

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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**ITEM NO:** C-12

**DATE:** June 26, 2008

**SUBJECT:** **Cancel Public Hearing  
Kay George Latecomer Utility Agreement  
High Street Townhouses**

**CONTACT PERSON:** Robert Martin, Community Development Director

**ISSUE:**

1. Cancel Public hearing on application for development of a utility connection latecomer agreement. A public hearing is required for this process only after completion of the City Engineer's determination, notice to affected property owners, and request for a hearing by one of the affected property owners.
2. The hearing scheduled for June 26 is not required. A hearing will only be required if one of the affected property owners makes a request for a hearing Sultan Municipal Code (SMC) 11.10.080 B.

**STAFF RECOMMENDATION:**

Staff recommends that Council cancel the public hearing scheduled for this meeting.

**SUMMARY:**

When a developer installs a public utility main (typically sewer and/or water), they are doing so to provide service to their development. These mains are turned over to the city for operation and maintenance once accepted by the City Engineer. It often happens that the mains installed at developer expense pass by other private property that has development potential, but the owners of that property did not participate in the cost of installing the facilities.

Latecomer agreements are a means to provide some equity in this situation. When the costs directly attributable to installation of the mains are approved by the City Engineer, the City can enter into a Latecomer Agreement with the developer. This provides that other private properties connecting directly to that main for their utility service pay the city for their connection charges, and the city reimburses a percentage to the developer who installed the mains.

Ms. George has installed mains for the High Street Townhouses and desires a latecomer agreement in the event that adjacent development derives utility service from the mains that she installed for her project.

**ANALYSIS:**

1. SMC 11.10.080 A. provides that a preliminary notice of the latecomer agreement be sent to property owners who could potentially be subject to the provisions of that agreement, ie. they would be required to pay a share of the developer's costs for installing the main. This is provided by individual mail.
2. SMC 11.10.080 B. provides that any of those property owners receiving notice have the right to request a public hearing on the formation of the latecomer agreement area. This provides them the right to challenge the determination that they are able to connect to the mains and the appropriateness of the costs associated with that project.
3. Only if such a request is made will there be a hearing on the agreement. There is no need to schedule a hearing at this time as Ms. George and city staff are still in the process of assembling the costs and conditions under which a latecomer agreement would be proposed. Upon completion of this process and mailing of the required notice, a hearing may be scheduled in response to a request. Council will then consider finalizing the agreement as provided by SMC 11.10.080 C.

**ALTERNATIVES:**

There is no action upon which to generate alternatives at this time.

**FISCAL IMPACT:**

There is no fiscal impact attached to cancellation of the hearing.

**RECOMMENDED ACTION:**

Cancel the public hearing on High Street Townhouses

**ATTACHMENTS:**

Attachment A: Sultan Municipal Code 11.10.080

**11.10.080 Notice to affected property owners.**

A. The preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by mail to the property owners of record within the proposed assessment area shown on the records of the Snohomish County assessor.

B. If any property owner requests a hearing in writing within 20 days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners by mail not less than 10 days prior to the hearing.

C. In the event a hearing is conducted as provided in this section, after considering public testimony, the city council shall make a final determination of the reimbursement area boundaries and assessment based upon the criteria set forth in this chapter and as specified in Chapters 35.72 and 35.91 RCW as now or hereafter amended. The council may adopt, or may reject or modify the engineer's determination based upon good cause. (Ord. 634 § 1, 1995)