

SHB 1911 - H AMD 23

By Representative Fitzgibbon

1 Strike everything after the enacting clause and insert the  
2 following:

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4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.91  
5 RCW to read as follows:

6 (1) As an alternative to the procedures provided in RCW  
7 35.91.020 for financing the construction or improvement of water or  
8 sewer facilities, a municipality may create an assessment  
9 reimbursement area on its own initiative, without the participation  
10 of a private property owner, finance all of the costs associated  
11 with the construction or improvement, and become the sole  
12 beneficiary of reimbursements.

13 (a) A municipality may only establish an assessment  
14 reimbursement area in locations where a municipality's ordinances  
15 require water or sewer facilities to be improved or constructed as a  
16 prerequisite to further property development or redevelopment.

17 (b) The boundaries of an assessment reimbursement area must be  
18 formulated by the municipality based upon a determination of which  
19 parcels in the proposed area would require construction or  
20 improvement of water or sewer facilities upon development or  
21 redevelopment, or would be allowed connection to or usage of  
22 constructed or improved water or sewer facilities.

23 (c) A preliminary determination of the assessment reimbursement  
24 area boundaries and assessments, along with a description of  
25 property owners' rights and options, must be sent by certified mail  
26 to each owner of record of real property within the proposed  
27 assessment reimbursement area. Owners of property within the

1 proposed area may request a public hearing by submitting a written  
2 request to the municipality within twenty days of the preliminary  
3 determination's mailing. If a written request is submitted, the  
4 legislative authority of the municipality must hold a public hearing  
5 on the assessment reimbursement area. Notice of the hearing must be  
6 provided to all affected property owners. Any rulings of the  
7 legislative authority of the municipality are determinative and  
8 final, subject to judicial review.

9 (d) The final determination of the assessment reimbursement area  
10 boundaries and assessments must be recorded in the county auditor's  
11 office of the county in which the area is situated.

12 (2) A municipality may be reimbursed in accordance with this  
13 section only for the costs associated with construction or  
14 improvements that benefit property that will be connected to, and  
15 property owners who will use, the water or sewer facilities within  
16 the assessment reimbursement area. Reimbursement may only occur when  
17 a property is developed or redeveloped in a manner requiring  
18 connection to or use of the water or sewer facilities, or when a  
19 property is requesting connection to or use of the water or sewer  
20 facilities. The reimbursement assessment may be no greater than a  
21 property's pro rata share of costs associated with construction of  
22 the water or sewer facilities required to meet utility service and  
23 fire suppression standards. The municipality must determine the  
24 reimbursement share of each property owner by using a method of cost  
25 apportionment that is based on the benefit to the property owner  
26 from the project and that is consistent with the method used to  
27 determine the cost and reimbursement share under RCW 35.91.020(1)  
28 (a) and (b). However, the municipality's administrative and legal  
29 costs are not subject to reimbursement. A municipality may not  
30 receive reimbursement of costs for the portion of construction or  
31 improvements that benefit the general public, which means that  
32 portion of the water or sewer facilities that only benefit property  
33 outside of the assessment reimbursement area.

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1 (3) For the purposes of this section, administrative costs do not  
2 include engineering and construction management costs."

EFFECT: Retains provisions of the underlying bill, except for the following changes:

(1) Removes a provision of the underlying bill authorizing a person who has exhausted administrative remedies to seek judicial review, in accordance with the Land Use Petition Act, of a ruling of the municipality's legislative authority. Establishes instead that rulings of the municipality's legislative authority are subject to judicial review.

(2) Establishes that a municipality may not receive reimbursement for administrative and legal costs. Provides that, for purposes of the bill's provisions, administrative costs do not include engineering and construction management costs.

(3) Makes technical changes.

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