

**King County  
Chapter 14.75  
MITIGATION PAYMENT SYSTEM**

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**14.75.010 Authority and purpose.**

A. The department is authorized to impose transportation impact fees on new development 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.

B. The purposes of this chapter are to:

1. Ensure that financial commitments are in place so that adequate transportation facilities are available to serve new growth and development;
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;
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;
4. Implement the transportation policies of the transportation element of the King County Comprehensive Plan; and
5. Provide additional funding for growth-related transportation improvements identified by the King County Comprehensive Plan as reasonable and necessary to meet the future growth needs of King County. (Ord. 11617 § 35, 1994).

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**14.75.020 Definitions.**

A. Corridor. Corridor means 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.

B. MPS project. MPS project means a growth-related road improvement, which is a system improvement, that is selected by the King County council for joint private and public funding pursuant to this chapter and that is located:

1. On a county road in unincorporated King County; or

2. On a city road in a city within King County when the city has an ordinance implementing the Growth Management Act of 1990, RCW Chapter 82.02, and when King County has an appropriate interlocal agreement with the city; or

3. On a state road in King County once the Washington State Department of Transportation (WSDOT) has adopted procedures that will enable it to plan for and fund growth-related improvements to state roads in a manner that satisfies the requirements of the Growth Management Act of 1990, RCW Chapter 82.02, and once King County has an appropriate interlocal agreement with WSDOT.

C. Project cost. Project cost means the estimated cost of constructing an MPS project, including the costs of design and right of way acquisition.

D. Development improvements. Development improvements means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the development, and are not system improvements. No transportation improvement or facility that is considered a development improvement shall be included in the MPS project list.

E. Service district. Service district means geographic area defined by the county, or intergovernmental agreement, in which a defined set of transportation facilities provide service to development within the district. Service districts shall be designated on the basis of sound planning or engineering principles. Development in a service district may, and will likely be found to, impact roadways and intersections both inside and outside the service district, and the MPS fee will reflect a charge for all such impacts. The MPS service districts shall be the MPS zones.

F. Traffic impacts. Traffic impacts means the diminishment of capacity of a roadway or intersection by the addition of new vehicle trips. Effects of new vehicle trips that are not quantifiable or to the extent that the effects cannot be mitigated fully by the addition of new capacity - such as safety hazards and inadequate signalization - are not traffic impacts for MPS purposes. (Ord. 11617 §§ 36-41, 1994).

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**14.75.030 Scope and use of impact fees.** Impact fees:

- A. Shall only be imposed for transportation improvements that are reasonably related to the traffic impacts of the new development;
- B. Shall not exceed a proportionate share of the costs of transportation improvements that are reasonably related to the new development;
- C. Shall be used for transportation improvements that will reasonably benefit the new development;
- D. Shall not be used to correct existing deficiencies; and
- E. Shall not be imposed to mitigate the same off-site traffic impacts that are being mitigated pursuant to any other law. (Ord. 11617 § 42, 1994).

**14.75.040 Fee schedules and establishment of service districts.**

A. Fee schedules stating the amount of the MPS fee which residential development shall pay for development subject to MPS fees are set forth in K.C.C. 14.75.040F as described in K.C.C. 14.75.040D and E. Subsequent fee schedules shall be established pursuant to K.C.C. 14.75.050. All other development shall pay an MPS fee individually calculated by the department, as set forth in K.C.C. 14.75.050B. The MPS 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 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 K.C.C. 14.75.040C; 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 fees are imposed fairly. The department shall set forth its reasons for adjusting the standard MPS fee in written findings.

D. The fee schedule in K.C.C. 14.75.040F for residential dwelling units is effective October 28, 2002.

E. The multifamily residential fee shall be determined based on the appropriate single family fee shown in K.C.C. 14.75.040F multiplied by 0.6. The residential MPS fee for any

unincorporated area not within a zone listed on the King County residential fee schedule shall be one hundred eighty-nine dollars.

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\* Available at the office of the clerk of the council.

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F. King County residential fee schedule.

<b>Zone</b>	<b>\$Fee</b>	<b>Zone</b>	<b>\$Fee</b>	<b>Zone</b>	<b>\$Fee</b>	<b>Zone</b>	<b>\$Fee</b>
<b>70</b>	\$24	<b>71</b>	\$27	<b>75</b>	\$61	<b>85</b>	\$1082
<b>86</b>	\$330	<b>88</b>	\$348	<b>89</b>	\$457	<b>90</b>	\$865
<b>102</b>	\$223	<b>108</b>	\$2125	<b>113</b>	\$256	<b>115</b>	\$451
<b>117</b>	\$1078	<b>120</b>	\$305	<b>121</b>	\$183	<b>124</b>	\$130
<b>126</b>	\$76	<b>128</b>	\$87	<b>129</b>	\$80	<b>132</b>	\$79
<b>133</b>	\$1	<b>134</b>	\$4621	<b>135</b>	\$3380	<b>136</b>	\$4545
<b>137</b>	\$4651	<b>138</b>	\$3777	<b>139</b>	\$3164	<b>140</b>	\$1910
<b>141</b>	\$1741	<b>142</b>	\$1685	<b>143</b>	\$1517	<b>144</b>	\$791
<b>145</b>	\$746	<b>146</b>	\$793	<b>147</b>	\$617	<b>148</b>	\$411
<b>149</b>	\$371	<b>176</b>	\$42	<b>177</b>	\$37	<b>178</b>	\$18
<b>179</b>	\$11	<b>180</b>	\$23	<b>181</b>	\$35	<b>182</b>	\$48
<b>183</b>	\$60	<b>184</b>	\$68	<b>185</b>	\$147	<b>187</b>	\$43
<b>188</b>	\$51	<b>189</b>	\$63	<b>190</b>	\$55	<b>191</b>	\$69
<b>192</b>	\$85	<b>194</b>	\$166	<b>195</b>	\$137	<b>196</b>	\$262
<b>199</b>	\$137	<b>200</b>	\$81	<b>215</b>	\$1283	<b>216</b>	\$797
<b>223</b>	\$143	<b>226</b>	\$229	<b>227</b>	\$169	<b>232</b>	\$166
<b>233</b>	\$196	<b>234</b>	\$238	<b>235</b>	\$178	<b>236</b>	\$200
<b>239</b>	\$76	<b>240</b>	\$50	<b>241</b>	\$40	<b>242</b>	\$75
<b>243</b>	\$75	<b>257</b>	\$35	<b>258</b>	\$60	<b>259</b>	\$65
<b>260</b>	\$51	<b>263</b>	\$38	<b>264</b>	\$2975	<b>265</b>	\$889
<b>266</b>	\$1581	<b>267</b>	\$1845	<b>268</b>	\$1402	<b>269</b>	\$1082
<b>270</b>	\$1020	<b>271</b>	\$1099	<b>272</b>	\$1023	<b>273</b>	\$1161
<b>274</b>	\$2034	<b>275</b>	\$4311	<b>276</b>	\$2400	<b>277</b>	\$1080
<b>278</b>	\$1045	<b>279</b>	\$1291	<b>280</b>	\$558	<b>281</b>	\$1689
<b>282</b>	\$653	<b>283</b>	\$518	<b>284</b>	\$513	<b>289</b>	\$378
<b>290</b>	\$421	<b>292</b>	\$866	<b>295</b>	\$5488	<b>296</b>	\$7535
<b>297</b>	\$997	<b>298</b>	\$2928	<b>299</b>	\$6474	<b>300</b>	\$1925

301	\$2050	302	\$2018	303	\$6455	304	\$1962
305	\$4734	306	\$6330	307	\$6058	311	\$1092
312	\$1577	313	\$1053	314	\$1581	316	\$258
317	\$315	318	\$524	319	\$427	320	\$1207
321	\$1402	325	\$1374	326	\$2295	327	\$1901
328	\$1256	331	\$4748	333	\$829	334	\$1775
335	\$1862	336	\$4696	337	\$6406	338	\$5014
339	\$5615	340	\$3181	341	\$3362	342	\$3765
343	\$1246	344	\$2931	345	\$3752	346	\$3959
347	\$1812	348	\$2957	349	\$2997	350	\$1669
351	\$650	354	\$767	355	\$1606	356	\$695
357	\$1552	358	\$2200	359	\$1711	363	\$2562
365	\$617	366	\$918	367	\$2775	369	\$2932
370	\$495	371	\$556	372	\$388	373	\$497
374	\$181	375	\$322	376	\$368	377	\$251
378	\$447	379	\$237	380	\$218	381	\$172
382	\$6200	383	\$5584	384	\$4880	385	\$5843
386	\$5481	387	\$5007	388	\$7136	389	\$4819
390	\$3313	391	\$3201	392	\$3828	393	\$4698
394	\$4784	395	\$2327	396	\$4799	397	\$3061
398	\$3109	399	\$2223	400	\$2091	401	\$1412
402	\$1414	403	\$1204	404	\$1093	405	\$1124
406	\$2227	407	\$2169	408	\$3253	409	\$3031
410	\$4295	411	\$1156	416	\$3693	417	\$2436
418	\$2364	419	\$1483	424	\$872	425	\$836
426	\$899	427	\$719	428	\$1547	431	\$991
432	\$2303	433	\$2367	434	\$1540	435	\$1328
436	\$2293	437	\$1222	439	\$1231	440	\$4597
441	\$2164	442	\$2918	443	\$2129	449	\$2750
450	\$1565	451	\$1675	452	\$2139	453	\$1485
454	\$2478	455	\$449	456	\$1412		

Any unincorporated residential fee not otherwise listed in this subsection F is \$189. (Ord. 14537 § 2, 2002: Ord. 14495 § 1, 2002: Ord. 13696 § 1, 1999: Ord. 11617 § 43: 11617 Attachment B, 1994).

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ROADS AND BRIDGES

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**14.75.050 Calculation of MPS fees.**

A. The department shall calculate the MPS fees set forth in the fee schedules, K.C.C. 14.75.040, by means of a computer modeling system that:

1. Incorporates the service districts adopted in K.C.C. 14.75.040B.
2. Within each service district of the county, determines the standard fee for similar types of residential development, which shall be reasonably related to each development's proportionate share of the cost of the transportation improvement projects being funded by this chapter and shall reasonably reflect the average fee for similar development in the same service district; and
3. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

B. When a development's fee is not determined by the fee schedules adopted in K.C.C. 14.75.040, the department shall calculate the MPS fee by means of a computerized modeling system, which is the same system used to determine the fee schedules, and which:

1. Determines the development's proportionate share of the cost of the transportation improvement projects being funded by this chapter; and
2. Reduces the proportionate share by applying the benefit factors set forth in this chapter.

C. The department's computer model shall calculate proportionate share for use in either fee schedules or individual calculations by:

1. Determining the number of peak hour vehicle trips generated by development that will benefit from the vehicle capacity added, or to be added, by the road improvements on the MPS project list;
  2. Determining the unit cost of added capacity for each MPS project by dividing the estimated cost of each project by the amount of capacity added; and
  3. Multiplying the number of peak hour trips added to each MPS project by the unit cost of added capacity for those projects.
- D. In calculating proportionate share, the department's modeling system shall:
1. Recognize that a development's traffic will use a corridor rather than a particular roadway;
  2. Use trip generation rates published by the Institute of Transportation Engineers (ITE) unless:
    - a. actual measurements of the rate of trip generation by similar developments in King County are available, and the director determines that these local measurements are more accurate; or
    - b. ITE trip generation rates for the proposed development are not available, in which case the director:
      - (1) may use published rates from another source; or
      - (2) may calculate the rate from data about the population of the proposed development;
      - (3) may require the developer to obtain actual measurements of trip generation rates by similar developments in King County;
  3. Reduce the trip generation rate to reflect reductions in traffic that will occur because of transportation strategies, as described in the administrative rules for this title;
  4. Identify all roadways and intersections that will be impacted by traffic from each development for as far from the development as the model can measure;
  5. Identify when the capacity of an MPS project has been fully utilized;
  6. Update the data in the model as often as practicable;
  7. Estimate the cost of constructing the projects on the MPS project list as of the time they are placed on the list, and then update the cost estimates periodically, considering the:
    - a. availability of other means of funding transportation facility improvements;
    - b. cost of existing transportation facility improvements; and
    - c. methods by which transportation facility improvements were financed;
  8. Update the fee collected against a project which has already been completed, through an advancement of county funds, at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area; and
  9. Charge a development for the total traffic entering and exiting the development during the peak hour.

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- E. The department's modeling system shall reduce the calculated proportionate share by giving credit for the following benefit factors:
1. A fifteen-percent credit in recognition that some of the trips from a development paying an MPS fee may begin or end within a jurisdiction with which the county has executed a reciprocal MPS agreement, or within another development which is or has been subject to MPS requirements;

2. Past or future payments made or reasonably anticipated to be made by a development to pay for particular transportation improvements in the form of user fees, debt service payments, taxes or other payments earmarked for or proratable to the same projects being funded by the development's MPS fee; or

3. The value of any dedication of land for, improvement to or new construction of any system improvements provided by the developer to transportation facilities that are identified in the MPS project list and that are required by the county as a condition of approving the development activity. When an MPS project is constructed on both on-site and off-site land, the department shall determine, in light of all the circumstances, what proportion of the developer's costs should fairly and reasonably be attributed to the work done on off-site land.

F. The department shall review the fifteen-percent factor periodically and propose revisions to the factor when appropriate to reflect the actual number of trips generated by new development which also begin or end in other developments which have previously been subject to a fee for the same impact.

G. If the credit determined according to K.C.C. 14.75.050E.3 exceeds the amount of the developer's MPS fee, the department shall reimburse the developer from MPS fees collected from other developers for the same MPS project.

H. The amount of credit determined according to K.C.C. 14.75.050E.3 shall be credited proportionately among all the lots in the development and the MPS fee for each lot for which a building permit is applied shall be reduced accordingly.

I. The department shall use the information from the computerized modeling system to prepare a draft fee schedule list periodically. The council shall establish by ordinance the fee schedule applicable to each service area in the county by adopting, with or without modification, the department's draft fee schedules.

J. The department shall present to the council in administrative rules the proposed changes in the service district boundaries, set forth in K.C.C. 14.75.040B, as often as is necessary to ensure that the service district boundaries conform to sound planning or engineering principles.

K. To the extent practicable, and in accordance with sound planning or engineering principles, the department shall develop and propose to the council for adoption precalculated fee schedules applicable to types of development in addition to residential development. (Ord. 13696 § 2, 1999; Ord. 11617 § 44, 1994).

**14.75.060 Multifamily Residential MPS fee schedule.** Fees for multifamily residential dwelling units shall be sixty (60) percent of the fees charged to single family residential dwelling units. (Ord. 11617 § 45, 1994).

**14.75.070 Payment of fees.**

A. All developers shall pay an MPS 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 an MPS administrative fee at the time of application for a development permit as set forth in Sections 14.75.080 and 14.75.090.

C. An individually determined MPS 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 the State Environmental Policy Act.

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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 fee before application for a development permit, by paying a processing fee pursuant to Section 14.75.080 and providing the department with the information needed for processing.

G. MPS fees may be paid under protest in order to obtain a permit or other approval of development activity. (Ord. 11617 § 46, 1994).

**14.75.080 Administrative fees.**

A. All development permits subject to the MPS fees pursuant to K.C.C. 14.75.070 shall pay an administrative fee of sixty dollars.

B. All development permits which require an individually determined MPS fee according to K.C.C. 14.75.070C shall pay an administrative processing fee of three hundred twenty dollars. (Ord. 13696 § 3, 1999; Ord. 11617 § 47, 1994).

**14.75.090 Administrative fee for preliminary fee calculation.** Requests to the department for a preliminary determination of an MPS fee prepared pursuant to subsection 14.75.070F shall be charged the administrative processing fee set forth in Section 14.75.080. (Ord. 11617 § 48, 1994).

**14.75.100 Project list.**

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:

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 multi year program.
3. Calculate the amount of MPS fees already paid; and
4. Identify those MPS 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 project list, which shall comprise:

1. The projects in the TNR, 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 fees already paid; and
2. The MPS 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 project list by adopting, with or without modification, the department's draft list.

D. Once a project is placed on the MPS 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 project list, in which case the fees already collected will be refunded if necessary to ensure that the MPS fee remains reasonably related to the traffic impacts of development that have paid an MPS 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 project list.

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E. The MPS 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 Cost
County	B-6	NE 132 ST/NE 128 ST	184 AVE NE	196 AVE NE	\$6,134,000
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
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
County	B-56.12	NOVELTY HILL RD STAGE 2	AVONDALE RD NE	244 AVE NE	\$20,697,000
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
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
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
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
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
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
County	N-16.20	JUANITA-WOODINVILLE WAY NE	112 AVE NE	I-405	\$3,367,000
County	N-19.20	NE 160 ST	116 AVE NE	124 AVE NE	\$2,028,000
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
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
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

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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
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
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
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
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
County	SC-215	SR-515 (BENSON RD) @ PETROVITSKY			\$9,415,000
		<b>Total</b>			<b>\$395,706,000</b>
Issaquah		FRONT STREET SOUTH	S 2 St	Issq City Limits	\$1,627,636
Issaquah		SE ISSAQUAH BYPASS RD	NE 100 St	NE 116 St	\$16,440,760
Issaquah		MAPLE ST	SR-900	Locust Way	\$7,192,482
Issaquah		MAPLE ST	SR-900	Newport Way	\$2,000,000
Issaquah		SE NEWPORT WAY	Maple St	Lakemont Blvd	\$2,000,000
Issaquah		SE NEWPORT WAY	Locust Way	Sunset Blvd	\$3,597,590
		<b>Total</b>			<b>\$32,858,468</b>
Newcastle		Newcastle - COAL CREEK PARKWAY CONST	SE 72 ST	RENTON C/L	\$33,947,000
		<b>Total</b>			<b>\$33,947,000</b>
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 PI NE	\$1,730,000
Redmond		UNION HILL ROAD	178 PI 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
		<b>Total</b>			<b>\$88,724,000</b>
Covington	9001	SR-516 Stage 1B			\$1,351,670
Covington	9004	Wax Road/180th Ave. SE	SR 516	262nd Pl	\$7,380,000
Covington	9005	SE 240th St.	SE 180 St.	SE 196 St.	\$720,000
Covington	9006	180th Ave. SE.	SE Wax Rd	SE 256	\$1,110,000
Covington	9013	Covington Way	SE Wax Rd.	164th Pl. SE	\$610,000
Covington	9016	SE 256th St.@148th Ave. SE			\$850,000
Covington	9020	SE 256th St.	148th Ave.	164th Ave.	\$15,171,000
Covington	9021	SE 256th St.	164th Ave.	180th Ave.	\$7,310,000
Covington	9023	164th Ave. SE Phase I and II	SE 256 St.	SE 248th St.	\$1,128,000
Covington	9036	SR-516	Wax Rd.	Jenkins Cr.	\$2,620,000
		<b>Total</b>			<b>\$38,250,670</b>
		<b>Grand Total</b>			<b>\$589,486,138</b>

(Ord. 14495 § 2, 2002: Ord. 14199 § 220, 2001: Ord. 11617 § 49, 1994).

(King County 12-2002)

MITIGATION PAYMENT SYSTEM

14.75.110

**14.75.110 Funding of projects.**

A. An MPS trust and agency fund is hereby created. This MPS fund shall be a first-tier fund as described in K.C.C. chapter 4.10. The director of the department of transportation shall be the fund manager. MPS fees shall be placed in appropriate deposit accounts within the MPS fund.

B. The MPS fees paid to the county shall be held and disbursed as follows:

1. The fees collected for each MPS project shall be placed in a deposit account within the MPS fund;

2. The road services division is authorized to transfer the project fees held in the MPS fund to the CIP fund no less than once a year in the year following receipt of the fees;

3. The non-MPS fee monies appropriated for the MPS project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in MPS fees;

4. The first money spent by the department on an MPS project after a council appropriation shall be deemed to be the fees from the MPS fund;

5. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the county of the public monies advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other MPS projects or to pay for smaller scale, growth-related projects that are not placed on the MPS Project List; and

6. All interest earned on the MPS fees paid by developers shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

C. MPS fees for transportation facility improvements shall be expended only in conformance with the transportation element of the King County Comprehensive Plan.

D. MPS projects shall be funded by a balance between MPS fees and other sources of public funds, and shall not be funded solely by MPS fees.

E. MPS fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The department may recommend to the council that the county hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

F. The department and the council may pool the MPS fees already collected from a development whenever appropriate to help finance a project with high priority among the projects impacted by the development.

G. The department shall pool MPS fees whenever necessary to ensure that the fees are expended or encumbered for a permissible use within six years of receipt. Pooling for such purpose shall be accomplished as follows:

1. The department shall determine which project has the highest priority among the projects for which MPS fees were collected for each such development, and the department shall transfer the MPS fees paid by the development to the budget of the project with the highest priority.

2. The department shall indicate in the TNR which projects have funds in their budget that have been pooled to ensure that they are expended or encumbered in a timely manner.

H. The department shall prepare an annual report on each MPS fee account showing the source and amount of all moneys collected, earned or received and transportation improvements that were financed in whole or in part by MPS fees. (Ord. 11617 § 50, 1994).

(King County 12-2002)

ROADS AND BRIDGES

14.75.120 - 14.75.140

**14.75.120 Refunds.**

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which MPS fees were paid, and the developer shows that no impact has resulted. However, the MPS administrative fee shall not be refunded.

B. If a property owner appears to be entitled to a refund of MPS fees, the department shall notify the property owner by first class mail deposited with the United States postal service at their last known address. The property owner must submit a request for a refund to the council in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended or encumbered within the time limitations established by Section 14.75.110E and for which no application for a refund has been made within this one-year period, shall be retained and expended on the projects for which it was collected.

C. In the event that MPS fees must be refunded for any reason, they shall be refunded with interest earned to the property owners as they appear of record with the King County assessor at the time of the refund.

D. When the county seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection B of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the county, but must be expended for the indicated road

facilities. This notice of requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated. (Ord. 11617 § 51, 1994).

**14.75.130 Exemptions for schools.**

A. Public school districts shall be exempted from payment of mitigation payment system fees.

B. The amount of the MPS fees not collected from school districts shall be paid from public funds other than impact fee accounts. (Ord. 11617 § 52, 1994).

**14.75.140 Exemption or reduction for low and moderate income housing.**

A. Public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs may apply to the department of human services (DHS) for exemptions from MPS fee requirements. DHS shall review proposed developments of low income or moderate housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development of low or moderate income housing satisfies the adopted criteria, DHS shall notify the department and such development shall be exempted from the requirement to pay an MPS fee.

B. Private developers who dedicate residential units for occupancy by low or moderate income households may apply to P,P, & R for reductions in MPS fees. DHS shall review such proposed developments pursuant to criteria and procedures adopted by administrative rule. If DHS determines that a proposed development satisfies the adopted criteria, DHS shall notify the department and the department shall reduce the calculated MPS fee for the development by an amount that is proportionate to the number of units in the development that satisfy the adopted criteria.

C. Developers of individual low or moderate income households who are building, contracting to build or siting a house may apply to DHS for an exemption from MPS fees. DHS shall review such proposed exemptions pursuant to criteria that include household income and assets, and the cost of the site, site improvements and the housing. The procedures used to evaluate an exception shall be adopted by administrative rule. If DHS determines that a household qualifies for exemption per the adopted criteria, DHS shall notify the department and such individual projects shall be exempted from the requirement to pay the MPS fee.

D. The amount of the MPS fees not collected from low or moderate income household development shall be paid from public funds other than impact fee accounts.

(King County 12-2002)

MITIGATION PAYMENT SYSTEM

14.75.140 - 14.75.300

E. DHS is hereby instructed and authorized to adopt, pursuant to K.C.C. chapter 2.98, administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low or moderate income households by public housing agencies or private non-profit housing developers participating in publicly sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low or moderate income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as low or moderate cost meets appropriate standards regarding household income, rent levels or sale prices, location, number of units, and development size; and

4. Ensure that developers who obtain an exemption from or reduction of MPS fees pursuant to paragraphs A. and B. of this section will in fact build the proposed low and moderate cost housing and make it available to low income households for a minimum of fifteen (15) years. (Ord. 11617 § 53, 1994).

**14.75.150 Request for final decision needed to appeal.** In order to obtain an appealable final decision the developer must:

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

B. Request in writing reconsideration by the director or the director's designee of an adverse decision by staff. Such request for reconsideration shall state in detail the grounds for the request. The director or the director's designee shall issue a final, appealable decision after reviewing the request. (Ord. 11617 § 54, 1994).

**14.75.160 Necessity of compliance.** A development permit issued after the effective date of the MPS provisions of this chapter shall be null and void if issued without substantial compliance with this chapter by the department, DDES and the developer. (Ord. 11617 § 55, 1994).

**14.75.300 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 11617 § 66, 1994).