

## **SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET**

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ITEM NO: D-1

DATE: August 27, 2009

SUBJECT: Water/Sewer Availability Policies and Procedures

CONTACT PERSON: Deborah Knight, City Administrator

### ISSUE:

The issue before the City Council is a continued discussion of the proposed water/sewer availability procedures.

The purpose of the water/sewer availability procedures is to provide a process for accepting applications for water and sewer capacity, determining the availability of capacity and allocating available water and sewer capacity consistent with the comprehensive plan.

In order to achieve these goals, City staff recommend codifying the water/sewer availability procedures into the city's concurrency management system as provided in SMC 16.108 (Attachment A). City staff also recommend updating the city's concurrency management system to implement the comprehensive plan by adding new subsections to Sultan Municipal Code Chapter 16.108 as described below in this agenda cover.

### STAFF RECOMMENDATION:

Amend SMC 16.108 Concurrency Management System to incorporate water/sewer allocation policies and procedures consistent with the city's comprehensive plan:

1. Codify the council approved changes to the draft water/sewer availability procedures (Attachment B) into the city's concurrency management system in SMC 16.108.
2. Add a new subsection to SMC 16.108 Submission and Acceptance of Application for a Certificate of Availability (concurrency)
3. Add a new subsection to SMC 16.108.100 and 16.108.110 Procedures for determining capacity prior to issuing a certificate of availability (concurrency).
4. Add a new subsection to SMC 16.108 for reserving capacity (prioritizing the allocation of capacity to proposed developments) in accordance with WAC 365-195-835.

5. Direct the planning board to work with staff to develop a system for prioritizing the allocation of capacity consistent with the comprehensive plan and based on the council's direction for setting aside a block or blocks of available or anticipated capacity or adopting preference system.
6. Add a new subsection to SMC 16.108 for procedures following a determination concurrency or a lack of concurrency.
7. Direct the planning board to work with city staff to review SMC 16.108.050 Certificates of Concurrency (below) and determine if the expirations and extensions implement the city's comprehensive plan and meet the city's needs
8. Direct the planning board to work with city staff to amend SMC 16.108 Concurrency to include procedures as outlined below to effectively administer the city's concurrency management system.
9. Add a new section to SMC 16.108 Deposit for Connection Fee
10. Add a new section to SMC 16.108 Appeals of Concurrency Determination
11. Add a new section to SMC 16.108 Annual reporting and monitoring

#### SUMMARY:

The city has been working to adopt policies and procedures for allocating water and sewer capacity consistent with the city's comprehensive plan since 2005. Appeals to the Growth Management Hearings Board in 2005 and 2006 and efforts to adopt a comprehensive plan compliant with the Growth Management Act delayed the city's attempt to adopt procedures for allocating available capacity.

In 2008 the Growth Management Hearings Board ruled the 2008 revisions to the 2004 comprehensive plan were compliant with the Growth Management Act. City staff reintroduced the Draft Water/Sewer Availability Procedures as a discussion item on June 9, 2009. The Council directed staff to return with final procedures for Council approval.

At the council meeting on July 23, 2009, planning board member Keith Arndt raised concerns regarding the draft procedures and asked the council to direct the planning board to work with staff on the procedures. Council directed staff to return with recommendations for further discussion. Following the council meeting on July 23, 2009, the City received a letter from Mr. Arndt dated July 28, 2009 (Attachment C) asking for analysis of the proposed water/sewer allocation policy.

A number of the questions raised by Mr. Arndt are addressed in state law (Revised Code of Washington and Washington Administrative Code), the city's comprehensive plan and the Sultan Municipal Code (SMC) 16.108 Concurrency Management.

After reviewing Mr. Arndt's letter, city staff recommend the city council direct staff to codify council approved changes to the water/sewer allocation policy into SMC 16.108

concurrency management. The council may also choose to direct the planning board to work with city staff on specific policy questions and return to council with recommendations. This agenda cover is organized to follow Mr. Arndt's July 28, 2009 letter and respond to the issues raised.

## DISCUSSION:

The council will need to make a number of policy decisions

### **Guiding Principals**

The policies and procedures adopted by the city for allocating water and sewer capacity should:

1. Be consistent and implement the goals and policies of the comprehensive plan
2. Not discourage development
3. Ensure that growth pays for growth
4. Provide an incentive to move forward with development
5. Preserve water/sewer capacity for active developments

### **Purpose**

The purpose of the water/sewer allocation policies and procedures is to implement the concurrency provisions of the city's comprehensive plan, the water system plan and general sewer plan, in accordance with RCW 36.70A consistent with WAC 365-195-510 (concurrency) and 365-195-835 (concurrency regulations).

### **Water/Sewer Allocation Policies**

The factors affecting available water or sewer capacity or availability may, in some instances, lie outside of the city's control.

The city's adoption of these policies and procedures relating to the manner in which the city will make its best attempt to allocate water or sewer capacity or availability does not create a duty in the city to provide water or sewer service to the public or any individual, regardless of whether the city has issued a water or sewer certificate of availability.

Every availability certificate should state on its face that it is not a guarantee that water and/or sewer will be available to serve the proposed project.

The following facts and findings provide the framework for the city council's discussion of water/sewer allocation policies and procedures:

- 1. Ensure the water/sewer allocation policy language ties directly to the comprehensive plan policies and development regulations:**

The City of Sultan has a limited number of sewer connections available. Except for any existing connections, the City may not provide sewer service for those not meeting comprehensive plan goals and policies.

The number of connections available is limited. In accordance with the comprehensive plan the draft water/sewer allocation procedures prioritize requests for water and sewer allocations first to economic development, then to developments within the core area of the city and finally to infill development to address phasing of city services in accordance with the city's current comprehensive plan.

Discussion:

The following comprehensive plan and development regulations contain several policies and procedures related to allocation of water and sewer capacity:

- Comprehensive Plan
  - Economic Development policies 3.1, 3.2, and 3.3 (retail before rooftops)
  - Housing policy 1.1 (phasing service delivery)
  - Capital Facilities policies 2.1, 2.2, 2.3, 4.4, 5, 6.3
  - Utility (Sewer) 1.2, 1.7
  - Utility (Water) 1.1, 2.4 2.7, 2.8
  - Implementation Strategies 5, 6, and 8
- Development Regulations
  - RCW 19.27.097 State Building Code – Evidence of water supply
  - WAC 365-195-510 (concurrency) and 365-195-835 (concurrency regulations)
  - SMC 13
  - SMC 16.10.070 (C) Preliminary PUD application
  - SMC 16.108 Concurrency Management System

**2. Ensure the water/sewer allocation policy complies with RCW 35.92.025 and Sultan Municipal code (SMC) 13.08.030(B)(1).**

Recommendation: Add a new subsection to SMC 16.108 Submission and Acceptance of Application for a Certificate of Availability (Concurrency)

Discussion:

Under RCW 35.92.025, Cities and towns are authorized to charge *property owners seeking to connect* (emphasis added) to the water or sewerage system of the city or town as a condition to granting the right to connect. SMC 13.08.030

(B)(1) imposes a general facility charge on all parties seeking to connect to the city's sewer system.

Under the Washington Administrative Code, the issuance of a certificate of water availability by a water utility is required to document that adequate water service is available to proposed development projects within the city. Certificates of water availability document that the utility's service capability is adequate for the proposed development consistent with criteria or standards of the Department of Health, Department of Ecology, and the Snohomish Health District, as appropriate to the development.

The city's concurrency regulations should provide procedures to property owners for the submission and acceptance of applications for certificates of availability (concurrency).

**3. Adopt criteria consistent with the comprehensive plan for allocating available capacity under the concurrency management system (SMC 16.108).**

Recommendation: Add a new subsection to SMC 16.108.100 and 16.108.110 Procedures for determining capacity prior to issuing a certificate of availability (concurrency)

- The Draft Water/Sewer Availability Procedures provide that the City will conduct an analysis of the remaining capacity of the City's sewer and water systems and the foreseeable demand. The proposed development shall be analyzed with respect to its size and density of development, quantity of utility service required (average flow and peak periods), special treatment or hazards involved and the meeting of all development codes. Provision of sewer service to the property would not jeopardize public health or safety, the request shall be deemed a qualifying request.

Recommendation: Add a new subsection to SMC 16.108 for reserving capacity (prioritizing the allocation of capacity to proposed developments) in accordance with WAC 365-195-835.

Discussion:

The city's current concurrency policies do not prioritize the allocation of capacity to proposed developments. The comprehensive plan strongly favors allocation of scarce capacity first to "economic development" (commercial) and then to developments within the core area of the city.

The Draft Water/Sewer Availability Procedures provides that:

*...available sewer utility connections will be allocated in letters of availability in the following order of priority:*

- a. *by category of request and*
- b. *by date of receipt within the category*

*Utility requests shall be placed in one of three categories in the following order of priority:*

- *Within the City limits*
- *A qualifying request for service as infill and/or commercial in close proximity to existing utility lines with adequate reserve capacity*
- *A qualifying request for service outside the City limits but within the City's Urban Growth Boundary and not in close proximity to existing utility lines with adequate reserve capacity*

#### **4. Adopt a process for allocating water/sewer capacity.**

Recommendation: Add a new subsection to SMC 16.108 for reserving capacity (prioritizing the allocation of capacity to proposed developments) in accordance with WAC 365-195-835.

- WAC 365-195-835 (Attachment D) provides several alternatives for prioritizing the allocation of capacity to proposed developments. The “first come – first serve alternative is not listed because it is not consistent with the city’s comprehensive plan:
  1. Setting aside a block or blocks of available or anticipated capacity for specified types of development consistent with the comprehensive plan.
  2. Adopting a preference system giving certain categories or specified types of development preference over others in the allocation of available capacity consistent with the comprehensive plan.

Setting aside blocks of available capacity – the number of allocations to be held for each of the categories implied in the comprehensive plan is a less flexible system than adopting a preference system. Either system would be consistent with the comprehensive plan.

Recommendation: Assign the planning board the task of developing a system for prioritizing the allocation of capacity consistent with the comprehensive plan and based on the council’s direction for setting aside a block or blocks of available or anticipated capacity or adopting a preference system.

**5. Discuss the need to prioritize uses (e.g. economic development (commercial), developments in the core area and supports phasing development (defined as “infill”) consistent with the comprehensive plan.**

The Draft Water/Sewer Availability Procedures use the term “infill” and city staff have listed certain projects as “residential infill” and commercial/industrial infill” in listing allocations and requests.

The adopted comprehensive plan does not use the term “infill”. The concept of “infill” development results from a discussion of “phasing” services. There is no differentiation in the comprehensive plan between core commercial and commercial development outside the core area.

Recommendation: Determine the categories of uses and allocation procedures for issuing certificates of availability (concurrency).

**6. Discuss the need to reserve allocations for properties within the city limits and UGA currently served by septic systems.**

There are approximately 400 parcels in the existing city limits that have on-site sewage systems. The Growth Management Hearings Board required the city to show how all unsewered portions of the city and urban growth area would be served by the city’s system by 2025.

Accordingly, in 2008, the city council adopted comprehensive plan policies that require parcels with existing development served by septic systems to connect to the city’s system when the on-site septic system serving the property fails or the property owner wishes to connect. There is no requirement for the city to reserve water and/or sewer capacity for households currently served by on-site septic systems.

Recommendation: Determine whether to reserve capacity for properties served by on-site septic systems.

**7. Ensure the city’s water/sewer allocation policy is consistent with the city’s concurrency management system (SMC 16.108).**

Recommendation: Codify the draft water/sewer availability procedures into the city’s concurrency management system in SMC 16.108.

The city has been using the term “certificate of availability” interchangeably with the term “certificate of concurrency” as used in SMC 16.108. Both the certificate of availability as used in the Draft Water/Sewer Availability Procedures and the certificate of concurrency in SMC 16.108 are determinations that *“adequate facility capacity at acceptable levels of service were available at the date of application or inquiry.”*

**8. Adopt provisions for expirations and extensions of certificates of concurrency (availability) in SMC 16.108.050.**

Recommendation: Direct the planning board to work with city staff to review SMC 16.108.050 Certificates of Concurrency (below) and determine if the expirations and extensions implement the city's comprehensive plan and meet the city's needs

**16.108.050 Certificate of concurrency.**

A. A certificate of concurrency shall be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for 12 months.

B. A certificate of concurrency may be accorded the same terms and conditions as the underlying development approval. If a development approval shall be extended, the certificate of concurrency shall also be extended.

C. A certificate of concurrency may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

D. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.

E. A certificate of concurrency shall expire if the underlying development approval expires or is revoked by the city.

**9. Discuss giving preference to develops that extend the utility systems through an “enforceable development agreement” as provided in SMC 16.108.060(C) Standards for concurrency.**

Discussion

The determination of capacity (concurrency/availability) is based on an analysis of whether the proposed development does not lower the existing level of service.

Although an applicant can provide additional capacity and maintain level of service through a development agreement, the comprehensive plan policies do not give preference to privately funded capacity improvements or public funded improvements.

## Water/Sewer Allocation Procedures

The city's processing of capacity (availability) determinations and resolving capacity disputes involves 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 and utilities elements of the comprehensive plan.

Recommendation: Direct the planning board to work with city staff to amend SMC 16.108 Concurrency to include procedures as outlined below to effectively administer the city's concurrency management system.

1. Amend SMC 16.108.050 Concurrency Review Process Request for Development Approval Certificate of Concurrency (Binding) to provide specific procedures for submission and acceptance of a certificate of concurrency application:
  - An applicant for a certificate of availability shall submit information to the city as defined by the public works director. The council will set the application fee by resolution.
  - The city will issue a notice of application and make a determination of completeness. Incomplete applications will be returned to the applicant.
  - After receipt of a complete application for a certificate of availability, the city shall process the application and issue a certificate of availability or a denial.
2. Review SMC 16.108.050 Certificates of Concurrency (below) to confirm procedures for expirations and extensions of time. When can extensions be granted? What is the extension period?

### **16.108.050 Certificate of concurrency.**

A. A certificate of concurrency shall be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for 12 months.

B. A certificate of concurrency may be accorded the same terms and conditions as the underlying development approval. If a development approval shall be extended, the certificate of concurrency shall also be extended.

C. A certificate of concurrency may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

D. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.

E. A certificate of concurrency shall expire if the underlying development approval expires or is revoked by the city.

3. Amend SMC 16.108.100 Concurrency Determination for Potable Water and SMC 16.108.110 Concurrency Determination Wastewater to provide specific procedures for determining capacity.
  - Determination of anticipated total capacity at the time of the proposed impacts; calculation of how much of that capacity will be used by existing developments and other planned developments; calculation of the available capacity for the proposed development; calculation of any mitigation provided by the applicant; comparison of available capacity with the proposed development impacts.
4. Add a new section for procedures following a determination concurrency or a lack of concurrency.
  - Notice of concurrency determination
  - Procedure for issuing a certificate of concurrency (availability) and reserving capacity
  - Procedure for issuing a denial letter
  - Expirations and extensions of time
5. Add a new section to SMC 16.108 Deposit for Connection Fee.
  - Prior to issuance of a certificate of availability (capacity), the applicant shall pay a deposit for connection charges. The deposit shall be n the amount of the connection fee in effect on the date of issuance of the certificate. 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 the expiration of the certificate, the applicant shall forfeit the deposit to cover the city's administrative and related expenses.
6. Add a new section to SMC 16.108 Appeals of Concurrency Determination
7. Add a new section to SMC 16.108 Annual reporting and monitoring
  - Evaluate reserve capacity and permitted development activity
  - Evaluate the capacity available for the six-year capital facilities and utilities element of the city's comprehensive plan

#### FISCAL IMPACT:

There is no fiscal impact associated with this review and discussion. A decision by the council to direct the planning board to review the allocation policies and procedures and make recommendations will take precedence over other work plan items including the

annual comprehensive plan docket and revisions to the planned unit development regulations.

Since this is a complicated and perhaps controversial subject it may take the planning board several meetings to complete its work and hold necessary public hearings to amend the development regulations.

There will be attorney time to review any proposed planning board recommendations.

#### ALTERNATIVES:

1. Discuss the staff recommendation to amend SMC 16.108 Concurrency Management System. Accept the staff recommendation to direct the planning board to work with staff on developing water/sewer policies and procedures for council review.

This alternative implies the city council supports the recommendation to codify the water/sewer allocation procedures into the concurrency management system in SMC 16.108 and have the planning board review specific policy questions and make recommendations to the city council.

The council should be prepared to provide a scope of work to the planning board to guide the board's discussion and recommendations.

2. Discuss the staff recommendation to amend SMC 16.108 Concurrency Management System. Do not accept the staff recommendation to direct the planning board to work with staff on developing water/sewer policies and procedures for council review. Direct staff to areas of concern.

This action implies the council has further questions and/or concerns regarding the staff recommendation or the council would prefer to take the lead on adopting water/sewer allocation procedures.

#### RECOMMENDED ACTION:

Amend SMC 16.108 Concurrency Management System (Attachment A) to incorporate water/sewer allocation policies and procedures consistent with the city's comprehensive plan:

#### ATTACHMENTS:

- A – Sultan Municipal Code 16.108 Concurrency Management System
- B – Draft Water/Sewer Availability Procedures
- C – Letter from Mr. Keith Arndt dated July 28, 2009
- D – RCW 35.92.025 and WAC 365-195-835
- E – Gig Harbor Concurrency Management Regulations

**Sultan Municipal Code**

**Chapter 16.108  
CONCURRENCY MANAGEMENT SYSTEM**

Sections:

- [16.108.010](#) Purpose.
- [16.108.020](#) Exemptions.
- [16.108.030](#) Applications.
- [16.108.040](#) Nonbinding determinations.
- [16.108.050](#) Certificate of concurrency.
- [16.108.060](#) Standards for concurrency.
- [16.108.070](#) Facilities and services subject to concurrency.
- [16.108.080](#) Concurrency determination – Arterial roadways.
- [16.108.090](#) Concurrency determination – All other roadways.
- [16.108.100](#) Concurrency determination – Potable water.
- [16.108.110](#) Concurrency determination – Wastewater.
- [16.108.120](#) Concurrency determination – Police protection.
- [16.108.130](#) Concurrency determination – Parks and recreation.
- [16.108.140](#) Fees.

**16.108.010 Purpose.**

The purpose and intent of this chapter of the unified development code is to provide a regulatory mechanism to ensure that a property owner meets the concurrency provisions of the comprehensive plan for development purposes as required in RCW 36.70A.070. This regulatory mechanism will ensure that adequate public facilities at acceptable levels of service are available to support the development's impact. (Ord. 630 § 2[16.12.010], 1995)

**16.108.020 Exemptions.**

Any development categorically exempt from threshold determination and EIS requirements as stated in the State Environmental Policy Act (SEPA), Chapter 197-11 WAC. (Ord. 630 § 2 [16.12.020], 1995)

**16.108.030 Applications.**

A. Each applicant for a development approval, except those exempted from concurrency, shall apply for a certificate of concurrency.

B. An applicant requesting development approval by the city shall provide all information required by the city in order for a binding concurrency evaluation to be made on the proposed project. Such required information shall include any information required by the building and zoning official in order to evaluate issuance of certificate of concurrency.

C. No development approvals will be granted unless the applicant is eligible for a certificate of concurrency. (Ord. 630 § 2[16.12.030], 1995)

**16.108.040 Nonbinding determinations.**

A. A nonbinding concurrency determination shall be made at the time of a request for a land use amendment or rezone. Any nonbinding concurrency determination, whether requested as part of an application for development, is a determination of what public facilities and services are available at the date of inquiry, but does not reserve capacity for that development.

B. An applicant requesting a development action by the city shall provide all information required by the city in order for a nonbinding concurrency determination to be made on the proposed project. Such required information shall include any additional information required by the building and zoning official in order to make a concurrency determination. The concurrency determination shall become a part of the staff recommendation regarding the requested development action.

C. A nonbinding concurrency determination may be received prior to a request for development action or approval by submitting a request and any applicable fee to the building and zoning official. Information required to make this determination is the same as that cited in SMC [16.108.030\(B\)](#). (Ord. 630 § 2[[16.12.040](#)], 1995)

**16.108.050 Certificate of concurrency.**

A. A certificate of concurrency shall be issued for a development approval, and remain in effect for the same period of time as the development approval with which it is issued. If the development approval does not have an expiration date, the certificate of concurrency shall be valid for 12 months.

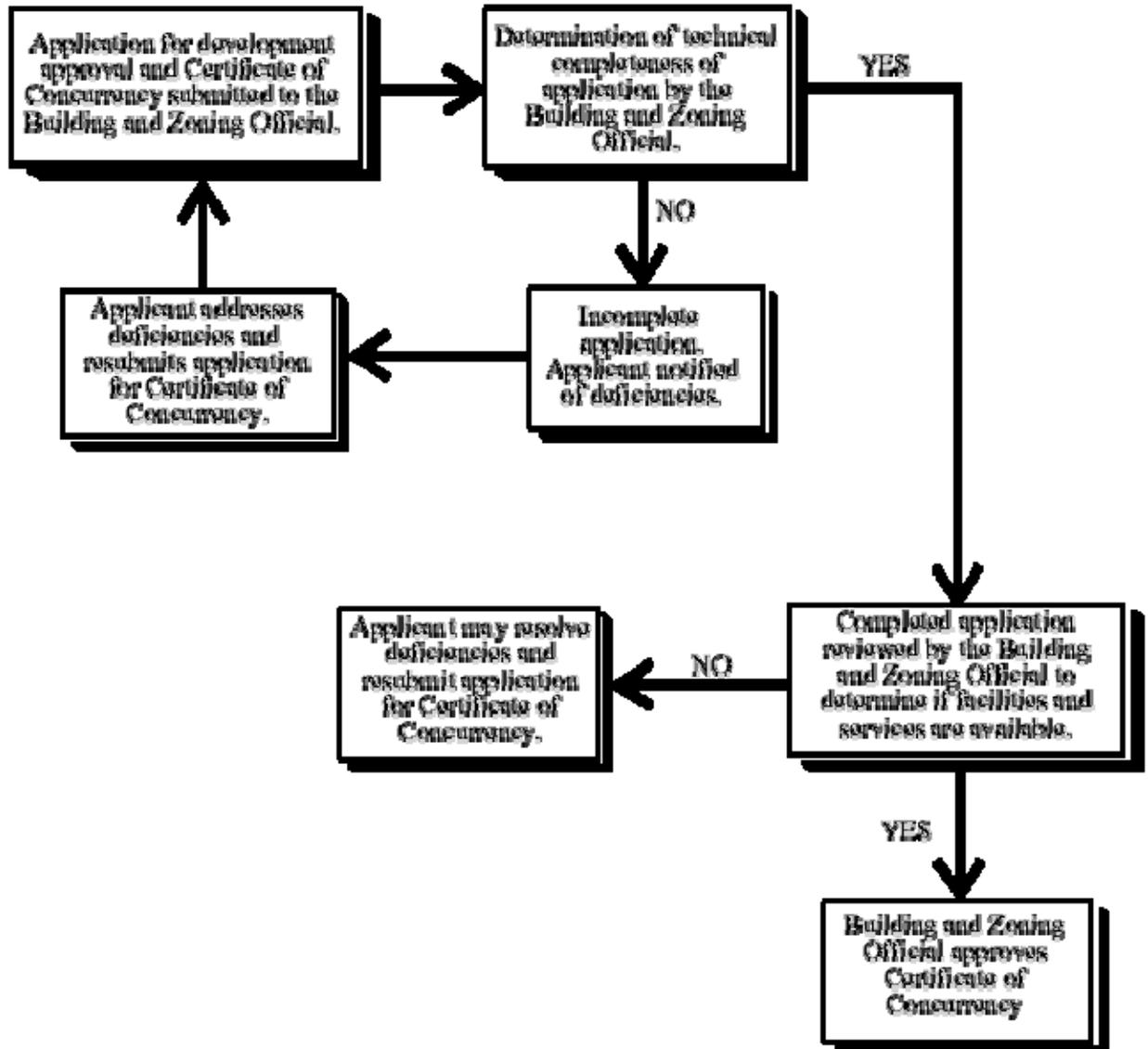
B. A certificate of concurrency may be accorded the same terms and conditions as the underlying development approval. If a development approval shall be extended, the certificate of concurrency shall also be extended.

C. A certificate of concurrency may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.

D. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.

E. A certificate of concurrency shall expire if the underlying development approval expires or is revoked by the city.

**City of Sultan  
Concurrency Review Process  
Request for Development Approval Certificate of Concurrency (Binding)**



(Ord. 630 § 2[16.12.050], 1995)

**16.108.060 Standards for concurrency.**

The city of Sultan shall review applications for development, and a development approval will be issued only if the proposed development does not lower the existing level of service (LOS) of public facilities and services below the

adopted LOS in the comprehensive plan. A project shall be deemed concurrent if one of the following standards is met:

A. The necessary public facilities and services are in place at the time the development approval is issued; or

B. The development permit is issued subject to the condition that the necessary public facilities and services will be in place concurrent with the impacts of development; or

C. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the development. "Concurrent with the development" shall mean that improvements or strategy are in place at the time of the development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development. (Ord. 630 § 2[16.12.060], 1995)

#### **16.108.070 Facilities and services subject to concurrency.**

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the comprehensive plan:

A. Roadways;

B. Potable water;

C. Wastewater;

D. Police protection;

E. Parks and recreation. (Ord. 630 § 2 [16.12.070], 1995)

#### **16.108.080 Concurrency determination – Arterial roadways.**

A. The city of Sultan will provide existing and adopted level of service (LOS) information as set forth in the city of Sultan comprehensive plan. The proposed development will be analyzed to determine additional trips generated using standards from the Institute of Transportation Engineers.

If this preliminary LOS analysis indicates a LOS failure, the developer may:

1. Accept the level of service information as set forth in the comprehensive plan; or

2. Prepare a more detailed Highway Capacity Analysis, as outlined in the Highway Capacity Manual, Special Report 20 (1985) or other traffic analysis following procedures outlined by the Washington State Department of Transportation (WSDOT).

This more detailed study may include demand management strategies to accommodate the impacts of the proposed development such as increased public transportation service and ride-sharing programs.

B. If the developer chooses to do a more detailed analysis as described in subsection (A)(2) of this section, the building and zoning official will:

1. Meet with the developer to review and accept or deny the more detailed highway capacity analysis methodology;

2. Review the completed alternative analysis for accuracy and appropriate application of methodology;

3. If the alternative methodology, after review and acceptance by the building and zoning official, indicates an acceptable LOS where the comprehensive plan indicates a LOS failure, the alternative methodology will be used, based on a binding or enforceable development agreement. (Ord. 630 § 2[16.12.080], 1995)

**16.108.090 Concurrency determination – All other roadways.**

The developer shall prepare a traffic study. The level of detail and scope of a traffic study may vary with the size, complexity and location of the proposed development. A traffic study shall be a thorough review of the immediate and long-range effects of the proposed development on the city's transportation system.

A. The traffic study shall include the following basic data:

1. Provide a site plan drawn to appropriate scale of the proposal showing the road system, rights-of-way, type of roads, access points and other features of significance in the road system;

2. Vicinity map showing transportation routes to be impacted by the development;

3. Type of dwelling units proposed (single-family, multiple-family, attached, detached, etc.) and trip generation rates for the development. In cases of activity other than residential, the same type of information will be required (commercial, industrial, etc.);

4. Volume of traffic expressed in terms of average daily traffic on the roadway network that can reasonably be expected to be used by existing traffic and traffic from the development expressed in terms of current average daily traffic along with directional distribution (D factor), peak hour demand (K ratio) and percentage of trucks (T factor), in the traffic stream;

5. Physical features of the road network involved, with regard to functional classification, capacity, safety and operations;

6. A level of service analysis of the road system that can reasonably be expected to bear traffic generated by the development:

a. The level of service may generally assume conditions for two-lane highways without access control and at-grade intersections as defined in the highway capacity manual;

b. Level of service and volume to capacity ratio (v/c) is to be determined and indicated within the report, showing factors used and methodology;

c. Volume figures used shall consist of:

i. Current average daily traffic (ADT),

ii. Projected ADT at completion of proposal,

iii. Growth projection if completion is more than two years away;

7. The staged increase in traffic volumes on all transportation routes to be caused by the development as different phases are completed;

8. Traffic volumes shall be projected for 10 years into the future and, if a future phase of the development will extend beyond 10 years, to the time of completion of future phases of the development;

9. Other similar data that may be required to provide a complete and thorough analysis.

B. The city may also require that the traffic study include other information necessary for a thorough review of the immediate and long-range effects of the proposed development on the transportation system. (Ord. 630 § 2[16.12.090], 1995)

**16.108.100 Concurrency determination – Potable water.**

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.100], 1995)

**16.108.110 Concurrency determination – Wastewater.**

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.110], 1995)

**16.108.120 Concurrency determination – Police protection.**

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.120], 1995)

**16.108.130 Concurrency determination – Parks and recreation.**

A. The city of Sultan will provide level of service (LOS) information as set forth in the city of Sultan comprehensive plan.

B. If the LOS information indicates that the proposed project would not result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable LOSs was available at the date of application or inquiry.

C. If the LOS information indicates that the proposed project would result in a LOS failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. (Ord. 630 § 2[16.12.130], 1995)

**16.108.140 Fees.**

A. The city shall charge a processing fee to any individual that requests a nonbinding concurrency determination not associated with an application for development approval or development action. The processing fee shall be nonrefundable and nonassignable to any other fees. Such fee shall be determined by resolution of the city council at a date subsequent to the effective date of this unified development code.

B. The following types of development shall be exempt from paying the concurrency determination fee:

1. Nonprofit agencies whose primary chartered purpose is to provide affordable housing; and

2. Other governmental agencies. (Ord. 630 § 2[16.12.140], 1995)

# CITY OF SULTAN

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## *Water/Sewer Availability Procedure*

Revised 07-23-09

1. Schedule a Pre-Application Meeting with City Departments.
  - a. Contact the Permit Assistant 360.793.2231 for an application form, costs and submittal requirements.
  - b. Meetings are scheduled on Wednesday mornings. All applications are due 1 week in advance of meeting to provide for internal review, comments and questions.
  - c. Meeting will be held with appropriate City of Sultan Staff and ~~Developer~~Applicant Representatives.
  
2. The City of Sultan has a limited number of sewer connections available. Except for any existing connections, the City does not intend to provide sewer service for those not meeting Comprehensive Plan goals and policies. The number of connections available is limited and the City will prioritize requests for sewer service for infill and commercial/industrial according to the City's current City Comprehensive Plan at the pre-application meeting.

The ~~developer~~applicant shall provide the following additional information:

- a. Information whether the property is within a ULID or LID, or an area designated for a local facility charge to support a ULID or LID;
- b. Suitability of the Sultan Comprehensive Plan, the environmental and economic impact and the ability of the applicant to develop to City Code and Standards.
- c. In the event of concurrent annexation/development proposals applicant agrees to meet all City development standards and pay all development and impact fees associated with the project. Thereafter, building permits will be issued after the effective date of the annexation.

As a result of the pre-application meeting, the City will conduct an analysis of the remaining capacity of the City's sewer treatment facilities and the foreseeable demand. The proposed development shall be analyzed with respect to its size and density of development, quantity of utility service required (average flow and peak periods), special treatment or hazards involved and the meeting of all development codes. Provision of sewer service to the property would not jeopardize public health or safety, the request shall be deemed a qualifying request.

Available sewer utility connections will be allocated in letters of availability in the following order of priority:

- c. by category of request and

d. by date of receipt within the category

Utility requests shall be placed in one of three categories in the following order of priority:

- Within the City limits
- A qualifying request for service as infill and/or commercial in close proximity to existing utility lines with adequate reserve capacity
- A qualifying request for service outside the City limits but within the City's Urban Growth Boundary and not in close proximity to existing utility lines with adequate reserve capacity

As a result of the pre-application meeting, the information submitted and the analysis performed, until such time as eighty five per cent capacity of the City's wastewater treatment plant has not been exceeded.

The City of Sultan will allocate during preliminary review an estimated number of water and sewer connections to be designated for the project.

3. Upon written notice of the preliminary connection allocation by the City, the ~~Developer~~Applicant must request in writing from the Public Works Director a letter for water and sewer availability. The request would include:
  - a. The date of the pre-application meeting.
  - b. The number of connections allocated by the City of Sultan.
  - c. The property address.
  - d. The Tax Parcel I.D. Number(s).
  - e. Name of project.
  - f. Anticipated application date.
  - g. Development schedule for property.
  - h. ~~Developer~~Applicant information (name, address, phone number, e-mail etc.)
4. Upon issuance, the Water and Sewer Availability Letters will state:
  - a. The letters are non-transferable.
  - b. The ~~Developer~~Applicant has 45 days from the date of the availability letter(s) to submit to the Planning Department a complete development application, including the payment of all fees and supplemental information for the project requested during the pre-application meeting.
5. The water and sewer availability letters may be renewable if the ~~developer~~applicant is within 2 weeks of submitting a counter complete development application to the City of Sultan and connection allocations remain available.
6. Payment of water and sewer connections will be required when a development/project has received ~~preliminary-final~~ subdivision, planned unit development or binding site plan approval ~~or final approval when preliminary approval is not required (i.e. condition use permit)~~ by the Hearing Examiner, City Council or administrative approval from permitting department.

7. Upon payment of the water/sewer connections, a monthly fee of 25% of the monthly base fee per lot will be payable monthly towards debt service. Certificates of availability expire if the applicant has failed to complete his or her plat within five (5) years form the date of preliminary plat approval in accordance with SMC 16.28.390.

07/28/2009

Bob Martin  
Community Development Director  
City of Sultan  
P.O. Box 1199  
Sultan, WA 98294-1199

RE: Suggestions for Limited Scope of Work for Sultan Planning Board work on Water/Sewer Allocation Policy

Dear Bob:

Here is a list of items I feel should be included in the limited scope of work for the examination and analysis of the proposed water/sewer allocation policy to be brought before the Planning Board.

- 1). Analyze whether W/S allocation policy language ties directly from comprehensive plan goals and policies to W/S allocation procedure(s) and applicable development regulations.
- 2). Analyze whether a valid, defensible definition for "property owners seeking to connect" as provided for in RCW 35.92.025 and "all parties seeking to connect" as provided for in SMC 13.08.030.B.1, is included in the W/S allocation policy.
- 3). Analyze the determining criteria for allocation of all available water and sewer hookups in the following categories:

How do you address  
out fill in two different  
parts of town.  
which one gets it?

- Core commercial
- Outfill commercial (inside city limits, but not in core area)
- Outfill commercial (inside UGA, but outside city limits)
- Infill residential
- Outfill residential (inside city limits)
- Outfill residential (inside UGA, but outside city limits)

How many are allotted to  
commercial.

- 4). Analyze whether the W/S allocation policy sets forth provisions for the number of allocations to be held for each of the categories listed in item 3, above.
- 5). Analyze whether the W/S allocation policy clearly defines "infill" and "outfill" as it relates to the categories in item 3, above, and that those definitions do not conflict with comprehensive plan goals and policies, RCWs, or SMC.
- 6). Analyze whether the W/S allocation policy countermands or conflicts with the intent of city council regarding those policies promulgated last year regarding use of septic tanks (existing, failed, or new special applications). Also, analyze criteria for use in reserve of sewer allocation for approx. 400 households currently on septic systems.
- 7). Analyze whether the W/S allocation policy contains clear definition of the term "(water or sewer) availability" as it relates to concurrency in application.

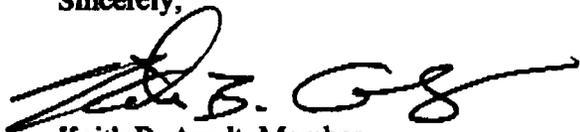
**Bob Martin**  
**W/S Allocation Policy**  
**07/28/09**  
**Page 2 of 2**

- 8). Analyze whether the W/S allocation policy contains provisions for a "sunset" of availability and that allocation, once provided by the city, does not live in perpetuity at no cost to the applicant.
- 9). Analyze whether the W/S allocation policy contains provisions that outline those differences that may exist between those developments requiring an LID or ULID and those which do not (privately funded).

Bob, I realize that some of these will be answered directly by the city attorney as well as from the desks of city staff. I also realize it is inevitable that this list is not complete.

Please feel free to call should you or staff want any clarification.

Sincerely,



Keith B. Arndt, Member  
City of Sultan Planning Board

RCW 35.92.025

**Authority to make charges for connecting to water or sewerage system**

— **Interest charges.** Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. The equitable share may include interest charges applied from the date of construction of the water or sewer system until the connection, or for a period not to exceed ten years, at a rate commensurate with the rate of interest applicable to the city or town at the time of construction or major rehabilitation of the water or sewer system, or at the time of installation of the water or sewer lines to which the property owner is seeking to connect but not to exceed ten percent per year: PROVIDED, That the aggregate amount of interest shall not exceed the equitable share of the cost of the system allocated to such property owners. Connection charges collected shall be considered revenue of such system.

[Agency filings affecting this section](#)

**WAC 365-195-835**

**Concurrency regulations.**

(1) Each planning jurisdiction should produce a regulation or series of regulations which govern the operation of that jurisdiction's concurrency management system. This regulatory scheme will set forth the procedures and processes to be used to determine whether relevant public facilities have adequate capacity to accommodate a proposed development. In addition, the scheme should identify the responses to be taken when it is determined that capacity is not adequate to accommodate a proposal. Relevant public facilities for these purposes are those to which concurrency applies under the comprehensive plan. Adequate capacity refers to the maintenance of concurrency.

(2) Compliance with applicable environmental requirements, such as ambient air quality standards or water quality standards, should have been built into the determination of the facility capacities needed to accommodate anticipated growth.

(3) The variations possible in designing a concurrency management system are many. However, such a system could include the following features:

(a) Capacity monitoring -- a process for collecting and maintaining real world data on use for comparison with evolving public facility capacities in order to show at any moment how much of the capacity of public facilities is being used.

(b) Capacity allocation procedures -- a process for determining whether proposed new development can be accommodated within the existing or programmed capacity of public facilities.

This can include preassigning amounts of capacity to specific zones, corridors or areas on the basis of planned growth. For any individual development this may involve:

- (i) A determination of anticipated total capacity at the time the impacts of development occur.
- (ii) Calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of development occur.
- (iii) Calculation of the amount of capacity available for the proposed development.
- (iv) Calculation of the impact on capacity of the proposed development, minus the effects of any mitigation provided by the applicant. (Standardized smaller developments can be analyzed based on predetermined capacity impact values.)

- (v) Comparison of available capacity with project impact.
- (c) Provisions for reserving capacity -- a process of prioritizing the allocation of capacity to proposed developments. This might include:
  - (i) Setting aside a block or blocks of available or anticipated capacity for specified types of development fulfilling an identified public interest.
  - (ii) Adopting a first-come, first-served system of allocation, dedicating capacity to applications in the order received.
  - (iii) Adopting a preference system giving certain categories or specified types of development preference over others in the allocation of available capacity.
- (d) Provisions specifying the response when there is insufficient available capacity to accommodate development.
  - (i) In the case of transportation, an ordinance must prohibit development approval if the development causes the level of service of a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan unless improvements or strategies to accommodate the impacts of development are made concurrent with development.
  - (ii) If the proposed development is consistent with the land use element, relevant levels of service should be reevaluated.
  - (iii) Other responses could include:
    - (A) Development of a system of deferrals, approving proposed developments in advance but deferring authority to construct until adequate public facilities become available at the location in question. Such a system should conform to and help to implement the growth phasing schedule contemplated in the land use and capital facilities elements of the plan.
    - (B) Conditional approval through which the developer agrees to mitigate the impacts.
    - (C) Denial of the development, subject to resubmission when adequate public facilities are made available.
  - (e) Form, timing and duration of concurrency approvals. The system should include provisions for how to show that a project has met the concurrency requirement, whether as part of another approval document (e.g., permit, platting decisions, planned unit development) or as a separate certificate of concurrency, possibly a transferable document. This choice, of necessity, involves determining when in the approval process the concurrency issue is evaluated and decided. Approvals, however made, should specify the length of time that a concurrency determination will remain effective, including requirements for development progress necessary to maintain approval.
  - (f) Provisions for interjurisdictional coordination.
- (4) Planning jurisdictions should consider integrating SEPA compliance on the project-specific level with the case-by-case process for concurrency management.

**Gig Harbor**  
**Chapter 19.10**  
**CONCURRENCY MANAGEMENT**

Sections:

**Article I. Overview and Exemptions**

- [19.10.001](#) Purpose.
- [19.10.002](#) Authority.
- [19.10.003](#) Exempt development.
- [19.10.004](#) Capacity evaluation required for change of use.
- [19.10.005](#) Capacity evaluations required for rezone applications or comprehensive plan amendments requesting an increase in extent or density of development.
- [19.10.006](#) All capacity determinations exempt from project permit processing.

**Article II. Level of Service Standards**

- [19.10.007](#) Introduction.
- [19.10.008](#) Level of service standards.
- [19.10.009](#) Effect of LOS standards.

**Article III. Capacity Evaluations**

- [19.10.010](#) Capacity evaluations required prior to issuance of CRC.

**Article IV. Submission and Acceptance of Application**

- [19.10.011](#) Water, transportation and sewer – Application for capacity evaluation.
- [19.10.012](#) Submission and acceptance of an application for a CRC.

**Article V. Procedure for Determining Capacity**

- [19.10.013](#) Method of capacity evaluation.

**Article VI. Capacity Reservation Certificates (CRCs)**

- [19.10.014](#) Purpose of capacity reservation certificate.
- [19.10.015](#) Procedure for capacity reservation certificates.
- [19.10.016](#) Use of reserved capacity.
- [19.10.017](#) Transfer of reserved capacity.
- [19.10.018](#) Denial letter.
- [19.10.019](#) Notice of concurrency determination.

**Article VII. Capacity Reservation Certificate (CRC)**

- [19.10.020](#) Expiration and extensions of time.

**Article VIII. Appeals of Concurrency Determination**

- [19.10.021](#) Appeals.
- [19.10.022](#) *Repealed.*

**Article IX. Concurrency Administration**

- [19.10.023](#) Purpose and procedure.
- [19.10.024](#) Capacity classifications.
- [19.10.025](#) Annual reporting and monitoring.
- [19.10.026](#) Road LOS monitoring and modeling.
- [19.10.027](#) Traffic impact analysis standardized format.

## **Article 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, the water and sewer comprehensive plans, 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." (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

### 19.10.002 Authority.

The director of community development, or his/her designee, shall be responsible for implementing and enforcing the concurrency management ordinance. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

### 19.10.003 Exempt development.

A. No development activity (as defined in Chapter [19.14](#) GHMC) shall be exempt from the requirements of this chapter unless the permit is listed below. The following types of permits are not subject to the capacity reservation certificate (CRC) process because they do not create additional long-term impacts on transportation facilities or sewer capacity in the city's wastewater treatment plant, or water capacity in the city's water system:

1. Administrative interpretations;
2. Sign permit;
3. Street vacation;
4. Demolition permit;
5. Street use permit;
6. Interior alterations with no change of use;
7. Excavation/clearing permit;
8. Hydrant use permit;
9. Right-of-way permit;
10. Single-family remodeling with no change of use;
11. Plumbing permit;
12. Electrical permit;
13. Mechanical permit;
14. Excavation permit;
15. Sewer connection permit;
16. Driveway or street access permit;
17. Grading permit;
18. Tenant improvement permit;

19. Fire code permit;
20. Design review approval.

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

B. 1. Transportation. This chapter shall apply to all development applications for development or redevelopment if the proposal or use will generate any new p.m. peak-hour trips. Every application for development shall be accompanied by a concurrency application. Developments or redevelopments, excluding an individual single-family residence, that will generate one or more new projected vehicle trips that will pass through an intersection or roadway section identified with a level of service below the acceptable level noted in the transportation element in the city's comprehensive plan, or that will generate 15 or more new p.m. peak-hour trips shall also be required to have the city prepare a traffic report as defined in GHMC [19.10.011](#).

2. Water. This chapter shall apply to all development applications or outside city limits utility extension agreements (under Chapter [13.34](#) GHMC) 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](#) or a previously submitted application for a capacity reservation certificate.

3. Sewer. This chapter shall apply to all development applications or outside city limits utility extension agreements (under Chapter [13.34](#) GHMC) for development or redevelopment if the proposal or use requires sewer from the city's sewer system. In addition, this chapter shall apply to existing developments to the extent that the property owner requires sewer for a use not disclosed on a previously approved request for sewer service or a previously approved application for a capacity reservation certificate. (Ord. 1081 § 1, 2007; Ord. 1044 § 1, 2006; Ord. 969 § 1, 2004; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 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, and/or the City's Sewer System. If a change of use will have a greater impact on road facilities and/or the city's water system, and/or the city's sewer 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-year period prior to the date of application for the capacity evaluation.

B. Decreased Impact on Transportation Facilities and/or the City's Water System, and/or the City's Sewer System. If a change of use will have an equal or lesser impact on road facilities and/or the city's water system and/or the city's sewer 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-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 or sewer 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 years of the date of the issuance of the demolition permit. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 19.10.005 Capacity evaluations required for rezone applications or comprehensive plan amendments requesting an increase in extent or density of development.<sup>1</sup>

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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.010).

#### 19.10.006 All capacity determinations exempt from project permit processing.

The processing of applications pursuant to the authority in this chapter shall be exempt from project permit processing procedures, as described in this title, except that the appeal procedures of GHMC Title [19](#) shall apply as specifically indicated herein. 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 and utilities elements of the comprehensive plan. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.005).

### **Article II. Level of Service Standards**

#### 19.10.007 Introduction.

The concept of concurrency is based on the maintenance of specified levels of service through capacity monitoring, allocation and reservation procedures. Concurrency describes the situation in which water, sewer and/or road facilities are available when the impacts of development occur. For road facilities, this time period is statutorily established as within six years from the time of development. (See RCW 36.70A.070(6)(c) and 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 limited by the water permit from the Department of Ecology.

C. Sewer. The city is required to obtain a permit from the Department of Ecology in order to discharge effluent into the waters of the state. This permit is limited by levels and volume. "Level of service" as it relates to sewer is defined in the city's sewer comprehensive plan as the ability to provide sanitary sewer services to the consumer for use, treatment at the city's wastewater treatment plant, and discharge into Puget Sound. The city's ability to provide such service is limited by the physical capacity of the city's wastewater treatment plant as well as the NPDES permit issued by the Department of Ecology. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.006).

#### 19.10.008 Level of service standards.

Level of service (LOS) is the established minimum capacity 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 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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.007).

#### 19.10.009 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 utilities 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. In order to make a concurrency determination for sewer, the director shall use the limits and levels established in the city's NPDES permit from the Department of Ecology, and evaluate the remaining capacity in the city's wastewater treatment plant. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.008).

### **Article III. Capacity Evaluations**

19.10.010 Capacity evaluations required prior to issuance of CRC.

A. When the Requirements of This Chapter Apply. A capacity evaluation for transportation, water or sewer shall be required for any of the nonexempt activities identified in Article I of this chapter.

B. The director shall utilize requirements set forth in Article V of this chapter to conduct a capacity evaluation prior to issuance of a CRC. In addition to the requirements set forth in Article V of this chapter, 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.

C. Capacity Reservation Certificates. A CRC will not be issued except after a capacity evaluation performed pursuant to Article V of this chapter, indicating that capacity is available in all applicable road facilities and/or within the city’s water or sewer system. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999. Formerly 19.10.009).

**Article IV. Submission and Acceptance of Application**

19.10.011 Water, transportation and sewer – Application for capacity evaluation.

A. An application for a CRC and the application for the underlying development permit, or other activity, 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. For transportation CRC applications only: A preliminary site plan, which is a plan showing the approximate layout of proposed structures and other development, type and number of dwelling units, type and number of nonresidential building areas with gross square footage, the land use codes per the most recent edition of Trip Generation from the Institute of Transportation Engineers (ITE), and an analysis of the points of access to existing and proposed roadways.
10. The applicant’s proposed mitigation (if any) for the impact on the city’s transportation facilities.
11. Written consent of the property owner, if different from the developer.
12. Proposed request of capacity by legal description, if applicable.

13. For water CRC applications only: Water hydraulic report prepared by a licensed professional engineer, which shall include the purpose for which the water is required.

14. For sewer CRC applications only: Sewer hydraulic report prepared by a licensed professional engineer, which shall include the purpose for which the sewer is required.

15. Stormwater drainage report prepared by a licensed professional engineer.

B. Transportation. The applicant is not required to submit a traffic impact analysis from an independent traffic engineer. Instead, those applicants with transportation CRC applications that are required to have the city provide a traffic report in accordance with GHMC [19.10.003](#)(B)(1) shall instead pay to the city a deposit equal to the estimated fee for the city's preparation of a traffic report. The amount of the fee shall be determined by city resolution and paid at the time of transportation CRC application submittal. The fee shall vary based on the number of new p.m. peak-hour trips produced by the development. The applicant shall be subject to repayment of fees for any subsequent revisions to the original traffic report. Fees for revisions may be an additional proportion of the original fee depending on the effort involved to revise the traffic report. 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. (Ord. 1081 § 2, 2007; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 845 § 1, 2000; Ord. 818 § 1, 1999).

#### 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 be handled by the planning director or designee, following the process in GHMC [19.02.004](#). The notice of application required by GHMC [19.02.004](#) shall state that an application for a concurrency determination has been received by the city.

B. Determination of Completeness. The planning director shall immediately forward all CRC applications received with development applications to the public works/engineering staff. Within 28 days after receiving an application for a CRC, the public works/engineering staff shall mail or personally deliver to the applicant a determination which states either:

1. That the concurrency application is complete; or
2. That the concurrency 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 initial processing 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.

D. Incomplete Applications.

1. Whenever the city issues a determination that the CRC is not complete, the CRC application shall be handled in the same manner as a project permit application under GHMC [19.02.003](#).

2. 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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 845 § 2, 2000; Ord. 818 § 1, 1999).

## **Article V. Procedure for Determining Capacity**

### **19.10.013 Method of capacity evaluation.**

A. In order to determine concurrency for the purposes of issuance of a transportation CRC, the director shall make the determination described in subsection B of this section. In order to determine concurrency for the purpose of issuance of a water CRC, the director shall make the determination described in subsection C of this section. In order to determine concurrency for the purpose of issuance of a sewer CRC, the director shall make the determination described in subsection D of this section. 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 (which shall be in a form approved by the city attorney). 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.

#### **B. Transportation.**

1. Upon submission and acceptance of a complete transportation CRC application, the director shall conduct a traffic impact analysis and issue a traffic report for those applications meeting the requirements of GHMC [19.10.003](#)(B)(1).

2. In performing the concurrency evaluation for transportation facilities, and to prepare the transportation CRC, the director shall determine, based on the conclusions of the traffic report, whether a proposed development can be accommodated within the existing or planned capacity of transportation 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 identified by the applicant to be provided by the applicant at the applicant's cost; and
- e. Comparison of available capacity with proposed development impacts.

3. The director shall determine if the capacity of the city's transportation 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. The director's determination will be based on the application materials provided by the applicant, which must include the applicant's proposed mitigation for the impact on the city's transportation facilities.

C. 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.

D. Sewer.

1. In performing the concurrency evaluation for sewer, and to prepare the sewer CRC determination, the director shall determine whether a proposed development can be accommodated within the existing or planned capacity of the city's sewer 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 available capacity for 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 wastewater treatment plant, less the capacity which is reserved, can be provided while remaining within the city's NPDES permit for discharge volumes and levels, and, if so, shall provide the applicant with a sewer CRC.

E. Lack of Concurrency.

1. Transportation. If the director determines that the proposed development will cause the LOS of a city-owned transportation 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. Upon denial, the applicant may perform one of the following:

- a. Appeal the findings of the traffic report in accordance with GHMC [19.10.021](#);
- b. Offer alternative data and/or perform an independent traffic impact analysis at the applicant's sole expense in support of alternative conclusions. Any study shall be in accordance with GHMC [19.10.027](#);
- c. Modify the development proposal to lessen the traffic impacts and/or identify voluntary transportation improvements as mitigation to be provided by the applicant at the applicant's cost and re-apply for capacity review. Re-application shall require repayment of the traffic report preparation fee in accordance with GHMC [19.10.011](#)(B); or
- d. Withdraw the CRC application.

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. (Ord. 1081 § 3, 2007; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

## **Article VI. Capacity Reservation Certificates (CRCs)**

### **19.10.014 Purpose of capacity reservation certificate.**

A. A transportation CRC is a determination by the director that: (1) the proposed development identified in the CRC application does not cause the level of service on a city-owned road facility to decline below the standards adopted in the transportation element of the city's comprehensive plan, or (2) that a financial commitment (embodied in a development agreement) is in place to complete the necessary improvements or strategies within six years. Upon issuance of a transportation CRC, the director will reserve transportation facility capacity for this application until the expiration of the underlying development permit or as otherwise provided in GHMC [19.10.020](#). Although the CRC may identify the number of projected trips associated with the proposed development, nothing in this chapter (including the trip transfer procedures) shall imply that the applicant "owns" or has any ownership interest in the projected trips.

B. A water CRC is a determination by the director that: (1) the proposed development identified in the CRC application does not exceed the city's existing water rights or the limits of any state-issued permit, or (2) that a financial commitment (embodied in a development agreement) is in place to complete the necessary improvements or strategies within six years. Upon issuance of a water CRC, the director will reserve water capacity for the application until the expiration of the underlying development permit or as otherwise provided in GHMC [19.10.020](#), or as set forth in the outside city limits utility extension agreement.

C. A sewer CRC is a determination by the director that: (1) the proposed development identified in the CRC application does not exceed the city's existing NPDES permit limits

or the existing capacity in the city's wastewater treatment plant, or (2) that a financial commitment (embodied in a development agreement) is in place to complete the necessary improvements or strategies within six years. Upon issuance of a sewer CRC, the director will reserve sewer capacity for the application until the expiration of the underlying development permit or as otherwise provided in GHMC [19.10.020](#) or as set forth in the outside city limits utility extension agreement.

D. The factors affecting available water or sewer capacity or availability 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 or sewer capacity or availability does not create a duty in the city to provide water or sewer service to the public or any individual, regardless of whether a water or sewer CRC has issued. Every water availability certificate and water or sewer CRC shall state on its face that it is not a guarantee that water and/or sewer will be available to serve the proposed project. (Ord. 1091 § 1, 2007; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 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:

a. 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 wait list referenced in GHMC [19.02.035](#)(G), in the order placed on the wait list;

b. 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;

c. 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 wait list referenced in GHMC [19.02.035](#)(G), in the order placed on the wait list;

d. 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 wait list referenced in GHMC [19.02.035](#)(G), the project will retain its position on the wait list. If an applicant on the wait list is eligible to receive sewer CRCs under subsection (B)(1) of this section but declines the sewer CRCs when

offered, the project will retain its position on the wait list. New projects undergoing the alternative project permit process set forth in GHMC [19.02.035](#) will be placed on the wait list 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 \$500.00 of the deposit to cover the city's administrative and related expenses. (Ord. 1159 § 1, 2009\*; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

\* Code reviser's note: Section 2 of Ordinance 1159 provides as follows: "The provisions of GHMC [19.10.015](#)(B)(3) shall automatically expire on October 1, 2009, unless extended by the city council. The provisions in GHMC [19.10.015](#)(B) shall automatically expire on May 31, 2010, unless extended by the city council."

#### 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. For outside city limits utility extension agreements, capacity shall be reserved as set forth in the agreement between the parties. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 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 applicant in the application for a CRC. The applicant 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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 19.10.018 Denial letter.

A. Roads. If the director determines that there is a lack of concurrency under the above provisions, 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. For Roads.

a. An estimate of the level of the deficiency on the transportation facilities;

and

b. The options available to the applicant such as the applicant's agreement to construct the necessary facilities at the applicant's cost.

2. For Water.

- a. The options available to the applicant such as private water supply or other water purveyor services;
- b. The options available to the applicant such as the applicant's agreement to construct the necessary facilities at the applicant's cost;
- c. 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.

3. For Sewer.

a. The options available to the applicant such as a temporary septic system (for in-city residents), which the applicant would install and agree to remove at his/her own cost when sewer capacity became available (in a development agreement).

4. For All. A statement that the denial letter may be appealed if the appeal is submitted to the city engineer within 10 days after issuance of the denial letter, and that the appeal must conform to the requirements in GHMC [19.06.004](#).

B. In order to appeal from the issuance of a denial letter, the developer shall appeal the denial letter prior to issuance of the city's decision on the underlying development application. If an appeal is filed, processing on the underlying development application shall be stayed until the final decision on the appeal. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

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. In the case of an approved CRC, any mitigation identified by the applicant to be provided by the applicant at the applicant's cost shall be included in the SEPA threshold decision or underlying permit decision (if categorically exempt from SEPA). If a denial letter is not timely appealed, the underlying permit will be processed and in most instances will result in a denial. If a denial letter is appealed, any mitigation or conditions included in the appeal decision shall be included in the SEPA threshold decision or underlying permit decision (if categorically exempt from SEPA). (Ord. 1081 § 4, 2007; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

**Article 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 or termination of the associated development agreement, the director shall convert the reserved capacity to available capacity for the use of other developments. The act of 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 or Sewer. The city shall not extend any water or sewer 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 for water or sewer under this chapter.

D. If a CRC has been granted for a rezone or comprehensive plan amendment, the CRC shall expire when the development agreement for the comprehensive plan or rezone terminates. If there is no associated development agreement, the CRC shall expire within five years after the approval anniversary date. (Ord. 1044 § 1, 2006; Ord. 907 § 1, 2002; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

### **Article VIII. Appeals of Concurrency Determination**

#### **19.10.021 Appeals.**

Upon receipt of an appeal of the denial letter, the director shall handle the appeal as follows:

A. A meeting shall be scheduled with the applicant to review the denial letter and the application materials, together with the appeal statement.

B. Within 14 days after the meeting, the director shall issue a written appeal decision, which will list all of the materials considered in making the decision. The appeal decision shall either affirm or reverse the denial letter. If the denial letter is reversed, the director shall identify the mitigation identified by the applicant to be provided by the applicant at the applicant's cost to be imposed on the application in order to achieve concurrency.

C. The mitigation identified in the appeal decision shall be incorporated into the city's SEPA threshold decision on the application.

D. The appeal decision shall state that it may be appealed with any appeal of the underlying application or activity, pursuant to GHMC [19.06.004](#). (Ord. 1081 § 5, 2007; Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### **19.10.022 Time limit to bring appeal.**

*Repealed by Ord. 1044.* (Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

### **Article 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. With regard to the sewer system, capacity refers to the availability of capacity to treat effluent in the city's wastewater treatment plant to the levels and volume limits in the city's NPDES permit. "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 and or sewer system or road facilities. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 19.10.024 Capacity classifications.

A. There are hereby established two capacity accounts for water, transportation and sewer, to be utilized by the director in the implementation of this chapter. These accounts are:

1. The available capacity account; and
2. The reserved capacity account.

B. 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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 19.10.025 Annual reporting and monitoring.

A. The director is responsible for completion of annual transportation, water and sewer capacity availability reports. These reports shall evaluate reserved capacity and permitted development activity for the previous 12-month period, and determine existing conditions with regard to available capacity for road, sewer 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, six-year transportation plan, for road facilities, based upon LOS standards and the sewer and water comprehensive plans. Forecasts shall be based on the most recently updated schedule of capital improvements, growth projections, water rights, annual water withdrawal volumes, limits of the NPDES permit, public road facility inventories, and revenue projections and shall, at a minimum, include:

1. A summary of development activity;
2. The status of each capacity account;
3. The six-year transportation plan;
4. Actual capacity of selected street segments and intersections, and current

LOS;

5. Recommendations on amendments to CIP and annual budget, to LOS standards, or other amendments to the transportation element of or to the comprehensive plan;

6. Existing water rights and annual withdrawal volumes; and

7. Limits in the city's NPDES permit and finding of available capacity in the city's wastewater treatment plant.

B. 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.

C. 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, utilities 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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 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.

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. (Ord. 1044 § 1, 2006; Ord. 862 § 1, 2001; Ord. 818 § 1, 1999).

#### 19.10.027 Traffic impact analysis standardized format.

Attached to Ord. 1044 codified in this chapter and incorporated herein is the standardized format required for the developer's independent traffic impact analysis. The impact analysis may be completed at the time of submittal of the original application or upon denial of a transportation CRC application. (Ord. 1081 § 6, 2007; Ord. 1044 § 2, 2006).

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Code reviser's note: Because Ord. 1044 renumbered GHMC [19.10.010](#) and [19.10.005](#) as 19.10.005 and 19.10.006, respectively, GHMC [19.10.006](#) through [19.10.009](#) have been editorially renumbered to GHMC [19.10.007](#) through [19.10.010](#) to avoid duplication in numbering.