

**ORDINANCE NO. 907**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND DEVELOPMENT, ESTABLISHING A DATE FOR THE EXPIRATION OF WATER CONCURRENCY DETERMINATIONS FOR REZONES AND COMPREHENSIVE PLAN AMENDMENTS, AND CHANGING THE DATE FOR EXPIRATION OF WATER AVAILABILITY CERTIFICATES FROM ONE YEAR TO THREE YEARS, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 19.10.020, 13.02.030 AND 13.02.040.**

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WHEREAS, the Tacoma Pierce County Health Department has established new regulations that affect water approval for building and septic development applications for Public Water Systems; and

WHEREAS, the pertinent regulation establishes the minimum expiration date for water availability certificates as three (3) years; and

WHEREAS, a water availability certificate issues from the City if the Director of Operations decides that the City has adequate water supply to provide water to an applicant for a proposed development; and

WHEREAS, before a water availability certificate issues, an applicant must apply for a water concurrency determination, so that the Director of Operations can evaluate all of the factors affecting a decision whether the City has sufficient water to be able to serve a proposed development; and

WHEREAS, a water concurrency certificate is merely the approval prerequisite to application for a water availability certificate, both should contain the same expiration dates; and

WHEREAS, the City's code currently provides that water availability certificates expire after one year and so must be changed to three years; and

WHEREAS, the City's Concurrency Management Code currently provides that a water concurrency certificate is valid for the duration of the underlying development permit (with no extensions), which may be shorter than three years; and

WHEREAS, the City's Concurrency Management Code currently has no expiration date for water concurrency certificates associated with a rezone or comprehensive plan amendment because any approval for subsequent development must be evaluated by the concurrency regulations in place at the time development applications are submitted to the City; and

WHEREAS, the City Council determines that the City's code should be amended to be consistent with the newly adopted regulations of the Tacoma-Pierce County Health Department relating to Public Water Systems, to reflect such change in water concurrency determinations and to ensure that rezone and comprehensive plan amendment applicants are aware of such expiration deadlines; and

WHEREAS, the City's SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197-11-800(20);

WHEREAS, the City Council held a public hearing on the Ordinance on April 22, 2002;  
Now, Therefore,

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

Section 1. Section 19.10.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

### **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, 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 to 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. The City's determination of concurrency for water shall be valid for the duration of the underlying permit, or three (3) years, whichever is longer. A water CRC issued for a rezone application or comprehensive plan amendment, as provided in GHMC Section 19.10.010, shall be valid for a period of three (3) years. The fact that a property owner has obtained a water CRC for a rezone or comprehensive plan amendment does not provide a water concurrency exemption for subsequently submitted development applications, if the subsequently submitted development applications require more water than is shown on the water CRC issued for the rezone or comprehensive plan amendment, or if the applications are submitted more than three years after issuance of the water CRC for the rezone or comprehensive plan amendment. If the City has issued a water CRC, and the property owner has made application for a water service application, as required by GHMC § 13.02.030, the water CRC shall serve the same purpose as a water availability certificate.

Section 2. Section 13.02.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

#### **13.02.030 Water service applications – generally.**

A. Application Required. Any person owning property located within the city limits desiring to have such premises connected with the water supply of the City shall make application at the office of the City clerk on the printed forms furnished for that purpose. Every such application shall be made by the owner of the property to be furnished water service or by his/her authorized agent.

B. Conditions of Water Service. The applicant must state fully the purposes for which the water is required. The applicant must agree to conform to the regulations and rules concerning the use of water as they may be established from time to time and further agree that the city shall have the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates and charges, or for any other reason, and that the City shall not be responsible for any damage caused by the breaking, bursting or collapsing of any boiler, pipes or fixtures, or by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water.

C. Director to Issue Water Availability Certificate. The City ~~public works~~ Director of Operations shall determine whether or not the City has adequate water before issuing a water availability certificate to the applicant by requiring compliance with the City's concurrency regulations. If a property owner has made application for a CRC (certificate of reserved capacity) under the Concurrency Management Code (chapter 19.10 GHMC), and a CRC issues, the property owner must immediately make application for water service as required herein, but the Director of Operation's issuance of a CRC shall serve the same purpose as a water availability certificate, as long as a hook-up is requested and all fees are paid prior to expiration. Water availability certificates shall expire within three (3) years of issuance. If the property owner does not pay the required fees and submit a request to the city for a hook up connection to the city water service to the property within such time period.

Section 3. Section 13.02.040 of the Gig Harbor Municipal Code shall be amended to read as follows:

**13.02.040 Water service application – Form.**

Applications for the use of water shall be substantially in the following form:

CITY OF GIG HARBOR  
WATER SERVICE APPLICATION

DATE: \_\_\_\_\_

Application is hereby made by the undersigned property owner for water service in the following amount: \_\_\_\_\_ at the following location: \_\_\_\_\_, Gig Harbor, Washington, for the following purposes: \_\_\_\_\_, for which I agree to pay in advance the following estimated charges, the exact charges shall be paid as established by City Resolution, and will be determined at the time a water

availability certificate issues and be payable immediately upon completion of the installation:

Engineering Fees: \_\_\_\_\_  
Water Main Extension: \_\_\_\_\_  
Fire Hydrant Installation: \_\_\_\_\_  
Street Repair: \_\_\_\_\_  
Tap-In Charges: \_\_\_\_\_  
Water Service Connection Charge: \_\_\_\_\_  
(Metering Charges): \_\_\_\_\_  
  
**TOTAL:** \_\_\_\_\_

I further agree that all rates and charges for water service to the above property shall be paid in accordance with the now-existing ordinances and regulations of the City, or any ordinances and regulations passed hereafter.

I understand that the City will use all reasonable effort to maintain uninterrupted service, but reserves the right to shut off the water at any time without notice for repairs, expansions, nonpayment of rates or any other reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

I understand that if the City issues a water availability certificate to me, such certificate shall be subject to all ordinances and regulations of the City, as they now exist or may hereafter be amended, and that such certificate expires within ~~one year~~ three (3) years from the date of issuance. If I do not pay the required fees and request an actual hook-up or connection to the below-identified individual parcel of property within this time period, a water availability certificate may be revoked. ~~Within that time period.~~

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, 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 take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 13th day  
of May, 2002.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 4/22/02  
PASSED BY THE CITY COUNCIL: 5/13/02  
PUBLISHED: 5/22/02  
EFFECTIVE DATE: 5/27/02