
KENNEWICK IRRIGATION DISTRICT

PROCEDURE #52 LID-OPERATION AND MAINTENANCE NEW SUBDIVISIONS

The Kennewick Irrigation District (KID), if requested by Developers, may operate and maintain the internal irrigation distribution system within the Subdivision. Any Subdivision approved by the respective municipality for development in phases may apply to the KID for a Developer LID Program. It is the intent of the District that this shall apply to Subdivisions with a reasonable number of lots per Phase. The minimum may change at the option of the District. This Procedure may be implemented on commercial, residential and multi-family residential development. KID will allow the systematic phasing and assessment of improvements for LID O&M through this Procedure.

LID PROCESS

The State of Washington has specific laws and requirements (RCW 87.03.480, 485 and 490) regarding the creation of a Local Improvement District (LID). They must be adhered to regardless of the number of owners involved for the request of the LID. A brief description of steps follows:

- a. The KID will hold an information meeting to discuss all costs and conditions regarding the LID (this is an optional hearing required by the Board of Directors of the KID, not the State of Washington).
- b. The Public Hearing will be held as required by statute. This Hearing will be held after the Board of Directors of the KID have been provided with signed petitions by interested parties.

In the event a person is unable to attend this Hearing, he/she will need to send a written notice to KID of objection to the creation of the LID or it is by law considered a positive vote.

- c. The authority to hold a Public Hearing is by resolution and agreement by the Board of Directors.
- d. Upon recommendation by staff, the Board of Directors, at their option, may create the LID (by resolution) and thereby form the LID for the operation of the system.

Should the Developer, at his option, determine that he will prefer to operate the irrigation system on a private basis, the KID O&M and USBR Construction payment shall still be required of the individual lots. The Developer shall provide the following:

1. Developer shall provide a list of the current titled owner or owners, optionees, and/or name of primary Developer or Builder, if applicable.
2. The Developer shall provide to KID 2 copies of the preliminary or conceptual Subdivision plat map. Also, a copy of the preliminary phases being currently submitted for approval.
3. The Developer must have a petition signed by all parties having an interest in the land. This includes the owner and may include a optionee, Builder, or Developer. A petition can be obtained from the Administrative Assistant of the KID for this purpose.

The Board of Directors' approval of resolution for a LID creates a lien against the property and this lien is equal to O&M during the remainder of the assessment year for the LID. Benton County does not immediately supply assessors' parcel numbers for each lot, consequently, the final assessment will only be levied after the Benton County assignment of parcel numbers. The debt for LID O&M will accumulate and be included in the next assessment year.

4. The Developer shall indicate how many phases are in the Subdivision, number of lots in each phase and the estimated time of construction.
5. The Developer shall indicate how many open spaces or parks are in the area and how many acres are in these open spaces or parks.
6. The Developer shall extend a 12 month period of warranty on the system, as required by State law. Any repairs done to the internal distribution system will be under warranty by the Developer for 12 months beginning with each phase. The 12 month period of warranty on the system shall coincide with the same warranty period which exists for the construction of the infrastructure. Upon notification of a problem which requires repair (under this warranty), the Contractor or Developer shall repair the problem within a 24 hour period. If not repaired within this time frame, the KID will fix the problem and bill directly to the Developer or Contractor.
7. The Developer shall supply to KID the title company name as well as the escrow and closing agent handling the Subdivision.
8. The Developer/Seller shall notify the KID in writing of any sale (transfer of ownership of lots) during the LID statutory development period.
9. The Developer shall provide legal descriptions of the entire Subdivision being requested for a LID.

The KID will:

1. The KID may operate and maintain both potable and irrigation waters in rural environments.
2. The design of the system shall be approved for the entire Subdivision in a customary fashion by KID Engineering. It is the responsibility of the Developer to design the system by a licensed P.E. The Developer shall deposit a fee as previously established in Procedure #4 Plat and Short Plat Review for inspection of the system by the KID.
3. The KID will review internal irrigation distribution systems recognizing that the independent operation of the system by phase may be required in the future. At KID's option, the District may require a system design separate of other phases.
4. The KID will require approval and hydraulic review of the existing internal distribution design in the event a change of phasing is requested by the Developer. This phase change must be approved by the respective municipality and by the KID, and may require design updates.
5. The KID will not accept a system for operation and maintenance prior to the receipt of an as-built set of plans for the internal system.
6. The LID will be created over the entire Subdivision (as per the preliminary plat approval of the entire Subdivision by the respective municipality) and should be considered as a permanent obligation to the Developer as well as any future Builders, Developers or Homeowners.
7. The obligation for the LID O&M fee will start only upon final plat approval of the first phase and by written request by the parties to begin operation of the system. After the first phase, the KID will automatically assume the operation and maintenance of subsequent phases. KID, at its option, may elect to begin O&M after a reasonable number of lots are in place.
8. Assessments will be charged to each subsequent phase upon final plat approval. This will be done automatically, and the Developer must notify the KID that the final plat approval has taken place with the respective municipality. In the event the Developer does not notify the KID of final plat approval within 10 days, liquidated damages of not less than \$500 shall be charged to the corresponding phase.
9. Because the system is designed for the entire subdivision yet may be used only for a small portion of the subdivision (i.e., the first phase), O&M costs on a prorated basis may be higher.
10. Operation and maintenance fees for any LID operated by the District are reviewed and amended as necessary the first month of every year.
11. If a portion of the land has not received final plat approval, the assessment rate may remain the same (as existed prior to any development). Only platted land will be charged the

additional operation and maintenance fee.

12. If for some reason subdivision or options do not continue to completion, remaining land owned will continue to be assessed at its existing use, however, at the time of development the remaining portion of land will automatically be within the District's LID already formed for previous phases.



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BOARD APPROVED DATE July 26, 1993

BOARD PRESIDENT-SIGNATURE
REVISION DATE