

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ADOPTION OF STORM WATER CAPITAL FACILITIES CHARGES.

WHEREAS, the Kirkland City Council has authority to adopt Capital Facilities Charges, or connection charges, under RCW Chapter 35.92.025; and

WHEREAS, the adoption of Storm Water Capital Facilities Charges was evaluated and recommended in the City's *2005 Surface Water Master Plan*;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Title of Chapter 15.56 of the Kirkland Municipal Code is hereby amended to read as follows:

Chapter 15.56

SURFACE WATER UTILITY MONTHLY SERVICE RATES AND STORM WATER CAPITAL FACILITIES CHARGES

Section 2. Chapter 15.56 of the Kirkland Municipal Code is hereby amended by the addition of a new Section 15.56.050 to read as follows:

15.56.050 Storm Water Capital Facilities Charges.

The purpose of this section is to establish Storm Water Capital Facilities Charges for all development activity as defined in the Kirkland Zoning Code that will include creation of new impervious surface.

(1) The Storm Water Capital Facilities Charge Base Fee (SWCFC Base Fee) will be equal to \$481.00. The SWCFC Base Fee shall be adjusted periodically, but not less often than every odd numbered year. The adjustment shall use the method following:

(a) The adjusted storm SWCFC Base Fee shall be calculated by the following formula:

$$\frac{(\text{In-Plant Service}/\text{Total Customer Base})+(\text{Future Cost Basis}/\text{Future Customer Base})}{\text{Future Customer Base}} = \text{Storm Water Capital Facilities Base Fee}$$

(b) The In-Plant Service is the cost at the time of the adjustment of all city storm water facilities installed since formation of the Surface Water Utility less any storm water facilities funded by local improvement districts, grants or installation by private entities (developers).

(c) The Future Cost Basis is the cost of proposed capital improvement projects that can be attributed to future growth and expansion of the system.

(d) The Future Customer Base is the number of Equivalent Service Units (ESU), as defined in 15.56.020, of impervious surface that it is estimated will

be added to the City based on lot coverage under current land use zoning and an analysis of currently existing impervious surfaces within the City.

(e) The Total Customer Base is the existing number of ESU within the City plus the Future Customer Base.

(f) Upon determining the adjusted SWCFC Base Fee, the Director of Public Works shall file with the Director of Finance & Administration three copies noting the adjusted fee along with the values the fee is based on. The Director of Finance & Administration shall file the schedules and values with the City Clerk to be available for use by the general public and the affected city officials and departments.

(2) Criteria for Determination of Storm Water Capital Facilities Charge
The Storm Water Capital Facilities Charge (SWCFC) must be paid prior to issuance of the building permit and shall be determined by application of the criteria set forth below:

(a) For one new detached dwelling unit on a single lot, the SWCFC shall equal the SWCFC Base Fee as defined in (1) above.

(b) For all other developments, the SWCFC charge shall equal the SWCFC Base Fee as defined in (1) above times the number of ESU of new impervious surface to be created as part of the development, except as noted in (c) below.

(c) The following portions of a development are exempt from payment of a SWCFC charge:

(i) Pedestrian facilities and street improvements that will be dedicated to or constructed for the public use.

(ii) Private access roads serving residential subdivisions.

(iii) Alteration or expansion of a single detached dwelling unit on a single lot.

(iv) Existing impervious surfaces that are being removed and replaced.

Section 3. The new rates as set forth in this ordinance shall go into effect and shall become the rates to be charged as of March 1, 2006.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of February, 2006.

Signed in authentication thereof this 7th day of February, 2006.



MAYOR

Attest:

Kettil Anderson
City Clerk

Approved as to Form:

[Signature]
City Attorney