

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

Resolution No. 98-847

**A RESOLUTION** of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, eliminating the Water District 56 Surcharge, modifying the manner in which certain Capital Facilities Charges are calculated, ratifying latecomer reimbursement area designations and amending Resolution No. 97-830.

**WHEREAS**, the Board of Commissioners has adopted a system of fees and charges for services which are not covered by the monthly sewer and water rates, and

**WHEREAS**, in order that such fees and charges remain lawful and consistent with the level of service provided, the Board periodically reviews the fees and charges, and

**WHEREAS**, pursuant to agreement with Water District No. 56 and the subsequent merger of the District therewith, the District has been levying and collecting a surcharge in the area of the former water district to pay for water system improvements for the benefit of the existing and future customers located therein, and

**WHEREAS**, the District has fully collected the amount to be reimbursed pursuant to the agreement and the charge should now be rescinded and replaced by the District's regular Capital Facilities Charge, and

**WHEREAS**, the District has previously assessed Capital Facilities Charges (CFC) to non-residential customers according to a schedule of usage categories, and

**WHEREAS**, experience with such usage categories suggests that the designations may better be used to determine initial CFC levels, which levels would then be adjusted based upon water consumption monitoring data to better approximate the charge to actual demand on the water and sewer systems from which the charge should be collected, and

**WHEREAS**, the District receives requests for service from non-residential customers whose intended use of the property does not fit a defined non-residential usage category and thus water consumption monitoring is the only feasible method to calculate system demand, and

**WHEREAS**, it is necessary to clarify the level of CFC's to be assigned to Water Cooperative Certificates where a change of use of the water and/or sewer system occurs on property covered thereby, and

**WHEREAS**, the Board desires to ratify the establishment of latecomer reimbursement

areas contained in latecomer agreements executed to the date of this resolution, and

**WHEREAS**, the Board otherwise believing that the amendments to the Fees and Charges Resolution set forth herein are beneficial to the District and its customers;

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

1. Section "R" of Resolution No. 97-830, is amended to hereinafter read as follows:

**"R. CJ-1- 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 to the right to connect, a Capital Facilities Charge so 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) The Capital Facilities Charge shall be levied on those property owners requesting sewer and/or water service and shall be collected prior to the 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 E.R.U.'s, as described in section vi, at the rate of 9 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.

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 Coop 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 9 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. For purposes of determining the existence of a change in usage under this section, any property having a valid Water Co-op Certificate will be allocated an E.R.U. credit, as described in sub-section (vi) herein, at the rate of one (1) 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 equivalent residential unit, hereinafter 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 three hundred (300) gallons per day of sewage flow, and three hundred (300) gallons per day of projected water usage, which level of flow is approximately 900 cubic feet per month. If appropriate, 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 14 lbs. 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. Multi-family dwellings and mobile homes situated in mobile home parks shall be assigned an E.R.U. of sixty seven hundredths (.67). Accessory Dwelling Units, 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 an E.R.U. of thirty four hundredths

(.34). Non-residential service shall be assigned and pay an initial 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 SF
Retail	0.2 per 1,000 SF
Office/Warehouse	0.3 per 1,000 SF
Laundromat	0.4 per 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 above categorical listings may not reflect actual consumption or 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 the 900 cubic feet per month water usage factor for comparable facilities or upon peak differential between residential use and that of disproportionate areas for irrigation purposes. This estimation, along with 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 original connection. In situations where the usage level of a property declines, the District will not make any refund, however, upon any subsequent increase the E.R.U. basis for the property shall be the actual level for which payment was previously made and the property shall pay only for such increase.

- vii) The charge for each E.R.U. of sewer service shall be \$ 2720.00, 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 \$ 2710.00, of which 0 (zero) dollars shall be included as a charge for future anticipated facilities. For properties discharging to Metro sewerage facilities, the charge for each E.R.U. of sewer service shall be \$ 1240.00. This amount shall be collected by the

District in addition to any amounts for capital facilities collected by or on behalf of Metro. For properties within the Midway Sewer District service area discharging to Lakehaven Utility District sewerage facilities, the charge for each E.R.U. of sewer service shall be \$ 1310.00.

- 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 staff is directed to notify those property owners having existing developer extension agreements and those having submitted a valid application for the same of any increase in the Capital Facility Charge adopted by the Board of Commissioners by written notice mailed to the address maintained at the District's office and no such increase shall become effective with respect to the property covered under such agreement or application until ninety days following the date of mailing such notice."

2. Section "O" of Resolution No. 97-830 is amended to hereinafter read as follows:

**"O. BW-1 - Temporary Water Service Charge**

- i) The District may allow water service to properties where such properties are not adjacent to a District main and/or where extension of the existing main, is determined solely by the District, is impractical, by temporary water service connection.
- ii) Upon request for temporary water service, the District shall prepare a Temporary Water Service Agreement to provide for such service in accordance with the District's policy or policies regarding service and the provisions contained herein. Service to the property shall be allowed upon the execution of the Agreement and payment of the Capital Facilities Charge, Meter Installation Charge and ROW Construction Permit Fee in accordance with this Resolution as determined by the characteristics of the service requested."

3. Section "C" of Resolution No. 97-830 is amended to hereinafter read as follows:

**"C. AJ-3 - Latecomers Administration Fee**

- i) If, at the time of application for developer extension agreement, the developer identifies, subject to District approval, that facilities constructed pursuant to the developer extension agreement shall be of benefit to adjacent properties, the

District shall include within the developer extension agreement a provision authorizing the collection of latecomers charges on such adjacent properties and shall remit same to the developer if such adjacent property connects to the facilities constructed by developer within a period of fifteen (15) years from date of acceptance of the project.

- ii) The amount to be repaid to the developer as latecomers fee shall be based upon the original cost of the project, as approved by the District, without adjustment for inflation or accumulation of interest. The District shall further reserve the right to make an independent determination of the reasonableness of the construction costs submitted to the District from which the reimbursement shall be based and, in the event said construction costs are deemed excessive, shall establish a cost deemed reasonable.
- iii) Payment to the developer of the latecomer reimbursement shall be conditioned upon the developer's payment to the District of the sum of \$ 302.00 for water facilities and/or \$ 302.00 for sewer facilities to cover the District's costs associated with the administration of the latecomer reimbursement, and the continued notification to the District, during the fifteen (15) year period, of any name or address change of developer or any successive entity designated as entitled thereto.
- iv) The Board of Commissioners hereby expressly ratifies and confirms, retroactive to the date of execution, the latecomer reimbursement areas previously formulated and contained in all existing Latecomer Agreements previously executed by the District and recorded in the county in which the burdened property is located, such reimbursement areas being incorporated by reference as if fully set forth herein."

4. All other terms and provisions of said Resolution No. 97-830 not herein amended shall remain in full force and effect.

5. This resolution shall be effective on the date of adoption as set forth below.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 16th day of April, 1998.

ATTEST:

<u><i>Don Mayer</i></u> President and Commissioner	<u>X</u> Yea	<u>      </u> Nay	<u>      </u> Abstain
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<u><i>Beverly J. Tweddle</i></u> Vice President and Commissioner	<u>✓</u> Yea	<u>      </u> Nay	<u>      </u> Abstain
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<u><i>Donell L. Miller</i></u> Secretary and Commissioner	<u>X</u> Yea	<u>      </u> Nay	<u>      </u> Abstain
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**NOT PRESENT**

<u>      </u> Commissioner	<u>      </u> Yea	<u>      </u> Nay	<u>      </u> Abstain
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<u><i>Thomas M. Jovanovich</i></u> Commissioner	<u>✓</u> Yea	<u>      </u> Nay	<u>      </u> Abstain
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Approved as to form

<u><i>W. H. Pugh</i></u> General Counsel
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