

April 21, 2025 Council Hearing on Guide Sewer Latecomer Charges-

Responses to Council Questions

What areas of the parcels are unable to be developed, as in wetlands or setbacks, limiting the potential of the parcel?

Critical Areas and some portions of critical area buffers are typically not developable (mitigations are always an option). Setbacks usually have development value, depending on the use. None of these delineations are deducted from a Latecomer Assessment. Parcel development areas are not determined until formal critical area assessments are commissioned by the property owner and reviewed by the City.

Was the city required to complete the entire project, as in legally, or was it a case of cost efficiency, as in we would save the parcel owners money if we took on the project, or some entirely different reason?

The City was not motivated by law or code to construct the sewer extension. The City chose to extend the sewer to accommodate near-term development of unserved properties. The benefit to the parcel owners is that this complicated, multijurisdictional project is financed and managed by the public with the expectation that rate-payers will be fully-reimbursed.

Would we be able to charge latecomers on the square footage developed? For example, if Mr. Scholten were to build a 2,000 sq. ft. shop, would it be possible to charge a pro-rated rate for only that square footage?

LMC and RCW offer various ways to assess Latecomer charges. The proposition above is not strictly disallowed; however, a municipality has no way of knowing in advance what square footage a future developer may wish to deliver. There would be no solid basis for allocating costs at the time of assessment.

Do any other base formulas, such as the square footage, property frontage, etcetera change the dollar amount per parcel significantly?

Yes. Alternative calculations will be made available.

Do we have any record of speaking with or informing the property owners that the assessment would be coming?

Yes. Expectation of a forthcoming Latecomer Assessment was disclosed during easement negotiations and contained in various agreements and easement documents. These can be provided.

In the case of the AM/PM parcel, which is already developed, would they be able to pay over time since further development would not be an issue?

LMC 15.03.050 requires that facility to connect when the next building permit is applied and approved, or when they choose to be hooked up. RCW 35.91.040 is clear that no person, firm, or corporation may be authorized to tap into a water or sewer facility or extension thereof without first paying to the municipality all costs and charges made or assessed for such tap.

IF (big if) council decided the City should pay for part of the new line, is that a) legal, and b) what if any impact would that have on our the 2025 and 26 budget?

It is legal. It would have an impact on the City's Sewer Fund to the extent that Council chooses to subsidize the project.

How would assessments change if lot lines on some burdened parcels were adjusted into parcels that currently have sewer service?

That scenario is possible. It would affect assessments on the parcels affected by the lot line adjustment. We are unclear about how the assessment might change under segregation for the adjusted parcels. There are likely legal implications.

The greatest obstacle for me to support this would be how we trigger the cost to the landowner. Several years ago Dwayne built a new shed for his company. That to me is not development that is just expansion of his existing business. Everything is relevant but a building here or there to strengthen and enhance his business and even a minor expansion of his business is not really the development we are or maybe should be concerned with. If he sold his property out to a big conglomeration and they put in a big grocery store or something of that nature that would be different. If he were to develop the property into housing also would be different. And I think this is obviously what everybody was kind of hung up on.

No question.