

- 27.40.100 Exemption or reduction for low income housing.
- 27.40.110 Appeals.
- 27.40.120 Relationship to SEPA.
- 27.40.130 Necessity of compliance.
- 27.40.140 Severability.

27.40.010 Short title, authority and purpose. A. This chapter shall be known and may be cited as the "Mitigation Payment System" or "MPS" ordinance.

B. This chapter is enacted pursuant to King County's powers as a home rule charter county; Article 11, § 11 of the Washington State Constitution; and the Growth Management Act, Laws of 1990, 1st Ex. Sess., chapter 17, RCW Chapter 82.02.

C. It is the purpose of this chapter to:

1. Ensure that adequate transportation facilities are available to serve new growth and development; and to
2. Promote orderly growth and development by establishing standards requiring that new growth and development pay a proportionate share of the cost of new transportation facilities needed to serve new growth and development; and to
3. Ensure that transportation impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact; and to
4. Implement the transportation policies of the capital facilities element of the King County Comprehensive Plan; and to
5. Provide additional funding for growth-related transportation improvements identified by the King County Transportation Plan as reasonable and necessary to meet the future growth needs of King County. (Ord. 9747 § 1, 1990)

27.40.020 Definitions.

A. BALD. The King County building and land development division or its successor agency.

B. CORRIDOR. The road or set of roads within the county in which vehicle trips to or from a development will take place. Vehicles have flexibility as to an exact route within a corridor but little choice as to whether to use the corridor.

C. COUNCIL. The King County council.

D. DEPARTMENT. The King County department of public works or its successor agency.

E. DEVELOPER/DEVELOPMENT. A "developer" is any person or entity who engages in development. "Development" is any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that:

1. Results in an increase in the number of vehicle trips to or from the land, building, or structure; and that

2. Requires a development permit from King County.

F. DEVELOPMENT PERMIT. A building permit, a final residential plat, a final residential short plat, a final planned unit development approval, a grading permit, a conditional use permit, or an unclassified use permit.

G. GROWTH - RELATED. Signifying a project that adds new traffic lanes to or otherwise increases the capacity of a roadway or intersection.

H. IMPACT. To add new vehicle trips to, or reduce the capacity of, a roadway or intersection.

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1 **MPS - Request for final decision needed to appeal.** In
2 order to obtain an appealable final decision the developer
3 must:

4 A. Request in writing a review of the fee amount by
5 department staff. The department staff shall consider any
6 studies and data submitted by the developer seeking to adjust
7 the amount of the fee; and

8 B. Request in writing reconsideration by the director or
9 the director's designee of an adverse decision by staff.
10 Such request for reconsideration shall state in detail the
11 grounds for the request. The director or the director's
12 designee shall issue a final, appealable decision after
13 reviewing the request.

14 **SECTION 55.** There is added to K.C.C. Title 14 a new
15 section to read as follows:

16 **MPS - Necessity of compliance.** A development permit
17 issued after the effective date of the MPS provisions of this
18 ordinance shall be null and void if issued without
19 substantial compliance with this chapter by the department,
20 DDES and the developer.

21 **SECTION 56.** There is added to K.C.C. Title 14 a new
22 chapter to read as follows:

23 **"Intersection Standards (IS)"**

24 **SECTION 57.** There is added to K.C.C. Title 14 a new
25 section to read as follows:

26 **IS - Authority and Purpose.**

27 A. This ordinance is enacted pursuant to the State
28 Environmental Policy Act, K.C.C. 20.44, and R.C.W. 58.17 and
29 the King County charter as a home rule county, Article 11, §
30 11 of the Washington State Constitution.

31 B. The purpose of this chapter is to:

32 1. Assure adequate levels of service, safety, and
33 operating efficiency on the King County road system, at
34 intersections serving and directly impacted by proposed new
35 development;

36 2. Establish standards for intersection operation and
37 define the relationship between new developments on road
38 intersection function;

39 3. Identify development conditions to assure
40 intersection capacity, safety and operational efficiency; and

41 4. Require that owners of new developments pay the
42 proportionate costs of required intersection improvements.

43 **SECTION 58.** There is added to K.C.C. Title 14 a new
44 section to read as follows:

45 **Highway Capacity Manual.** Highway Capacity Manual:
46 Special Report 209 of the Transportation Research Board of
47 the National Research Council, as currently amended.

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1 SECTION 59. There is added to K.C.C. Title 14 a new
2 section to read as follows:

3 **Road Standards.** Road Standards: the King County Road
4 Standards, 1993, K.C.C. 14.42, (Ordinance 11187, 1993). Terms
5 used in the Road Standards shall have the same meaning when
6 used in this ordinance. References and authorities cited in
7 the Road Standards shall also apply to this ordinance.

8 SECTION 60. There is added to K.C.C. Title 14 a new
9 section to read as follows:

10 **IS Significant Adverse Impacts.** IS Significant Adverse
11 Impacts: For the purposes of SEPA and this chapter, a
12 significant adverse traffic impact is defined as any traffic
13 condition directly caused by proposed development that would
14 reasonably result in one or more of the following conditions
15 at the time any part of the development is completed and able
16 to generate traffic:

17 A. A roadway intersection that provides access to a
18 proposed development, and that will function at a level of
19 service worse than "E", and that will carry thirty (30) or
20 more added vehicles in any one (1) hour period as a direct
21 impact of the proposed development, and that will be impacted
22 by at least twenty (20) per cent of the new traffic generated
23 from the proposed development in that same one (1) hour
24 period; or

25 B. A roadway intersection or approach lane where the
26 director determines that a hazard to safety could reasonably
27 result.

28 SECTION 61. There is added to K.C.C. Title 14 a new
29 section to read as follows:

30 **IS - Mitigation and Payment of Costs.**

31 A. Based on the identification of Intersection Standards
32 being exceeded using analytical techniques and information
33 acceptable to the director, the owner of a proposed
34 development shall be required to provide improvements which
35 bring the intersection into compliance with IS, or that
36 return it to its pre-project condition, as may be required by
37 the director. Approval to construct the proposed development
38 shall not be granted until the owner has agreed to build or
39 pay fair and equitable costs to build the improvements
40 required by the director within the time schedule set by the
41 director.

42 B. At the discretion of the director, and based on
43 technical information regarding traffic conditions and
44 expected traffic impacts, the county may require that the
45 owner of a proposed development pay the full costs of
46 required IS improvements required under this title.

47 SECTION 62. There is added to K.C.C. Title 14 a new
48 section to read as follows:

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1 **IS - Interjurisdictional Agreements.**

2 A. Nothing in this section shall prevent the county from
3 entering into agreements with the WSDOT or other local
4 jurisdictions for the collection of fees and the mitigation
5 of traffic on state highways or city arterials that may be
6 caused by developments proposed in King County. The level of
7 service standards used in such agreements shall be those of
8 the county, the WSDOT, the local jurisdiction, or some
9 combination of them, as provided in the agreement.

10 B. Nothing in this section shall prevent the
11 continuation, modification, or fulfillment of existing county
12 agreements with the WSDOT and local jurisdictions that were
13 in force at the effective date of this ordinance.

14 SECTION 63. There is added to K.C.C. Title 14 a new
15 section to read as follows:

16 **IS - Relation to Other Permit Authority.** IS - Relation
17 to Other Permit Authority: The procedures set forth in this
18 chapter do not limit the authority of King County to deny or
19 to approve with conditions the following:

20 A. Any zone reclassification request, based on its
21 expected traffic impacts;

22 B. Any proposed development or zone reclassification if
23 King County determines that a hazard to safety would result
24 from its direct traffic impacts without roadway or
25 intersection improvements, regardless of level of service
26 standards; or

27 C. Any proposed development reviewed under the authority
28 of the Washington State Environmental Policy Act.

29 SECTION 64. There is added to K.C.C. Title 14 a new
30 section to read as follows:

31 **Administrative Rules and Procedures.** Administrative
32 Rules and Procedures: The director is hereby instructed and
33 authorized to adopt such administrative rules and procedures
34 as are necessary to implement the provisions of this
35 ordinance.

36 SECTION 65. Amendments to this ordinance as passed by
37 the council on December 19, 1994 are set forth in Attachment
38 C to this ordinance and are incorporated by reference herein.
39 Due to the number and length of the ordinances required by
40 the Growth Management Act to be passed by the end of the year
41 to amend county development regulations and the
42 unavailability of a reliable electronic text version of the
43 proposed ordinance as introduced, it may not be possible to
44 prepare an ordinance that incorporates amendments within each
45 section prior to the charter deadline for transmitting the
46 adopted ordinance to the executive. The clerk is hereby
47 authorized to transmit the ordinance with amendments set