

## **ORDINANCE NO. 862**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
RELATING TO THE IMPACTS OF DEVELOPMENT ON WATER  
CAPACITY, ADOPTING PROCEDURES FOR CAPACITY MONITORING,  
CAPACITY ALLOCATION AND CAPACITY RESERVATION FOR WATER  
WITHIN THE CONCURRENCY PROVISIONS OF CHAPTER 19.10 GHMC  
FOR ROAD FACILITIES, DESCRIBING THE PROCEDURE FOR THE  
CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY  
OF THE CITY'S WATER SYSTEM WITH PROPOSED DEVELOPMENT,  
DESCRIBING THE DEVELOPMENT PERMIT APPLICATIONS SUBJECT  
TO CONCURRENCY ANALYSIS, ESTABLISHING THE PROCEDURE  
FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES,  
DENIALS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS,  
REQUIRING ANNUAL REPORTING AND MONITORING OF WATER  
CAPACITY AS PART OF THE 2000 UPDATE OF THE CITY'S  
COMPREHENSIVE WATER PLAN, AMENDMENTS TO THE UTILITIES  
ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, DECLARING AN  
EMERGENCY NECESSITATING ADOPTION IN ONE READING TO BE  
EFFECTIVE IMMEDIATELY, AND AMENDING SECTIONS 19.10.001,  
19.10.003, 19.10.004, 19.10.006, 19.10.007, 19.10.008, 19.10.009, 19.10.011,  
19.10.012, 19.10.013, 19.10.014, 19.10.016, 19.01.018, 19.10.020, 19.10.021,  
19.10.023, 19.10.025, 19.10.026, OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the Growth Management Act (“GMA”) contemplates “concurrency,” in the sense that adequate public facilities must be available when the impacts of new development occur; and

WHEREAS, “available public facilities” are defined in GMA to mean that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time (WAC 365-195-220); and

WHEREAS, “adequate public facilities” are defined in GMA to mean facilities which have the capacity to serve development without decreasing levels of service below locally established minimums; and

WHEREAS, "levels of service" are defined in GMA to mean an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need; and

WHEREAS, the City operates a domestic water system and provides water service to customers; and

WHEREAS, the City is required to amend its Water Comprehensive Plan on a five year basis; and

WHEREAS, the City is currently gathering information for its 2000 Water Comprehensive Plan update, and learned that the current City water usage is approaching the maximum permitted water rights as issued by the Department of Ecology; and

WHEREAS, based on this problem of limited permitted withdrawal, the City Council finds that it is in the best interests of the citizens of Gig Harbor to adopt a water concurrency program, similar to the traffic concurrency program adopted in Chapter 19.10 GHMC, for consistency with GMA and for the purpose of capacity monitoring, allocation and reservation of water in the City's water system; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Chapter 19.10 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**CHAPTER 19.10  
CONCURRENCY MANAGEMENT**

**I. OVERVIEW AND EXEMPTIONS**

19.10.001. Purpose. The purpose of this Chapter is to implement the concurrency provisions of the Transportation and Utilities Elements of the City's Comprehensive Plan and the Water Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-195-510 and 365-195-835. No development permit shall be issued except in accordance with this Chapter, which shall be cited as the Concurrency Management Ordinance.

**19.10.002. Authority.** The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the Concurrency Management Ordinance.

**19.10.003. Exempt Development.**

**A. Development Permit issued prior to Effective Date of this Chapter.** All construction or change in use initiated pursuant to a development permit issued prior to the effective date of this Chapter shall be exempt from the requirements of this Chapter, PROVIDED, however, that no development permit shall be extended except in conformance with this Chapter. If the City determines that a previously issued development permit has lapsed or expired, pursuant to the applicable development regulations, then no subsequent development permit shall be issued except in accordance with this Chapter.

**B. De Minimis Development.** After the effective date of this Chapter, no development activity (as defined in the definition section of this Chapter) shall be exempt from the requirements of this Chapter unless specifically exempted below in subsection C.

**C. Exempt Permits.**

1. The following types of permits are exempt from the Capacity Reservation Certificate (CRC) process because they do not create additional long-term impacts on road facilities or water capacity in the City's water system:

Administrative interpretations	Plumbing permit
Sign permit	Electrical permit
Street vacation	Mechanical permit
Demolition permit	Excavation permit
Street Use Permit	Sewer connection permit
Interior alterations with no change of use	Driveway or street Access permit
Excavation/clearing permit	Grading permit
Hydrant use permit	
Right of Way Permit	Tenant improvement permit
Single family remodeling with no change of use	Fire code permit <u>Design Review approval</u>

Notwithstanding the above, if any of the above permit applications will generate more than 15 new p.m. peak hour trips, or increase water consumption, such application shall not be exempt from the requirements of this chapter.

2. The portion of any project used for any of the following purposes is exempt from the requirements of this Chapter:

Public transportation facilities  
Public parks and recreational facilities  
Public libraries

Notwithstanding the exemptions hereunder provided, the traffic resulting from an exempt use shall nonetheless be included in computing background traffic for any nonexempt project. In addition, the water capacity used by an exempt project shall be included in the computations for the capacity remaining in the City's water system.

**D. Threshold for Other Exempt Building Permits.**

1. Traffic. This Chapter shall apply to all development applications for development or redevelopment if the proposal or use will generate more than 15 new p.m. peak hour trips.

2. Water. This Chapter shall apply to all development applications for development or redevelopment if the proposal or use requires water, from the City's water system. In addition, this Chapter shall apply to existing developments to the extent that the property owner requires water for a use not disclosed on a previously submitted water service application under GHMC 13.02.030.

19.10.004. Capacity Evaluation Required for Change of Use. Except for development exempt under GHMC 19.10.003, any development activity, as defined in the definition section of this Chapter, shall require a capacity evaluation in accordance with this Chapter.

**A. Increased Impact on Road Facilities and/or the City's Water System.** If a change of use will have a greater impact on road facilities and/or the City's water system than the previous use as determined by the Director based on review of information submitted by the Developer, and such supplemental information as available, a CRC shall be required for the net increase only, provided that the Developer shall provide reasonably sufficient evidence that the previous use has been actively maintained on the site during the five (5) year period prior to the date of application for the capacity evaluation.

**B. Decreased Impact on Road Facilities and/or the City's Water System.** If a change of use will have an equal or lesser impact on road facilities and/or the City's water system than the previous use as determined by the Director based on review of information submitted by the Developer, a CRC will not be required.

**C. No Capacity Credit.** If no use existed on the site for the five (5) year period prior to the date of application, no capacity credit shall be issued pursuant to this section.

**D. Demolition or Termination of Use.** In the case of a demolition or termination of an existing use or structure, the capacity evaluation for future redevelopment shall be based upon the net increase of the impact on road facilities or the City's water system for the new or proposed land use as compared to the land use existing prior to demolition, provided that such credit is utilized through a CRC, within five (5) years of the date of the issuance of the demolition permit.

19.10.005 All Capacity Determinations Exempt from Project Permit Processing. The determinations made by the Director pursuant to the authority in this Chapter shall be exempt from project permit processing procedures, as described in GHMC Title 19, except that the appeal procedures of GHMC Title 19 shall apply pursuant to Part VIII of this chapter. The City's processing of capacity determinations and resolving capacity disputes involves a different review procedure due to the necessity to perform continual monitoring of facility and service needs, to

ensure continual funding of facility improvements, and to develop annual updates to the transportation of the comprehensive plan.

## II. LEVEL OF SERVICE STANDARDS

19.10.006. Introduction. The concept of concurrency is based on the maintenance of specified levels of service with respect to road facilities through capacity monitoring, allocation and reservation procedures. Concurrency describes the situation in which water and/or road facilities are available when the impacts of development occur. For road facilities, this time period is statutorily established as or within six (6) years from the time of development. (See, RCW 36.70A.070(6)(C), WAC 365-195-210, definition of "available public facilities.")

A. Roads. The City has designated levels of service for road facilities in its transportation comprehensive plan:

1. to conform to RCW 47.80.030 for transportation facilities subject to regional transportation plans;
2. to reflect realistic expectations consistent with the achievement of growth aims;
3. for road facilities according to WAC 365-195-325; and
4. to prohibit development if concurrency for road facilities is not achieved (RCW 36.70A.070), and if sufficient public and/or private funding cannot be found, land use assumptions in the City's Comprehensive Plan will be reassessed to ensure that level of service standards will be met, or level of service standards will be adjusted.

B. Water. The City has a permitted withdrawal volume of water issued by the Department of Ecology. Level of Service as it relates to water is defined in the Water Element of the City's Comprehensive Plan as the ability to provide potable water to the consumer for use and fire protection. The ability to provide this water supply is bound by the water permit from the Department of Ecology.

19.10.007. Level of Service Standards. Level of Service (LOS) is the established minimum capacity of road facilities of public facilities or services that must be provided per unit of demand or other appropriate measure of need, as mandated by Chapter 36.70A RCW. LOS standards shall be used to determine if road services if public facilities or services are adequate to support a development's impact. The City's established LOS for roads within the city limits shall be as shown in the Transportation Element of the City's Comprehensive Plan.

19.10.008. Effect of LOS Standards. The Director shall use the LOS standards set forth in the Transportation Element of the City's Comprehensive Plan to make concurrency evaluations as part of the review of any application for a Transportation CRC issued pursuant to this Chapter. The Director shall use the existing water rights as permitted by the Department of Ecology and as identified in the Water Element of the City's Comprehensive Plan to make concurrency evaluations as part of the review of any application for a Water CRC issued pursuant to this Chapter.

### **III. CAPACITY EVALUATIONS**

#### **19.10.009. Capacity Evaluations Required Prior to Issuance of CRC.**

##### **A. When the Requirements of this Chapter Apply.**

**1. Roads.** A Transportation capacity evaluation application shall be required either in conjunction with or prior to the City's consideration of any development permit application depending on the time that the applications are filed, unless specifically exempted by this Chapter.

**2. Water.** A Water capacity evaluation application shall be required in conjunction with the City's consideration of any development permit application, unless specifically exempted by this Chapter.

**3.** The Director shall utilize requirements set forth in Part V to conduct a capacity evaluation, prior to issuance of a CRC. In addition to the requirements set forth in Part V, and specifically in GHMC 19.10.012, the Director may also utilize state law or the Washington Administrative Code, or such other rules regarding concurrency which may be established from time to time by administrative rule. In cases where LOS standards do not apply, the Director shall have the authority to utilize other factors in preparing capacity evaluations to include, but not be limited to, independent LOS analysis.

**B. Capacity Reservation Certificates.** A CRC will not be issued except after a capacity evaluation performed pursuant to Part V, indicating that capacity is available in all applicable road facilities and/or within the City's water system.

**19.10.010. Capacity Evaluations Required for Rezone Applications or Comprehensive Plan Amendments Requesting an Increase in Extent or Density of Development.** A capacity evaluation shall be required as part of any application for a comprehensive plan amendment or zoning map amendment (rezone) which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the Director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the City in determining the appropriateness of the comprehensive plan or zoning amendment.

### **IV. SUBMISSION AND ACCEPTANCE OF APPLICATION**

#### **19.10.011. Water and Roads: Application for Capacity Evaluation.**

**A.** An application for a CRC and the application for the underlying development permit, shall be accompanied by the requisite fee, as determined by City Council Resolution. An applicant for a CRC shall submit the following information to the Director, on a form provided by the Director together with a development application:

- 1.** Date of submittal.
- 2.** Developer's name, address and telephone number.

3. Legal description of property as required by the underlying development permit application together with an exhibit showing a map of the property.
4. Proposed use(s) by land use category, square feet and number of units.
5. Phasing information by proposed uses, square feet and number of units, if applicable.
6. Existing use of property.
7. Acreage of property.
8. Proposed site design information, if applicable.
9. Traffic report prepared by a licensed professional engineer who is practicing as a traffic engineer; (Only for Transportation CRC)
10. Written consent of the property owner, if different from the developer;
11. Proposed request of capacity by legal description, if applicable; and
12. Purpose for which water is required. (Only for Water CRC)

**B. Roads.** Even if the traffic report is based on an estimation of impact, the applicant will still be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following: a finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project; mitigation of the additional impact under SEPA; revocation of the CRC.

**19.10.012. Submission and acceptance of an application for a CRC.**

**A. Notice of Application.** Issuance of a Notice of Application for the underlying permit application shall follow the process in GHMC Sec.19.02.004. The Notice of Application required by GHMC Sec.19.02.004 shall state that an application for a concurrency determination has been received by the City.

**B. Determination of Completeness.** Within 28 days after receiving an application for a CRC, the City shall mail or personally deliver to the applicant a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

**C. Additional Information.** An application for a CRC is complete for purposes of this section when it meets the submission requirements in GHMC 19.10.011. The Determination of Completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The Director's Determination of Completeness shall not preclude the Director's ability to request additional information or studies. ~~whenever new information is required, or substantial changes are made to the proposed project~~

**D. Incomplete Applications.**

1. Whenever the applicant receives a determination from the City that ~~either the CRC or the underlying development~~ application is not complete, ~~the applicant shall have 90 days to submit the necessary information. the application shall be given a “non-active” status, and will not be processed by the City. The City may process other applications submitted after “non-active” applications.~~ Within 14 days after an applicant has submitted the requested additional information,

the Director shall make a Determination of Completeness for the CRC or discuss the completeness of the underlying application with the Planning Director, and notify the applicant in the manner provided in subsection A of this section. Once the CRC and the underlying development application is complete, the City will remove the “non-active” status, and begin processing the CRC application.

2. If the applicant does not submit the additional information requested within 90-days, the Director shall make findings and issue a decision that the application has lapsed for lack of information necessary to complete the review, and the applicant may request a refund of the application fee remaining after the City's Determination of Completeness. The City has no obligation to (a) hold any application materials beyond this date, (b) to notify the applicant that this 90 day period has lapsed, or (c) notify the applicant that the application has expired.

**E. Director's Failure to Provide Determination of Completeness.** An application for a CRC shall be deemed complete under this section if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (B) of this section.

**E. Date of Acceptance of Application.** An application for a CRC shall not be officially accepted or processed until it is complete and the underlying development application has been determined complete. When an application is determined complete, the Director shall accept it and note the date of acceptance.

## **V. PROCEDURE FOR DETERMINING CAPACITY**

### **19.10.013. Method of Capacity Evaluation for Road Facilities.**

#### **A. Road Facilities.**

1. In performing the concurrency evaluation for road facilities, and to prepare the Transportation CRC, the Director shall determine whether a proposed development can be accommodated within the existing or planned capacity of road facilities. This shall involve the following:

- a. a determination of anticipated total capacity at the time the proposed impacts of development occur;
- b. calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of the proposed development occur;
- c. calculation of the available capacity for the proposed development;
- d. calculation of the impact on the capacity of the proposed development, minus the effects of any mitigation provided by the applicant; and
- e. comparison of available capacity with proposed development impacts.

2. The Director shall determine if the capacity of the City's road facilities, less the capacity which is reserved can be provided while meeting the level of service performance standards set forth in the City's Comprehensive Plan, and, if so, shall provide the applicant with a Transportation CRC.

**B. Water.**

1. In performing the concurrency evaluation for water, and to prepare the Water CRC, the Director shall determine whether a proposed development can be accommodated within the existing or planned capacity of the City water system. This shall involve the following:

- a. a determination of anticipated total capacity at the time the proposed impacts of development occur;
- b. calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of the proposed development occur;
- c. calculation of the available capacity for the proposed development;
- d. calculation of the impact on the capacity of the proposed development, minus the effects of any mitigation provided by the applicant; and
- e. comparison of available capacity with proposed development impacts.

2. The Director shall determine if the capacity of the City's water facility, less the capacity which is reserved can be provided while remaining within the City's permitted water rights for withdrawal volume, and if so, shall provide the applicant with a Water CRC.

C. In order to determine concurrency for the purposes of issuance of a Transportation CRC, the Director shall make the determination described in Subsections (A)(1) through (5)-above. In order to determine concurrency for the purpose of issuance of a Water CRC, the Director shall make the determination described in Subsection B above. The Director may deem the development concurrent with road facilities or the City's water system, with the condition that the necessary facilities or services shall be available when the impacts of the development occur or shall be guaranteed to be available through a financial commitment in an enforceable development agreement.

**D. Lack of Concurrency.**

1. Roads. If the Director determines that the proposed development will cause the LOS of a road facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, and improvements or strategies to accommodate the impacts of development are not planned to be made concurrent with development, a Transportation CRC and the underlying development permit, if such an application has been made, shall be denied, pursuant to GHMC

Section 19.10.018 and any other provisions of Title 19 that may be applicable to denial of the underlying development permit.

2. Water. If the Director determines that there is no capacity available in the City's water system to provide water for a proposed project, and improvements or strategies to accommodate the impacts of development are not planned to be made concurrent with development, the Director shall deny the Water CRC. The City has the discretion allowed under the Gig Harbor Municipal Code to deny the underlying development application, depending on the applicant's ability to provide water for the proposed project from another source.

3. Appeals of the Director's denial of a CRC may be filed pursuant to Part VIII of this chapter.

## **VI. CAPACITY RESERVATION CERTIFICATES (CRCs)**

19.10.014. Purpose of Capacity Reservation Certificate. A Transportation CRC is a determination by the Director that: (1) the proposed development activity or development phase will be concurrent with the applicable road facilities at the time the Transportation CRC is issued; and (2) the Director has reserved road facility capacity for this application until the expiration of the underlying development permit. The factors affecting available water capacity may, in some instances, lie outside of the City's control. The City's adoption of this chapter relating to the manner in which the City will make its best attempt to allocate water availability does not create a duty in the City to provide water to the public or any individual, regardless of whether a Water CRC has been issued. Every Water Availability Certificate and Water CRC shall state on its face that it is not a guarantee that water will be available to serve the proposed project. In no event shall the Director determine concurrency for a greater amount of capacity than is needed for the development proposed in the underlying permit application.

19.10.015. Procedure for Capacity Reservation Certificates. Within ninety (90) days after receipt of a complete application for a CRC, the Director shall process the application, in accordance with this Chapter, and issue the CRC or a Denial Letter.

19.10.016. Use of Reserved Capacity. When a valid development permit is issued for a project possessing a CRC, the CRC shall continue to reserve the capacity unless the development permit lapses or expires without the issuance of a Certificate of Occupancy.

19.10.017. Transfer of Reserved Capacity. Reserved capacity shall not be sold or transferred to property not included in the legal description provided by the developer in the application for a CRC. The developer may, as part of a development permit application, designate the amount of capacity to be allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application. Capacity may be reassigned or allocated within the boundaries of the original reservation certificate by application to the Director. At no time may capacity or any certificate be sold or transferred to another party or entity to real property not described in the original application.

19.10.018. Denial Letter.

**A. Roads.** If the Director determines that one or more road facilities are not concurrent, the Director shall issue a denial letter, which shall advise the ~~developer applicant~~ that capacity is not available. If the ~~developer applicant~~ is not the property owner, the Denial Letter shall also be sent to the property owner. At a minimum, the Denial Letter shall identify the application and include the following information: (1) an estimate of the level of the deficiency on the road facilities; and (2) the options available to the applicant such as the applicant's agreement to construct the necessary facilities at the applicant's cost.

**B. Water.** ~~If the Director determines that there is inadequate water capacity in the City's water system for the proposed project, the Director shall issue a denial letter, which shall advise the applicant that capacity is not available. If the applicant is not the property owner, the Denial Letter shall also be sent to the property owner. At a minimum, the Denial Letter shall identify the application and include the following information: (1) the options available to the applicant such as private water supply or other water purveyor services; (2) a statement that if the applicant does not contact the City Planning and Building Department regarding the applicant's ability to obtain water from another source, the underlying development permit may be denied.~~

**C.** In order to appeal from the issuance of a Denial Letter, the developer shall appeal both the Denial Letter and the development permit denial pursuant to Part VIII of this chapter.

**19.10.019. Notice of Concurrency Determination.** Notice of the concurrency determination shall be given to the public together with, and in the same manner as, that provided for the SEPA threshold determination for the underlying development permit, unless the project is exempt from SEPA, in which case notice shall be given in the same manner as a final decision on the underlying development permit without any accompanying threshold determination.

## **VII. CAPACITY RESERVATION CERTIFICATE (CRC)**

**19.10.020. Expiration and Extensions of Time.**

**A. Expiration.** If a Certificate of Occupancy has not been requested prior to the expiration of the underlying permit, during the time frame set forth in the CRC, the Director shall convert the reserved capacity to available capacity for the use of other developments. Requesting a Certificate of Occupancy before expiration of the CRC shall only convert the reserved capacity to used capacity if the building inspector finds that the project actually conforms with applicable codes.

**B. Extensions for Road Facilities.** The City shall assume that the developer requests an extension of transportation capacity reservation when the developer is requesting a renewal of the underlying development permit. No unused capacity may be carried forward beyond the duration of the Transportation CRC or any subsequent extension.

**C. Extensions for Water.** The City shall not extend any Water CRC. If the applicant submits an application for an extension of the underlying permit, the applicant shall submit a new application for a concurrency determination under this Chapter.

## **VIII. APPEALS OF CONCURRENCY DETERMINATION**

19.10.021. Concurrency Determination to beAppealed with Underlying Permit. Any appeal of the denial of a concurrency determination shall include appeal of the denial of the underlying development permit application. The appeal shall follow the procedure for the underlying permit as set forth in Title 19, chapter 19.06 GHMC. If there is no administrative appeal procedure in Title 19 GHMC for the underlying permit, the appeal shall follow the process for an appeal of a Type II permit. The appeal procedure as set forth in Chapter 19.06 GHMC shall be followed.

19.10.022. Time limit to bring appeal. An appeal of a denial letter and the underlying development application shall be brought within the time period set forth in GHMC Sec.19.06.004.

## IX. CONCURRENCY ADMINISTRATION

19.10.023. Purpose and Procedure. The purpose of this Part is to describe the process for administering the Concurrency Ordinance. Capacity accounts will be established, to allow capacity to be transferred to various categories in the application process. Capacity refers to the ability or availability of water in the City's water system. Capacity also refers to the ability or availability of road facilities to accommodate users, expressed in an appropriate unit of measure, such as LOS for road facilities. Available capacity represents a specific amount of capacity that may be reserved by or committed to future users of the City's water system or road facilities.

19.10.024. Capacity Classifications. There are hereby established two capacity accounts for water and two capacity accounts for transportation, to be utilized by the Director in the implementation of this Chapter. These accounts are:

- A. the **Available Capacity account**; and
- B. the **Reserved Capacity account**;

Capacity is withdrawn from the available capacity account and deposited into a reserved capacity account when a CRC is issued. Once the proposed development is constructed and an occupancy permit is issued, the capacity is considered "used." Each capacity account of available or reserved capacity will experience withdrawals on a regular basis. Only the Director may transfer capacity between accounts.

19.10.025. Annual Reporting and Monitoring. The Director is responsible for completion of an Annual Transportation Capacity Availability Report and an Annual Water Capacity Availability Report. This These reports shall evaluate reserved capacity and permitted development activity for the previous twelve month period, and determine existing conditions with regard to available capacity for road and water facilities. The evaluations shall report on capacity used for the previous period and capacity available for the Six-Year Capital Facilities and Utilities Element of the City's Comprehensive Plan, and the Six-year Transportation Plan, for road facilities, based upon LOS standards and the Water Comprehensive Plan. Forecasts shall be based on the most recently updated schedule of capital improvements, growth projections, water rights, annual water withdrawal volumes, public road facility inventories, and revenue projections and shall, at a minimum, include:

- A. A summary of development activity;
- B. The status of each Capacity Account;
- C. The Six-year Transportation Plan;
- D. Actual capacity of selected street segments and intersections, and current LOS; and
- E. Recommendations on amendments to CIP and annual budget, to LOS standards, or other amendments to the transportation element of or to the Comprehensive Plan.
- F. Existing water rights and Annual Withdrawal Volumes.**

The findings of the Annual Capacity Availability Report shall be considered by the Council in preparing the annual update to the Capital Improvement Element, any proposed amendments to the CIP and Six-year TIP, and shall be used in the review of development permits and capacity evaluations during the next period.

Based upon the analysis included in the Annual Capacity Availability Reports, the Director shall recommend to the City Council each year, any necessary amendments to the CIP, TIP, Water Element of the Comprehensive Plan, and Comprehensive Plan. The Director shall also report on the status of all capacity accounts when public hearings for Comprehensive Plan amendments are heard.

**19.10.026. Road LOS Monitoring and Modeling.**

A. The City shall monitor Level of Service standards through an annual update of the Six Year Transportation Plan which will add data reflecting development permits issued and trip allocations reserved. ~~The City's Traffic Demand Model will be recalibrated annually based on traffic count information, obtained from at a minimum, the City's Public Works Department.~~

B. A new trip allocation shall be assigned for each Traffic Analysis Zone, based on the results from the Traffic Demand Model used by the City, to ensure that the City is achieving the adopted LOS standards described in this Chapter and the transportation element of the Comprehensive Plan.

C. Amendments to the Trip Allocation Program that exceed the total aggregate annual trip allocation per zone for any given year shall require an amendment to the Comprehensive Plan. Monitoring and modeling shall be required and must include anticipated capital improvements, growth projections, and all reserved and available capacity.

**Section 2.** 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 3. Declaration of Emergency.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a

majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council declares that an emergency exists necessitating immediate adoption of this Ordinance, because this Ordinance is necessary for the protection of the public health and public peace due to the volume of water usage within the City's water service area nearing the volume permitted by the Department of Ecology in the form of Water Rights. The corresponding number of new connections will be limited as the City approaches the maximum permitted withdrawal volume. Currently the water availability process is not tied to development permits and therefore allows speculation to occur and could possibly affect future development adversely. Such speculation will cause a problem in processing, but also distort the City's water planning efforts.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage as set forth in Section 3.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 22nd day of January, 2001.

APPROVED:

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MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

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CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/17/01  
PASSED BY THE CITY COUNCIL: 1/22/01  
PUBLISHED: 1/31/01  
EFFECTIVE DATE: 1/22/01

## **SUMMARY OF ORDINANCE NO. 862**

of the City of Gig Harbor, Washington

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On January 22, 2001, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 862, the main points of which are summarized by its title as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE IMPACTS OF DEVELOPMENT ON WATER CAPACITY, ADOPTING PROCEDURES FOR CAPACITY MONITORING, CAPACITY ALLOCATION AND CAPACITY RESERVATION FOR WATER WITHIN THE CONCURRENCY PROVISIONS OF CHAPTER 19.10 GHMC FOR ROAD FACILITIES, DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S WATER SYSTEM WITH PROPOSED DEVELOPMENT, DESCRIBING THE DEVELOPMENT PERMIT APPLICATIONS SUBJECT TO CONCURRENCY ANALYSIS, ESTABLISHING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, DENIALS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING ANNUAL REPORTING AND MONITORING OF WATER CAPACITY AS PART OF THE 2000 UPDATE OF THE CITY'S COMPREHENSIVE WATER PLAN, AMENDMENTS TO THE UTILITIES ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, DECLARING AN EMERGENCY NECESSITATING ADOPTION IN ONE READING TO BE EFFECTIVE IMMEDIATELY, AND AMENDING SECTIONS 19.10.001, 19.01.003, 19.10.004, 19.10.006, 19.10.007, 19.10.008, 19.10.009, 19.10.011, 19.10.012, 19.10.013, 19.10.014, 19.10.016, 19.01.018, 19.10.020, 19.10.021, 19.10.023, 19.10.025, 19.10.026, OF THE GIG HARBOR MUNICIPAL CODE.**

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of January 22, 2001.

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MOLLY TOWSLEE, CITY CLERK