



Fact Sheet / Frequently Asked Questions / Q&A

Latecomer Agreements

The city has accepted the construction of a sewer lift station and associated pipelines that were required to be built for the development of a sub-division known as Pinnacle Peak (formerly known as Bellas Meadows). The city required that this lift station be capable of conveying sewer beyond the limits of the development, into the Future Annexation Area as well as other areas already part of the city in accordance with the adopted Sewer Plan Element of the City Comprehensive Plan.

In accordance with RCW 35.91, the developer has asked for a latecomers agreement in accordance with the law and City Code section 14.20.

What does this mean for those who are within the area which could be served by this new lift station?

1. Parcels inside the city that can be served by this lift station can connect to the City wastewater collection and treatment system, and a certificate of sewer capacity/availability can be issued. Note: the city does not provide sewer service outside the city limits. The cost of connection, including the sewer connection charge and the latecomers charge, and the cost of all associated construction would be the responsibility of the developers or residents requesting the connection.
2. There is no requirement to connect to the system unless a sewer main is within 200 feet of a structure requiring sewer service, in which case by ordinance, the structure could be required to connect. The city has not exercised this authority in over 20 years. The city currently has no plans to build any new sewer mains, however there are usually developers considering building such utilities and dedicating them to the city as part of their development activities.

What does this mean for properties that are outside the city?

1. Properties outside the city are not affected unless or until the parcel is annexed into the City.
2. Once property is annexed into the city, sewer would be available in the served area under the same condition as above. Currently the only application for annexation is the Mount Rainier Christian Center at the intersection of SR164 (Griffin Ave.) and 244th Ave. SE.

Q & A

I live in the City and own a house with a septic system on a parcel included in the latecomer agreement. Do I have to connect and pay the fee?

Until such time as you connect to sewer you will not pay the latecomer fee.

I live in the City and want to short plat my land into 4 lots. Do I have to pay the latecomer fee to do the short plat?

No fees are assessed until a development such as a single family house is permitted. An existing home would not be required to connect unless a main was built within 200 feet of it, and may not be required to connect if the septic system is in good condition.

Under the growth management act, the city adopted ordinances under which land outside the city was identified as areas into which the city may grow in the future, also known as the *Future Annexation Area*. The City was required to do so by law. Sewer service is not extended into the Future Annexation area until the area is annexed into the City, and then ordinarily the sewer is not extended until a developer builds such facilities and dedicates them to the city.

Under the law and the process, the city is required to plan to extend public utilities, including water and sewer, into these areas. To accomplish this, the city has adopted a Comprehensive Plan, and under this plan, the water and sewer utilities completed elements of this plan to show how this extension would be accomplished.

When a developer develops anywhere in the city, they must extend the utilities in accordance with this plan, including providing sufficient capacity for future growth. Pulte has done this, which required them to “overbuild” the sewer lift station and lengthy connections to the city of Enumclaw’s sewer system. In accordance with RCW 35.91.020, the cost of this “overbuilding” can be recovered by charges to those that connect to those improvements over a fixed period of time.

The city is not currently considering any annexations except that sought by the Rainier Christian Center located at the intersection of Griffin/SR164 and 244th Ave SE.

The city does not ordinarily extend utilities without reason, since under the Growth Management Act, those wishing to develop must pay for those extensions. Furthermore, the City does not provide any sewer service outside the city, although it does provide water and gas services outside the City, but only at the customers cost of the utility extensions. Under state law, our municipal utilities are not for profit centers or used to generate revenues beyond the cost of maintaining the utilities themselves, so there is no reason to unilaterally extend utilities into unserved areas until there is a developer who will pay to do so.

In summary:

The City is not anticipating annexing in any areas west of 244th Ave SE (except for the church) at this time, however any number of individuals may be considering petitioning the City to do so.

Some residents of the area west of 244th outside the city may have seen surveyors in this area. That may be because owners in that area are considering developing their properties and they may be doing their due diligence. If so, and they desire city utilities, annexations would be required and that would be a public process. Any such development would be preceded by notices, including notices by mail to anyone within 300 feet of the parcels requesting annexation.

This City has no intention of extending sewer utilities outside the city, and will only extend utilities into unserved areas at the cost of those requesting the services.

As to actions which the County may take regarding inspection of private water or septic systems outside the city, the City has no control and little influence over those actions. Only in the case in which failed septic systems are affecting City surface drainage (storm drainage) would the City have any interest in a septic system on private property located outside the city limits.

Regarding the lift station developed along 244th Ave SE by Pulte Homes:

A developer's agreement with Pulte is part of the public process by which Pulte developed Pinnacle Peak. It is part of the process by which Pulte was required to build the sewer system with sufficient capacity to serve the areas identified west of 244th, in accordance with the Growth Management Act and the City's Comprehensive Plan. In accordance with the law, Pulte is entitled to recover some of their "overbuilding" costs by a Latecomers Agreement.

No property or home owner should be required to connect to the city sewer system and pay any latecomers fees unless they wish to do so or are required to do so to permit future development or abandonment of a septic system.