

ORDINANCE NO. 1159

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEWER CAPACITY; ESTABLISHING A TEMPORARY PROCESS FOR THE ALLOCATION OF LIMITED SEWER CAPACITY; AMENDING SECTION 19.10.015 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City adopted a concurrency ordinance for water, sewer and transportation at chapter 19.10 of the Gig Harbor Municipal Code; and

WHEREAS, the City's concurrency ordinance allows for the administrative denial of any application for a water, sewer or concurrency certificate if there is no available capacity; and

WHEREAS, the City's engineering consultants, Cosmopolitan Engineering Group, Inc., issued a memorandum dated June 8, 2007, on the status of the City's Waste Water Treatment Plant ("WWTP"), stating that the WWTP is at its maximum capacity for the maximum month and peak day flows; and

WHEREAS, a Technical Memorandum was prepared, submitted and approved by the Department of Ecology on September 23, 2007, which summarized the current WWTP deficiencies and provided an outline of the necessary plant improvements; and

WHEREAS, the City is currently working on the necessary improvements to the WWTP that will provide more operational capacity; and

WHEREAS, completion of the improvements that will provide additional capacity is scheduled for mid-to-late 2010, but the City cannot predict the exact date that additional capacity will be available; and

WHEREAS, the lack of capacity prevents the City from approving and reserving sewer concurrency certificates for certain comprehensive plan amendments, project permit applications or utility extension agreements; and

WHEREAS, the City adopted an ordinance allowing an alternative procedure for processing project permit applications without sewer concurrency while the City undertakes improvements to the WWTP; and

WHEREAS, under the alternative procedure, the City processes project permit applications up to the point that applications are ready for a final decision, and at that time places the project on a waitlist for a concurrency reservation certificate pending available sewer capacity; and

WHEREAS, the City anticipates that additional sewer capacity will be available prior to completion of the improvements to the WWTP due to permit revisions, withdrawals and minor system upgrades; and

WHEREAS, the City Council desires to establish a procedure for the issuance of sewer concurrency reservation certificates to allocate such additional sewer capacity; and

WHEREAS, due to the limited amount of additional capacity anticipated, the City Council desires to temporarily prioritize the issuance of sewer CRCs in a manner that will allow projects ready for construction to move forward in an expeditious manner; and

WHEREAS, allocating sewer CRCs to projects ready for construction will create jobs, generate fees and tax revenues for the City, and promote economic development; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 11, 2009; and

WHEREAS, on May 26, 2009, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 19.10.015 Amended. Section 19.10.015 of the Gig Harbor Municipal Code is hereby amended to read as follows:

19.10.015 Procedure for capacity reservation certificates.

A. 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.

B. The City made a prior determination that no sewer capacity is available until substantial improvements are completed at the City's Waste Water Treatment Plant, and established an interim process for alternative project permit processing under GHMC 19.02.035.

1. If additional sewer capacity becomes available prior to completion of the improvements to the Waste Water Treatment Plant, the director shall process requests for such additional sewer capacity in the following priority:

First, to applicants with complete building permit applications where the project is comprised of tenant improvements or single-family residential construction and where the applicant has completed the alternative project permit process to the point where the project is ready for final decision and placed on the waitlist referenced in GHMC 19.02.035(G), in the order placed on the waitlist;

Second, to applicants with complete building permit applications where the project is comprised of tenant improvements or single-family residential construction and where no additional land use approval is required, in the order that the accompanying sewer CRC application became complete;

Third, to remaining applicants who have completed the alternative project permit process to the point where the project is ready for final decision and placed on the waitlist referenced in GHMC 19.02.035(G), in the order placed on the waitlist;

Fourth, to applicants with complete project permit applications not identified above in the order that the accompanying sewer CRC application became complete.

2. In the event that an applicant requires more sewer capacity than available, the director shall inform the applicant that the sewer CRCs cannot be issued at that time. If the project is already on the waitlist referenced in GHMC 19.02.035(G), the project will retain its position on the waitlist. If an applicant on the waitlist is eligible to receive sewer CRCs under GHMC 19.10.015(B)(1) but declines the sewer CRCs when offered, the project will retain its position on the waitlist. New projects undergoing the alternative project permit process set forth in GHMC 19.02.035 will be placed on the waitlist in accordance with the provisions of GHMC 19.02.035.

3. Prior to the issuance of sewer CRCs under this section, the applicant shall pay a deposit for connection charges. The deposit shall be in the amount of the connection fee in effect on the date of issuance of the CRC. In the event the connection fee is greater at the time of connection, the applicant shall pay the difference prior to connection. If the applicant fails to connect to the system prior to expiration of the CRC, the applicant shall forfeit Five Hundred Dollars (\$500) of the deposit to cover the City's administrative and related expenses.

Section 2. Sunset clause. The provisions of GHMC 16.10.015(B)(3) shall automatically expire on October 1, 2009, unless extended by the City Council. The provisions in GHMC 16.10.015(B) shall automatically expire on May 31, 2010, unless extended by the City Council.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 26th day of May, 2009.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela S. Belbeck

FILED WITH THE CITY CLERK: 05/06/09
PASSED BY THE CITY COUNCIL: 05/26/09
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