

**CITY OF GRANITE FALLS
ORDINANCE NO. 943-2018**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS,
WASHINGTON, AMENDING GRANITE FALLS
MUNICIPAL CODE SECTIONS 13.24.030 ENTITLED
“APPLICATION FOR DEVELOPER REIMBURSEMENT
AGREEMENT”, GFMC SECTION 13.24.040 ENTITLED
“ASSESSMENT REIMBURSEMENT AREA AND CHARGE”
AND GFMC SECTION 13.24.050 ENTITLED
“IMPLEMENTATION OF DEVELOPER REIMBURSEMENT
AGREEMENT”; PROVIDING FOR SEVERABILITY AND
EFFECTIVE DATE.**

WHEREAS, substantial residential growth may occur in the City and developers may seek reimbursement for utility improvements; and

WHEREAS, the City Council desires that City code more closely align with RCW 35.91 relating to utility reimbursement agreements,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. GFMC section 13.24.030 entitled “Application for developer reimbursement agreement” is hereby amended as follows:

(A) Any property owner, who uses private funds in an amount greater than \$10,000 to construct water, sewer and/or storm drainage improvements to connect to existing city water, sewer, or storm drainage for the purpose of serving the area in which the real property of such owner is located, may apply to the city to establish a developer reimbursement agreement in order to recover a share of the costs from subsequent users of the system(s).

(B) Each application must be on a form prescribed by the city and must be accompanied by a nonrefundable application fee in the amount of \$500.00.

(C) The city will require the applicant to submit ~~a certified statement by a state of Washington licensed professional engineer containing an itemization of the total projected cost of the system improvements~~ contracts and costs to the City for verification.

(D) To be eligible for processing, applications for developer reimbursement agreements must be in compliance with all applicable federal, state and local laws, rules and regulations including but not limited to building codes and environmental laws.

(E) The proposed improvements must be consistent with the city’s comprehensive plan, utility plan and/or transportation plan.

(F) The city must have the capability and capacity to service the water, sewer and/or storm drainage.

Section 2. GFMC section 13.24.040 entitled "Assessment reimbursement area and charge" is hereby amended as follows:

The developer shall formulate a benefit reimbursement area, and the city staff shall approve the benefit reimbursement area and determine charges in accordance with law. ~~based upon the following:~~

~~(A) The benefit reimbursement area shall be based upon a determination of which parcels are located so that they may be served by or use such improvement(s), including through laterals or branches connected thereto.~~

~~(B) The developer shall determine, and the city staff shall approve, the benefit charges for parcels within the benefit reimbursement area by calculating the fair cost of construction of the improvement for each property which might tap, connect or be served by the system(s).~~

~~(C) A notice containing the benefit reimbursement area boundaries, preliminary charges, and a description of the property owner's rights to request a public hearing with regard to the area boundaries and special benefits shall be forwarded by registered mail to the property owners as shown on the records of the Snohomish County assessor within the proposed benefit reimbursement area. If any property owner requests a hearing in writing within 20 days of the mailing of the notice, a hearing shall be held. Notice of such hearing shall be given to all affected property owners. The developer shall be responsible for providing the city with a listing of the property owners within the proposed benefit reimbursement area and shall provide the cost of postage at mailing.~~

~~(D) After reviewing the public hearing testimony and/or all information submitted to the city, the city council may approve, modify or reject the benefit reimbursement area and/or charges.~~

Section 3. GFMC section 13.24.050 entitled "Implementation of developer reimbursement agreement" is hereby amended as follows:

~~(A) Upon approval of the developer reimbursement agreement and charges and establishment of the benefit reimbursement area, the applicant may begin construction of the improvements; provided, however, that all other applicable federal, state and local laws have been complied with.~~

~~(BA) After the construction has been completed and accepted by the city in accordance with the terms of the developer reimbursement agreement, the final cost of the improvements shall be reviewed and approved by the City. against the preliminary assessments established by the city. Upon a showing of good cause, the agreement shall be modified to include cost overruns up to a maximum of 10 percent. The agreement shall also be modified to reflect all decreases in cost.~~

(~~CB~~) The developer reimbursement agreement ~~and a notice of the agreement and charge~~ shall be recorded in the Snohomish County auditor's office within 30 days of the final acceptance of the project cost. The developer shall record the agreement ~~and notice~~.

(~~D~~) The city shall mail a copy of the agreement and notice to each owner of record of all ~~properties subject to the developer reimbursement charge. The developer shall pay the cost of all postage.~~


(~~EC~~) Once the agreement ~~and notice are~~ is recorded ~~and mailed~~, the developer reimbursement agreement and charges shall be binding on all owners of record within the benefit reimbursement area.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

ADOPTED by the City Council and APPROVED by the Mayor this 17th day of Jan, 2018

CITY OF GRANITE FALLS



Matthew Hartman, Mayor

ATTEST:



Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:



Thom H. Graafstra, City Attorney

Date of Publication: January 20, 2018

Effective Date: January 25, 2018