

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 2000-917

A RESOLUTION of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, adopting a policy allowing the aggregation of Equivalent Residential Units credits associated with previous ULID assessments for certain properties, changing the side sewer permit deposit system to a flat fee system and amending District Resolution No. 99-904.

WHEREAS, the Board has determined that it would be beneficial to the District to allow owners of mixed use developments to utilize, under circumstances and requirements established in this resolution, existing Equivalent Residential Unit (ERU) credits, held by virtue of a previous Utility Local Improvement District (ULID) assessment upon the subject property, on adjoining parcels within the same development, and

WHEREAS, the Board has also determined that it would be beneficial to the District to collect a flat fee for side sewer permits rather than utilize the existing deposit system, and

WHEREAS, believing the provisions for such policy on ERU credits and a flat fee on side sewer permits to be in the best interests of the District and its customers

NOW, THEREFORE, **BE IT RESOLVED** as follows:

1. Resolution No. 99-904 Section 3A shall be amended to add a new subsection as follows:

“(ix) The District shall allow property owners with multi-parcel, mixed-use development the opportunity to aggregate existing ERU credits within the development for application to Capital Facilities Charges on any parcel or parcels within the development. In order to qualify to so aggregate ERU credits, all parcels within the development must be held under common ownership as determined by the District. For purposes of this section, a multi-parcel development shall be considered a “mixed use” development if classified by the local land use authority with jurisdiction as a mixed use development, or the functional equivalent thereof, and the use of any parcel is permitted based upon the existence of available land within the development on which to transfer burdens related to the use on the primary parcel (eg. parking). Should any parcel, or parcels, within the development have previously utilized any of the ERU credits available, only the amount remaining on the property shall be available for transfer. In circumstances where ERU credits were utilized prior to the change in

the credit rate from nine per acre to four per acre, the amount shall be calculated by multiplying the amount remaining from the original application of credits under the nine ERU per acre allocation, by four-ninths (4/9's). Where a property owner with a multi-parcel, mixed use development involving properties with existing ERU credits applies for a developer extension agreement, the District shall identify to the property owner the availability of the opportunity to aggregate ERU's within the development. Where a property owner elects to aggregate ERU's for use on a particular parcel or parcels as allowed hereunder, the property owner shall, as a condition of eligibility to aggregate ERU credits, execute an agreement, to be recorded against all parcels within the development, describing the transfer of ERU credits hereunder."

2. Resolution No. 99-904, section 3 shall be further amended to add a new section as follow:

"Q. Side Sewer Permit Fee

- i) The District shall, at its discretion, issue side sewer permits in accordance with the provision for same set forth in Resolution No 242 of the former Lakehaven Sewer District or any amendment thereto.
- ii) It shall be unlawful for any person to install side sewer pipe, uncover the public sewer or make any opening in any sewer or connect any private sewer drain to the public sewer without complying with all provisions of this resolution in relation thereto and having a permit to do so from the District. Application for permit shall be made at the office of the District.
- iii) The District shall charge residential permit applicants, upon issuance of the permit, the sum of \$ 139.00. Commercial (non-residential) permit applicants shall be charged the sum of \$270.00. The amount herein shall cover one (1) on-site inspection only. Any additional on-site inspections shall be billed on the basis of actual labor and overhead. No permit shall be issued until the payment required shall have been made or satisfactory provision for same has been made.
- iv) The District may issue special permits in accordance with section three (3) of Resolution No. 242 of the former Lakehaven Sewer District or any amendment thereto and the charge for same shall be as determined by the District and shall be based upon the costs to the District.
- v) Permits granted to cover the repair, alteration or abandonment of the original permitted service connection shall be issued upon the additional payment of the amount, which would be charged had the request been for a new connection.

- vi) Monthly service charges will continue if the side sewer is not properly disconnected under a valid abandonment permit. If the District determines that abandonment is necessary and owner refuses to provide for the proper disconnection of the side sewer, the District will perform the work and charge the owner for costs incurred for actual time and material plus District overhead.
- vii) The permit granted herein shall expire six (6) months from the date of the permit as stated thereon. Expired permits may be renewed for the additional sum of \$10.00, providing that no changes shall have occurred which alters the conditions upon which the original permit was granted.”

3. Resolution 99-904, section 3F, subsection (ii) shall be further amended to hereinafter read as follows:

“ii) CLASS 2 - \$100.00

The District shall collect a non-refundable deposit of \$100.00 to cover District costs associated with, but not limited to, the following services:

- Latecomer Agreement/Calculation
- Easement Encroachment Review
- Right-of-way Construction Permits (Service Connections)
- Pretreatment Review
- Private Pump Station Agreement
- Backflow Prevention Device Inspection Fee
- Segregation of Assessment
- Annexation
- SEPA Appeal Filing
- Submetering Agreement/Plan Review
- Other Services Deemed by the District to Fall Under This Level of Expense

Said deposit shall be held against actual expenses of the District based upon the District's record of time, material, overhead and other expenses relating to the service. The District shall determine, on a regular basis, its actual costs associated with the service and shall submit to applicant, if and at such time as its expenses exceed the deposit herein, a regular invoice of such additional amounts as are due to repay the District for actual costs in excess of the amount previously collected. Payment is due upon receipt of District invoice and shall be collectable in the manner authorized by law. These charges shall be subject to past due and late payment penalties authorized pursuant to state law and/or contract with the service recipient. “

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 27 day of April 2000.

ATTEST:

Beverly J. Meddle ✓
President and Commissioner Yea Nay Abstain

NOT PRESENT
Vice President and Commissioner Yea Nay Abstain

Norman M. Jovanich ✓
Secretary and Commissioner Yea Nay Abstain

[Signature] ✓
Commissioner Yea Nay Abstain

Edward E. Stewart ✓
Commissioner Yea Nay Abstain

Approved as to form:

[Signature]
General Counsel