~$9,423,000~~)) $11,103,010
((~~County~~	~~N-37~~	~~WOODINVILLE CBD BYPASS~~	~~NE 175 ST~~	~~140 AVE NE~~	~~$6,674,000~~
~~County~~	~~N-39~~	~~NE 195 ST~~	~~139 AVE NE~~	~~WOOD-DUV. @ 149 NE~~	~~$15,759,000~~
~~County~~	~~N-45.12~~	~~124TH AVE NE CONSTRUCT~~	~~NE 132 ST~~	~~NE 145 ST~~	~~$4,936,000~~
~~County~~	~~N-61.10~~	~~132 PL / AVE NE PHASE I~~	~~NE 124 ST~~	~~NE 132 ST~~	~~$6,553,000~~))

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County	OPT-INT-122	W. SNOQUALMIE VALLEY RD @ NE 124 ST.			$4,807,000
County	OPT-INT-123	ISSAQUAH-HOBART RD	MAY VALLEY RD	SE 156 ST.	$6,422,000
((~~County~~	~~S-85~~	~~5 AVE NE @ NE 175 ST~~			~~$2,967,000~~))
County	SC-23	140 PL SE	SR-169	PETROVITSKY RD	((~~$16,706,000~~)) $8,018,005
((~~County~~	~~SC-26.12~~	~~SE 240 ST~~	~~116 AVE SE~~	~~138 AVE SE~~	~~$11,963,000~~
~~County~~	~~SC-34.12~~	~~SE 208 ST PH II~~	~~116 AVE SE~~	~~132 AVE SE~~	~~$9,748,000~~))
County	SC-55.10	140 PL SE/132 AVE SE	SE 176 ST	SE 196 ST	((~~$16,410,000~~)) $13,154,339
((~~County~~	~~SC-55.32~~	~~140/132 AVE SE PH III CONST~~	~~SE 208 ST~~	~~SE 224 ST~~	~~$8,815,000~~
~~County~~	~~SC-55.42~~	~~140 PL SE/132 AVE SE PH IV CONST~~	~~SE 224 ST~~	~~SE 242 ST~~	~~$7,180,000~~
~~County~~	~~SC-68.23~~	~~SE CARR RD DESIGN AND CONSTRUCTION~~	~~108 AVE SE~~	~~SR-167~~	~~$7,560,000~~))
County	SC-78.12	PETROVITSKY RD PHASE III	143 AVE SE	151 AVE SE	((~~$6,935,000~~)) $4,217,528
((~~County~~	~~SC-150.12~~	~~SE 212 WY / SE 208 CONST~~	~~SR-515~~	~~SR-167~~	~~$8,297,000~~))
County	SC-201	140 AVE SE @ PETROVITSKY			((~~$7,074,000~~)) $14,442,000
((~~County~~	~~SC-215~~	~~SR-515 (BENSON RD) @ PETROVITSKY~~			~~$9,415,000~~))
		Total			**((~~$395,706,000~~)) $173,975,968**
((~~Newcastle~~		~~Newcastle - COAL CREEK PARKWAY CONST~~	~~SE 72 ST~~	~~RENTON C/L~~	~~$33,947,000~~
		~~**Total**~~			~~**$33,947,000**~~
~~Redmond~~		~~WILLOWS ROAD~~	~~NE 90 St~~	~~NE 95 St~~	~~$1,475,000~~

Redmond		WILLOWS ROAD	NE 100 St	NE 116 St	$2,025,000
Redmond		WILLOWS ROAD	NE 116 St	NE 124 St	$4,260,000
Redmond		West Lake Sammamish Parkway	SR-520	Bel-Red Rd	$8,100,000
Redmond		West Lake Sammamish Parkway	Leary Way	SR-520 eastbd ramp	$1,900,000
Redmond		NE 90 STREET	154 Ave NE	160 Ave NE	$12,500,000
Redmond		UNION HILL ROAD	Avondale Rd	178 Pl NE	$1,730,000
Redmond		UNION HILL ROAD	178 Pl NE	Redmond City Limits	$6,500,000
Redmond		160 AVE NE	NE 90 St	Redmond Woodinville Rd	$12,000,000
Redmond		EAST LAKE SAMMAMISH PKWY	Redmond Way	187 Ave NE	$7,300,000
Redmond		NE 116 ST	Redmond Woodinville Rd	Avondale Rd	$12,500,000
Redmond		188 AVE NE	Redmond Way	Union Hill Rd	$7,300,000
Redmond		185 AVE NE	NE 80 St	Union Hill Rd	$4,950,000
Redmond		AVONDALE RD - HOV	Union Hill Rd	SR-520	$1,540,000
Redmond		WILLOWS RD @ NE 116 ST			$100,000
Redmond		WILLOWS RD @ NE 90 ST			$565,000
Redmond		UNION HILL RD @ 178 PL NE			$254,000
Redmond		UNION HILL RD @ AVONDALE RD			$725,000
Redmond		160 Ave NE	Redmond-Woodinville-Duvall Rd @106	NE 124 St	$3,000,000

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		~~**Total**~~			~~**$88,724,000**~~
		~~**Grand Total**~~			~~**$518,377,000**~~**))**

SECTION 4. Ordinance 11617, Section 46, and K.C.C. 14.75.070 are each hereby amended to read as follows:

A. Except as otherwise provided in section 5 of this ordinance, ((~~A~~))all developers shall pay a((~~n MPS~~)) mitigation payment system fee in accordance with the provisions of this chapter at the time that the applicable development permit is ready for issuance. The fee paid shall be the amount in effect as of the date of permit application.

B. All developers shall pay a((~~n MPS~~)) mitigation payment system administrative fee at the time of application for a development permit as ((~~set forth~~)) prescribed in ((~~Sections~~)) K.C.C. 14.75.080 and 14.75.090. Except as otherwise provided in section 5 of this ordinance, a development permit shall not be issued until the mitigation payment system fee is paid.

C. An individually determined ((~~MPS~~)) mitigation payment system fee shall be calculated at the time of application for a development permit, after transmittal to the department of the information provided by the developer to DDES. The department's determination of the development's traffic impacts shall be transmitted to DDES for use in its review ((~~pursuant to~~)) under the ((~~S~~))state Environmental Policy Act.

D. The fee as initially calculated after application for a development permit shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development or the development's total peak hour trips.

E. ((~~No development permit shall be issued until the MPS fee is paid, except that developers of residential subdivisions, short subdivisions, urban planned developments, or planned unit development may defer payment until building permits are issued for the lots within the subdivision, short subdivision or planned unit development.~~

~~F.~~)) A developer may obtain a preliminary determination of the ((~~MPS~~)) mitigation payment system fee before application for a development permit, by paying a processing fee ((~~pursuant to Section~~)) under K.C.C.

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14.75.080 and providing the department with the information needed for processing.

((~~G. MPS~~)) F. Mitigation payment system fees may be paid under protest in order to obtain a permit or other approval of development activity.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 14.75 a new section to read as follows:

A.1. An applicant for a residential subdivision, short subdivision, urban planned development or planned unit development may defer payment of the mitigation payment system fee required by K.C.C. 14.75.070 if the applicant:

a. records the subdivision or short subdivision;

b. submits to the department of development and environmental services a signed and notarized deferred mitigation payment system fee application and acknowledgement form for either one or more single detached dwelling units in the same development or all of the dwelling units in a multifamily residential building for which the property owner wishes to defer payment of the mitigation payment system fees; and

c. pays a nonrefundable administrative deferral fee in K.C.C. 14.75.080.

2. Unless the mitigation payment system fee is subsequently deferred under subsection B. of this section, the fee deferred under this subsection shall be paid at the time the building permit is issued.

B. A building permit applicant may defer payment of the mitigation payment system fee required by K.C.C. 14.75.070 for a single detached dwelling unit, condominium unit, or all of the dwelling units in a multifamily residential building until the earlier of the seven days after the date of the sale of a single detached dwelling unit, a condominium unit or a multifamily residential building or eighteen months after issuance of the original building permit, but only if before issuance of the building permit, the applicant:

1. Submits to the department of development and environmental services a signed and notarized deferred mitigation payment system fee application and acknowledgement form for each single detached dwelling unit, condominium unit or all of the dwelling units in a multifamily residential building for which the

applicant wishes to defer payment of the mitigation payment system fees;

2. Records at the applicant's expense a covenant and lien that:

a. requires payment of the mitigation payment system fee to the department of development and environmental services at the earlier of seven days after the date of sale or eighteen months after issuance of the original building permit;

b. provides that if the mitigation payment system fee is paid through escrow at closing of sale, in the absence of an agreement between the buyer and the seller to the contrary, the mitigation payment system fee shall be paid from the seller's proceeds;

c. provides that the seller bears strict liability for the payment of the mitigation payment system fee;

d. requires the seller or seller's agent of property subject to the covenant and lien to provide written disclosure of the covenant and lien to a purchaser or prospective purchaser. Disclosure of the covenant must include the amount of mitigation payment system fee payable and that the fee is to be paid to the department of development and environmental services on the date of sale; and

e. makes the applicant legally liable for payment of the mitigation payment system fee if the fee is not paid by the earlier of seven days after the date of sale or eighteen months after the building permit has been issued; and

3. Pays the nonrefundable administrative deferral fee in K.C.C. 14.75.080.

C. The administrative deferral fee paid under K.C.C. 14.75.080 shall not be credited against the mitigation payment system fee required by K.C.C. 14.75.070.

D. Payment of mitigation payment system fees deferred under subsection A. or B. of this section shall be made by cash, escrow company check, cashier's check or certified check.

E. Upon receipt of payment of mitigation payment system fees deferred under subsection A. or B. of this section, the department of development and environmental services shall execute a lien release for each single detached dwelling unit, condominium unit, or multifamily residential building for which the mitigation

payment system fees have been received. Unless an agreement to the contrary is reached between buyer and seller, the seller, at the seller's expense, shall be responsible for recording the lien release.

F. Compliance with the requirements for deferring mitigation payment system fees under subsection A. or B. of this section constitutes compliance with subdivision or short subdivision conditions relating to the timing of the mitigation payment system impact fees under this chapter.

SECTION 6. Ordinance 11617, Section 47, as amended, and K.C.C. 14.75.080 are each hereby amended to read as follows:

A. All development permits subject to the ((~~MPS~~)) mitigation payment system fees ((~~pursuant to~~)) under K.C.C. 14.75.070 shall pay an administrative fee of sixty dollars at the time of permit application.

B. All development permits ((~~which~~)) that require an individually determined ((~~MPS~~)) mitigation payment system fee according to K.C.C. 14.75.070.C shall pay an administrative processing fee of three hundred twenty dollars.

C.1. A request under section 5.A. of this ordinance for deferral of the mitigation payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable administrative deferral fee of two hundred fifty dollars for a residential subdivision, short subdivision, urban planned development or planned unit development.

2. A request under section 5.B. of this ordinance for deferral of the mitigation payment system fee required under K.C.C. 14.75.070 is subject to a nonrefundable administrative deferral fee of:

a. eighty-five dollars for each single detached dwelling unit or condominium unit; and

b. eighty-five dollars for each multifamily residential building.

SECTION 7. Ordinance 11617, Section 48, and K.C.C. 14.75.090 are each hereby amended to read as follows:

Requests to the department for a preliminary determination of a((~~n MPS~~)) mitigation payment system fee prepared ((~~pursuant to subsection 14.75.070F~~)) in accordance with K.C.C. 14.75.070.E. shall be charged the

administrative processing fee ((~~set forth~~)) in ((~~Section~~)) K.C.C. 14.75.080.B.

SECTION 8. Not later than March 1, 2014, the departments of transportation and development and environmental services shall report to the transportation, economy and environment committee, or its successor, on the effect of section 5 of this ordinance. The report shall include information on the number of applications for deferral, the length of time of deferral, the amount of fees deferred, the number of fees and amount not paid as required by section 5 of this ordinance, and any adverse impacts to the ability of the department of transportation to construct projects made necessary by new development. The report shall also include recommendations for changes to address deficiencies identified in the report. The departments shall consult with the independent expert review panel established by K.C.C. 14.70.270 in the preparation of the report. One paper copy and an electronic copy of the report shall be filed with the clerk of the council, who shall transmit an electronic copy of the report to all members of the transportation, economy and environment committee, or its successor.

SECTION 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.