

CC: MEY, Morgan, Jean,  
BLR, Judy

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

**Resolution No. 2000-931**

A RESOLUTION of the Board of Commissioners of Lakehaven Utility District, King County, Washington, establishing an increase in the water system Capital Facilities Charge and amending section "A" of Resolution No. 2000-929.

**WHEREAS**, the Board of Commissioners establishes fees and charges for services and requests for service provided and made to customers on a non-recurring basis and which are not otherwise included in the District's monthly rates, and

**WHEREAS**, the Board has previously adopted a water system Capital Facilities Charge to provide that property owners connecting to the water system pay a proportionate cost of the water facilities of general benefit to the system, and

**WHEREAS**, having fully reviewed and considered the amount of the water system Capital Facilities Charge and the Board of Commissioners deeming that an increase is appropriate,

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

1. Effective January 1, 2001, Section "A" of Resolution No. 2000-929 shall be amended to hereinafter read as follows:

**"A. Capital Facilities Charge**

- i) The District shall charge property owners seeking to connect to the District's water and/or sewerage system as a condition of the right to connect, a Capital Facilities Charge such that each property so connecting shall bear an equitable share of the cost, including, where appropriate, anticipated future costs, of the system to which connection is made.
- ii) The Capital Facilities Charge on sewer connections shall cover those charges previously collected as general facilities fees for historical costs of the system, and, where applicable, capital improvement charges for anticipated future costs of the system. Capital Facilities Charge on water connections shall cover those charges previously collected as general facilities fees for the historical costs of the system, and, where applicable, shall include an amount to cover anticipated future costs.

- iii) Except where Capital Facilities Charges have previously been paid to the District pursuant to prior Developer Extension Agreement requiring earlier payment, Capital Facilities Charges shall be paid prior to provision of service.
- iv) For properties previously having paid a general facilities fee for sewer service as part of a U.L.I.D. assessment, as a financing requirement on the property or under any other circumstance, the Capital Facilities Charge shall, except as provided below, not apply and such properties shall be entitled to connect upon payment of any other applicable charge or charges described in this Resolution. If the property referenced in this section as exempt from the Capital Facilities Charge shall change in usage so as to require an increased usage of the sewer service and/or shall make request for service at a level of usage higher than that for which it was previously assessed or collected, the Capital Facilities Charge shall apply to such increase and be levied as described below at the current rate. For purposes of determining the existence of a change in usage under this section, property having previously paid a general facilities fee will be allowed Equivalent Residential Units (E.R.U.'s), as described in section vi), at the rate of four (4) E.R.U.'s per acre and the application of a charge for a change in usage for additional E.R.U.'s shall be for any usage above this level. The credit level for properties to be served by existing developer extension agreements shall remain as set forth in the agreement.
- v) For properties previously having paid a general facilities fee for water service as: a) part of a U.L.I.D. assessment; b) as a requirement of financing on the property; c) as a requirement of an extended service agreement; d) by Water Cooperative Certificate or; e) under any other circumstance, the Capital Facilities Charge shall, except as provided below, not apply and such properties shall be entitled to connect, if connection has not been previously made, upon payment of any other applicable charge or charges described in this Resolution. If the property referenced in this section as exempt from the Capital Facilities Charge shall change in usage so as to require an increased usage of water service and/or shall make request for service at a level of usage higher than that for which was previously assessed or collected, the Capital Facilities Charge shall apply to such increase and be levied as described below at the current rate. For purposes of determining the existence of a change in usage under this section, any property having previously paid a general facilities fee will be allowed E.R.U.'s, as described in section vi), at the rate of four (4) E.R.U.'s per acre and the application of a charge for a change in usage for additional E.R.U.'s shall be for any usage above this level. The credit level for properties to be served by existing developer extension agreements shall remain as set forth in the agreement. For purposes of

determining the existence of a change in usage under this section, any property having a valid Water Cooperative Certificate will be allocated an E.R.U. credit, as described in section vi) herein, at the rate of one (1) E.R.U. per certificate and the application of a charge for a change in usage for additional E.R.U.'s shall be for any usage above this level.

- vi) Upon request for sewer and/or water service or change in usage level of service, the District shall make a determination of the E.R.U. usage that the property will require. For purposes of this determination, an E.R.U. for service shall consist of a projected usage of two hundred twenty (220) gallons per day of sewage flow, and two hundred fifty-five (255) gallons per day of projected water usage. Where deemed appropriate by the District, an alternative criteria for determining the appropriate E.R.U. level shall be used which is based upon the occurrence of organic loading into the sewer system. Under this system for determining the E.R.U. levels, one E.R.U. would equal 225 milligrams per liter of Biochemical Oxygen Demand (BOD) and/or Suspended Solids (SS). A single-family residential unit shall be assigned one (1) E.R.U. as a Capital Facilities Charge, the charge for which is described below. Each multi-family dwelling and each mobile home situated in a mobile home park shall be assigned sixty-seven hundredths (.67) E.R.U. Each accessory dwelling unit, approved for occupancy under local land use authority, consisting of either a freestanding detached structure not exceeding twelve hundred square feet in living space or an attached part of a structure which is subordinate and incidental to the main or primary dwelling unit located on the subject property, providing complete, independent living facilities exclusively for one single housekeeping unit, including permanent provisions for living, sleeping, cooking and sanitation shall be assigned thirty-four hundredths (.34) E.R.U. Initially, all non-residential service shall be assigned and pay an E.R.U. level based on and as set forth in the following categorical listings, with a minimum of one (1) E.R.U. assigned for any requested usage:

<u>Non-Residential</u>	<u>E.R.U. Basis</u>
Restaurants	3.0 per 1,000 square feet (SF)*
Retail	0.2 per 1,000 SF
Office/Warehouse	0.3 per 1,000 SF
Laundromat	0.4 per washing machine
Car Wash (automated)	20 each
Car Wash (small/hand)	3.0 each
Church	2.0 each
Daycare	2.0 each
Auto Service Station	2.0 each

Elementary School	8.0 each
Junior High School	12 each
High School	16 each
Hotel - Motel	0.5 per room
Recreation Facilities with Pool	4.0 each

\* The calculation for sewer shall also be subject to measurement of BOD and/or SS.

The above categorical listings may not cover certain non-residential uses for which application for service is made. In the case of uses not covered by the categorical listing, the District will make its best estimation of the E.R.U. level to be initially charged, based upon comparable facilities and the 255 gallons per day water usage factor. This estimation, and any estimation based on the above categorical listings, will be checked against actual use on an annual basis and the property will be assessed additional E.R.U.'s, if so indicated; provided that notice of additional Capital Facilities Charges owing shall be given by the District no later than five (5) years from date of service connection. Such additional Capital Facilities Charges shall be assessed at the rate paid at the time of connection. In situations where the usage level is lower than estimated, as determined within five (5) years from the date of connection, the District will refund, without interest, any excess Capital Facilities Charges paid based upon the rate paid at the time of connection. Unless the District shall receive a written assignment of the right to receive the funds from the party having paid the Capital Facilities Charges, in which case the refund shall be paid to the assignee designated therein, the refund shall be paid to the party having originally paid the Capital Facilities Charges.

For purposes of establishing the appropriate ERU adjustment, if any, to be made on the basis of water consumption monitoring implemented pursuant to this subsection, the District will determine, within the five (5) year monitoring period, a twelve (12) consecutive month consumption period which is most representative of normal water use conditions within the property. In so determining the applicable consumption period, the District will attempt to isolate factors that may tend to cause consumption to vary from normal conditions, including, but not limited to:

- \* water used during construction;
- \* irrigation to establish new landscaping or wetland or other mitigation plantings;
- \* abnormal occupancy rates;
- \* abnormally wet or dry climatic conditions;
- \* leaks in on-site water service facilities.

Property owners are encouraged to implement conservation practices to reduce overall water consumption. A trend of reduction in water consumption attributable to water conservation practices and/or equipment will be considered justification in establishing the monitoring period as the last twelve (12) consecutive month period. To the extent that the full implementation of water conservation practices may cause the trend in reducing consumption to extend beyond the five (5) year monitoring period, the District, at its discretion, may extend the monitoring period for an additional three (3) year period to measure the impact of conservation. The District may also, at its discretion, extend the monitoring period for a three (3) year period to account for other factors which may adversely impact the District's ability to determine an accurate and representative consumption period.

- vii) The charge for each E.R.U. of sewer service shall be \$2,720.00, of which 0 (zero) dollars shall be included as a charge for future anticipated facilities. The charge for each E.R.U. of water service shall be \$3,118, of which \$753.00 dollars shall be included as a charge for future anticipated facilities. For properties discharging to King County/Metro sewerage facilities, the charge for each E.R.U. of sewer service shall be \$1,240.00. This amount shall be collected by the District in addition to any amounts for capital facilities collected by or on behalf of King County/Metro. For properties discharging to Midway Sewer District facilities, the charge for each E.R.U. of sewer service shall be \$1,310.00. This amount shall be collected by the District in addition to any amounts for capital facilities collected by or on behalf of Midway Sewer District. In all cases where a Water System Capital Facilities Charge is paid for connection to the water system, the District shall charge the property owner the base monthly water rate for a 5/8" water meter, or actual meter size installed, for each E.R.U. of service covered by the payment on the earlier of the installation date of the water meter to serve the property or the date eighteen (18) months following the date of payment of the Water System Capital Facilities Charge. In all cases where a Sewer System Capital Facilities Charge is paid for connection to the sewer system, the District shall charge the property owner the base monthly sewer rate for each E.R.U. of service covered by the payment on the earlier of the issuance of the side sewer

permit for the property or the date eighteen (18) months following the date of payment of the Sewer System Capital Facilities Charge.

- viii) The assessment and levy of the Capital Facilities Charge, as described herein, may be subject to contractual conditions established in prior agreements and the facilities charge for property affected thereby shall be established in accordance therewith.
  - 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. All other sections of Resolution No. 2000-929 not herein amended shall remain in full force and effect.
  3. This resolution shall be effective on January 1, 2001.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 9th day of November, 2000.

ATTEST:

<u>Beverly J. Tweddle</u> President and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
<u>Donald L. Miller</u> Vice President and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
<u>Thomas M. Granovich</u> Secretary and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
<u>P. Marzu</u> Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
<u>Edmond G. Stewart</u> Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

Approved as to form:

Steve H. Schubert  
General Counsel