



**City of Port Orchard Council Meeting Agenda**  
**July 23, 2019**  
**6:30 p.m.**

**Mayor:**

Rob Putaansuu  
Administrative Official

**Councilmembers:**

Bek Ashby (Mayor Pro-Tem)  
**Chair:** ED/Tourism/LT Committee  
**Staff:** Development Director  
Finance Committee  
KRCC / PSRC TransPol / KRCC TransPol  
KRCC PlanPo-alt / PRTPO

Shawn Cucciardi  
Finance Committee  
Land Use Committee  
PSRC EDD-alt

Fred Chang  
Utilities Committee  
Sewer Advisory Committee (SAC)  
**Staff:** Public Works Director

Jay Rosapepe  
ED/Tourism/LT Committee  
Utilities Committee  
**Chair:** Lodging Tax Committee  
Sewer Advisory Committee (SAC)  
KRCC-alt / KRCC TransPol-alt  
Kitsap Transit-alt

John Clauson  
**Chair:** Finance Committee  
**Staff:** Finance Director  
Kitsap Public Health District-alt  
KEDA/KADA-alt

Cindy Lucarelli  
**Chair:** Utilities and SAC Committee  
**Staff:** Public Works Director  
**Chair:** Chimes and Lights Committee  
**Staff:** City Clerk  
KEDA/KADA

Scott Diener  
**Chair:** Land Use Committee  
**Staff:** Development Director  
ED/Tourism/LT Committee

**Department Directors:**  
Nicholas Bond, AICP  
Development Director

Mark Dorsey, P.E.  
Director of Public Works/City Engineer

Tim Drury  
Municipal Court Judge

Noah Crocker, M.B.A.  
Finance Director

Matt Brown  
Police Chief

Brandy Rinearson, MMC, CPRO  
City Clerk

**Contact us:**

216 Prospect Street  
Port Orchard, WA 98366  
(360) 876-4407

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

**2. APPROVAL OF AGENDA**

**3. CITIZENS COMMENTS**

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

**4. CONSENT AGENDA**

*(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)*

**A. Approval of Vouchers and Electronic Payments**

**B. Approval of Payroll and Direct Deposits**

**5. PRESENTATION**

**6. PUBLIC HEARING**

**A. Emergency Moratorium Ordinance in the 580 and 660 Water Zones (Bond) *Page 3***

**7. BUSINESS ITEMS**

**A. Adoption of an Emergency Moratorium Ordinance in the 580 and 660 Water Zones (Bond) *Page 69***

**B. Adoption of an Ordinance Repealing Ordinance No. 952, Codified in Port Orchard Municipal Code Chapter 2.40 "Affirmative Action Program" (Lund) *Page 135***

**C. Adoption of an Ordinance Revising Ordinance No. 010-19 and Clarifying Benefits for Non-Union Employees (Lund) *Page 139***

**D. Adoption of an Ordinance Ratifying the Collective Bargaining Agreements with the Port Orchard Police Guild Representing the Patrol Officers and Sergeants (Crocker) *Page 151***

**E. Adoption of a Resolution Approving the Purchase of Vehicles for the Equipment Rental Revolving Fund 500 (Crocker) *Page 155***

**F. Approval of Change Order No. 24 to Contract No. 037-17 with Active Construction, Inc. for the Tremont Street Widening Project (Dorsey) *Page 175***

**G. Approval of the July 9, 2019, City Council Meeting Minutes *Page 183***

**8. DISCUSSION ITEMS (No Action to be Taken)**

**9. REPORTS OF COUNCIL COMMITTEES**

**10. REPORT OF MAYOR**

**11. REPORT OF DEPARTMENT HEADS**

**12. CITIZEN COMMENTS**

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)*

**13. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

**14. ADJOURNMENT**

**COMMITTEE MEETINGS**

	<b>Date &amp; Time</b>	<b>Location</b>
Finance	TBD	City Hall
Economic Development and Tourism	August 12, 2019; 9:30am	City Hall
Utilities	August 19, 2019; 9:30am	City Hall
Sewer Advisory	August 14, 2019; 6:30pm	City Hall
Land Use	TBD	DCD*
Lodging Tax Advisory	TBD	City Hall
Festival of Chimes & Lights	August 19, 2019; 3:30 pm	City Hall
Outside Agency Committees	Varies	Varies

\*DCD, Department of Community Development, 720 Prospect Street, Port Orchard

**CITY COUNCIL GOOD OF THE ORDER**

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.  
The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.  
Meeting materials are available on the City’s website at: [www.cityofportorchard.us](http://www.cityofportorchard.us) or by contacting the City Clerk’s office at (360) 876-4407.  
The City of Port Orchard does not discriminate on the basis of disability. Contact the City Clerk’s office should you need special accommodations.



**Agenda Staff Report**

Agenda Item No.: <u>Public Hearing 6A</u> Subject: <u>Public Hearing on Emergency Moratorium</u> <u>Ordinance in the 580 and 660 Water Zones</u> _____ _____ _____ _____ _____	Meeting Date: <u>July 23, 2019</u> Prepared by: <u>Nicholas Bond;</u> <u>Mark Dorsey; and</u> Prepared by: <u>Jennifer Robertson,</u> <u>DCD/PW Land Use Atty</u> Atty Routing No.: <u>N/A</u> Atty Review Date: <u>N/A</u>
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**Background:** In 2016, the City Council updated the City's Comprehensive Plan, including updating the Utilities Element. The Utilities Element serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth. This 2016 update was based on the City's Water Facilities Plan which was last updated in 2011.

The City is currently in the process of a complete update to the Water Facilities Plan as required by the State of Washington. This work is expected to be completed by the end of this year or, at the latest, in early 2020. BHC Consultants is providing the consulting services to the City for this update. During the work on updating the water facilities plan, additional data was provided that is more precise as it is based upon *actual* water usage. This more precise data, coupled with the work of reviewing mandated water system design standards, led the City to discover that there are serious deficits in the current water facilities in the 580 and 660 water zones. (See map attached to Ordinance No. 020-19-A.)

In early June 2019, the City received water peaking factor data and calculations, water usage data for the 580-pressure zone, fire storage requirement calculations, and information about the ability of Bremerton to supply water under an agreement between the two cities. All of these factors together demonstrated that the 580 and 660 zones have no existing capacity and are actually over-subscribed with connections. These deficits involve both insufficient water storage facilities and inadequate source supplies. Both source and storage are factors in the equations for determining the number of water connections available in accordance with the Washington State Office of Drinking Water 2009 Water System Design Manual. There are now significant concerns about development and growth in the 580 and 660 water zones due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide continuous uninterrupted water supply.

On June 11, 2019, the City Council adopted the emergency moratorium under Ordinance No. 020-19. This ordinance established a six-month moratorium on the acceptance of certain development permit application in the 580 and 660 water zones of Port Orchard. Specifically, the moratorium placed a "pause" on acceptance of any permits for buildings or structures which need to be connected to water service in these zones.

State law requires a public hearing to be held within 60 days of the adoption of Ordinance No. 020-19. That is the public hearing that is scheduled for the July 23, 2019 council meeting, which is less than 60 days after the adoption of Ordinance No. 020-19.

**Technical Information:** The Cities of Port Orchard and Bremerton rely on a shared reservoir owned by the City of Port Orchard and located in the 580-water system pressure zone. Portions of the 580-pressure zone exist in both the Bremerton and City of Port Orchard Retail Water Service Area.

The City 660 pressure zone is currently undeveloped (the zone includes and approved but unconstructed subdivision) but shares a common water source with the 580 zone. There is presently no water reservoir constructed to serve the 660 zone.

An agreement dated December 26, 2001 stipulates that the City would provide Bremerton with use of City's 580 zone reservoir and the City of Bremerton would supply the City with 350 gallons per minute of water supply to fill the reservoir. This agreement included assumptions and milestone for improvements which were fixed based on old or incomplete information and the standards in place at that time.

On July 10, 2007, the City entered into an agreement with GEM1 LLC for the construction of a new 1,100,000-gallon reservoir to serve the 580-zone. Under the agreement, GEM 1 LLC was to construct a reservoir and be reimbursed by the City. McCormick Communities is the successor to GEM1 LLC. This reservoir has not been constructed by either GEM1 LLC or McCormick Communities. GEM1 LLC had active permits for this construction many years ago, but those permits expired approximately 5 years ago without construction ever being commenced.

Since 2007, at least 145 homes and a regional park have been constructed in the city's portion of the 580 zone and Bremerton has seen full build out of the 294 lot Bayside Plat within Bremerton's portion of the 580 zone.

In a meeting with Bremerton on June 10, 2019, the City was informed that Bremerton would not guarantee more than 350 gallons per minute in continuous uninterrupted supply based on the 2001 agreement between the two cities. In the Port Orchard's planning assumptions, Port Orchard had assumed that it could count on the maximum pumping capacity within the Anderson Hill booster pump station totaling 1,800 gallons per minute.

Several changes have been made to the 580 zone ERU capacity calculations prior to and subsequent to the passing of the moratorium in relation to additional data. Calculation changes and assumptions used to calculate the available ERU capacity of the 580 zone are detailed in the attached technical memorandum entitled *City of Port Orchard – 580 Zone ERU Analysis Comparison* (BHC, July 17, 2019) and summarized below.

Prior to passing the moratorium, the City had assumed that McCormick Wells 1 and 3 were producing at 617 gallons per minute. However, as part of its effort to verify data for the water system plan update, the City learned that these wells are producing at 540 gallons per minute.

The City of Bremerton supplies water to the 580 zone through the Anderson Hill pump station. The maximum capacity of this facility is 1,800 gallons per minute however there is no backup pump or emergency generator for the facility meaning that the supply is not continuous and uninterrupted.

On June 10, 2019, South Kitsap Deputy Fire Marshall Brad Wiggins provided a letter to the City of Port Orchard which increased the fire flow and fire storage requirements in the 580-zone determining that 2,875 gallons per minute for 2 hours was required. Prior to this letter, the maximum fire supply requirement was assumed to be 1,500 gallons per minute for 2 hours.

As part of the water system plan update the City learned that the actual peaking factor in the 580-zone is 3.8. The 2009 Port Orchard water system plan (approved 2011) had assumed that the peaking factor for this area was 2.9.

On June 12, 2019, the City Utility Manager notified the Department of Health Office of Drinking Water of a possible over allocation of water source and storage. The City shared its calculations with the DOH and the DOH confirmed the calculations and supported the City's proactive approach to resolving the matter.

The minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU.

The City of Port Orchard conducted a review of its utility billing software and its permit system to determine how many connections have been permitted in the City's portion of the 580 Zone and found that the City had permitted 976 (the HDR technical memo indicates 975 connections) single family connections (some of these are associated with homes permitted prior to the moratorium and which still under construction), 26 irrigation connections, and 14 nonresidential connections within the City's portion of the 580 zone. Prior to June of 2019, the City had assumed 923 existing residential connections in its planning efforts.

On June 24, 2019, the City received a letter from the City of Bremerton requesting that this moratorium be extended into the portion of the City Bremerton Retail Water Service Area.

On June 25, 2019, Bremerton provided an updated figure on the number of Equivalent Residential Units (ERUs) existing in its portion of the 580 zone and found that their previous number of assumed ERUs, 805 (2017), had increased to 844 single family ERUs assuming an average daily demand of 200 gallons per day per ERU. In this communication from Bremerton, Bremerton stated that they had 844 residential meters, 10 irrigation meters, and 4 commercial water meters (believed to be master meters).

On July 18<sup>th</sup>, the City of Port Orchard received a technical memo from HDR, Inc., the water system engineer representing McCormick Communities. This memo, marked "draft", is dated July 17, 2019 with a subject line "580 Zone Capacity Analysis" and is attached to this report. In this draft memo, HDR concludes that the City of Port Orchard has a small surplus in capacity. However, on page 4, the draft Memo states:

*For the Bremerton intertie, the current agreement between Bremerton and Port Orchard is for the intertie to supply up to 350 gpm. However, HDR was directed that the intertie could have*

*the capacity to supply up to 900 gpm. The capacity analysis assumes that 900 gpm is available from Bremerton through the inertia.*

Although the City is currently negotiating with Bremerton guarantee a higher volume, the cities haven't reached an updated agreement beyond the 350 gpm. Therefore, this assumption is not accurate. Because the City of Port Orchard has not reached an agreement with Bremerton to supply 900 gallons per minute, it appears that McCormick Communities agrees with the City that the 580 zone has more connections than can be supported based on the 350 gallons per minute that Bremerton has currently agreed to provide as a continuous and uninterrupted source.

(The City's consultant, BHC, is currently reviewing the technical aspects of the HDR memo and will be at the Council meeting and available to answer any questions about the HDR draft memo.)

**Process and Alternatives:** On July 23<sup>rd</sup> Council will take testimony on the moratorium during the public hearing. Following the public hearing, during the Council business portion of the meeting, the Council will consider the staff report and the testimony received from the public and may ask questions of staff and the City's water consultant. Following the discussion, Council will deliberate on the moratorium ordinance and decide whether to adopt an amended ordinance, keep the initial ordinance in place, amend the draft amended ordinance based on public testimony, or give direction to bring back an ordinance to repeal the moratorium.

No motion is necessary if the Council does not wish to make any amendments or clarification on emergency Ordinance No. 020-19. Ordinance No. 020-19 would remain in effect for the six-month period (expiring on December 11, 2019).

If Council desires to amend or make clarifications to emergency Ordinance No. 020-19 adopted on June 11, 2019, then two motions are possible:

1. Option 020-19-A: Adopt revised emergency Ordinance 020-19-A, included in Exhibit 1 to the Agenda Bill; **or**
2. Amend Option 020-19-A: Adopt revised emergency Ordinance 020-19-A included as Exhibit 1 to the Agenda Bill but make additional modifications to the ordinance after completion of the Public Hearing.

If Council adopts an amended ordinance, this would also remain in effect for the six-month period (expiring on December 11, 2019).

**Recommendation:** Staff recommends that the City Council conduct the public hearing.

**Fiscal Impact:** N/A

**Attachments:**

1. Ordinance 020-19-A with water zone map attached
2. Redline comparing Ordinance 020-19 with Ordinance 020-19-A

3. Ordinance 020-19 (adopted June 11, 2019)
4. Public Hearing Notice
5. BHC Memo - 580 Zone ERU Analysis Comparison – July 17, 2019
6. HDR Draft Technical Memo - 580 Zone Capacity Analysis – July 17, 2019
7. June 24, 2019 Letter from Bremerton Requesting Moratorium

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## ORDINANCE NO. 020-19-A

**AN ORDINANCE** of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

**WHEREAS**, the City Council adopted the emergency moratorium under Ordinance No. 020-19 on June 11, 2019, which established a six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; and

**WHEREAS**, in accordance with State law, a public hearing on the adoption of Ordinance No. 020-19 was held on July 23, 2019, which is less than 60 days after the adoption of Ordinance No. 020-19; and

**WHEREAS**, the City Council desires to reaffirm Ordinance No. 020-19 and amend it by adopting this updated Ordinance No. 020-19-A to add findings of fact based on additional information obtained by the City, information provided to the City by interested parties, and after conducting the public hearing; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard (City) updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has

discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, these deficits are in both the water storage and in the water source for these zones; and

**WHEREAS**, the prior water system plan assumed that the City's two wells in the 580 zone produced 875 gallons per minute (gpm), however, the recent data shows that the two wells only have a capacity of 540 gpm; and

**WHEREAS**, the source capacity from the City of Bremerton to the 580 zone is only guaranteed at the volume of 350 gpm under an existing agreement between the City of Port Orchard and the City of Bremerton; and

**WHEREAS**, the updated calculations performed by the City's water consultant (BHC Consultants) demonstrate that the source of supply requirements for the 580 zone exceed existing water supply; and

**WHEREAS**, the pump station that serves these zones does not have an emergency generator which means that the supply is not "continuous and uninterrupted"; and

**WHEREAS**, on June 10, 2019, the Fire Marshall who serves the City of Port Orchard informed the City that the fire flow and fire storage requirements in the 580 zone require 2,875 gpm for a 2 hour period. Prior to this notice, the maximum fire flow and storage requirement was assumed to be 1,500 gpm for a 2 hour period;

**WHEREAS**, the City's water consultant recommends that in order to develop additional equivalent residential units (ERUs) in the 580 zone, additional storage and supply must be developed to serve those ERUs; and

**WHEREAS**, the City has consulted with the Department of Health Office of Drinking Water (DOH) about the possible over-allocation of water source and storage in the 580 and 660 zones. DOH reviewed and confirmed the City's calculations and supported the City's imposition of a moratorium on additional connections in these zones until the system deficits were addressed; and

**WHEREAS**, the minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact; Re-Affirmation of Moratorium.** Based on the public hearing held on July 23, 2019, the recitals set forth above are hereby adopted as the City Council's findings of fact in support of the moratorium established by this ordinance. This ordinance re-affirms the findings of fact and the moratorium originally adopted as Ordinance No. 020-19 on June 11, 2019 and adopts additional findings of fact based on the public hearing.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to water, in either the 580 or 660 water service zones, included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.
2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.
3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.
4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).
5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.
6. Permits and approvals for signs.
7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council duly held a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council held this public hearing for July 23, 2019, prior to adoption of this amended ordinance which reaffirmed and amended Ordinance No. 020-19.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium

shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23<sup>rd</sup> day of July 2019.

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Robert Putaansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

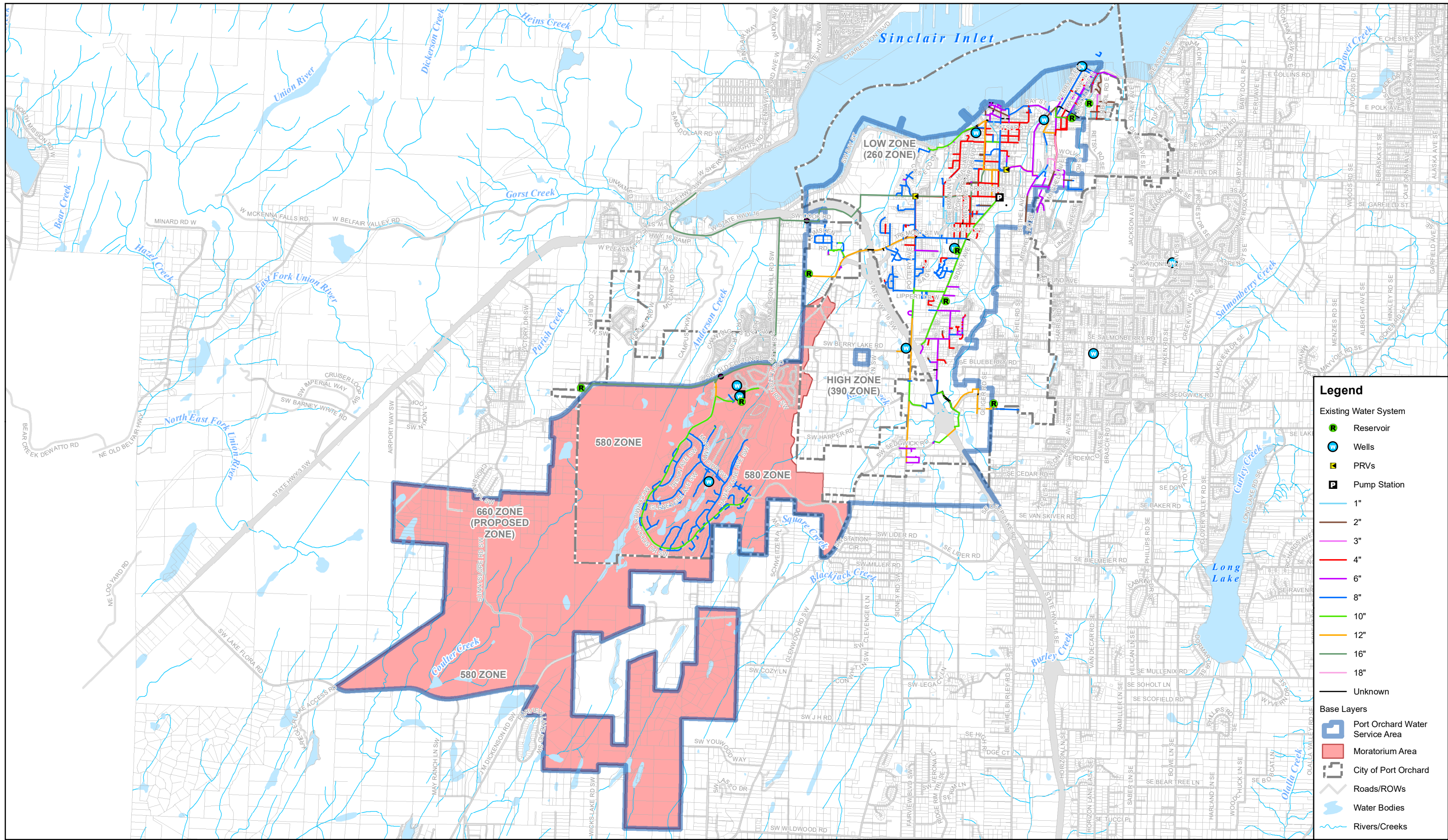
A handwritten signature in blue ink, appearing to read "Jennifer Robertson", written over a horizontal line.

Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED:

EFFECTIVE DATE:





P:\Mapping\Maps\_Generated\Port\_Orchard\projects\17-10527.00\002\maps\Tech Memo\Fig 1 Moratorium Area - 11x17.mxd 6/11/2019 ctolentino

Water System: City of Port Orchard.  
 Kitsap County base data.  
 Data sources supplied may not reflect current or actual conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.  
 BHC Consultants LLC, assumes no responsibility for the validity of any information presented herein, nor any responsibility for the use or misuse of the data.

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**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure  
**1**

**ORDINANCE NO. 020-19-A**

**AN ORDINANCE** of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; ~~recognizing that a public hearing will be held within 60 days;~~ authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

**WHEREAS**, the City Council adopted the emergency moratorium under Ordinance No. 020-19 on June 11, 2019, which established a six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; and

**WHEREAS**, in accordance with State law, a public hearing on the adoption of Ordinance No. 020-19 was held on July 23, 2019, which is less than 60 days after the adoption of Ordinance No. 020-19; and

**WHEREAS**, the City Council desires to reaffirm Ordinance No. 020-19 and amend it by adopting this updated Ordinance No. 020-19-A to add findings of fact based on additional information obtained by the City, information provided to the City by interested parties, and after conducting the public hearing; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard (City) updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, these deficits are in both the water storage and in the water source for these zones; and

**WHEREAS**, the prior water system plan assumed that the City's two wells in the 580 zone produced 875 gallons per minute (gpm), however, the recent data shows that the two wells only have a capacity of 540 gpm; and

**WHEREAS**, the source capacity from the City of Bremerton to the 580 zone is only guaranteed at the volume of 350 gpm under an existing agreement between the City of Port Orchard and the City of Bremerton; and

**WHEREAS**, the updated calculations performed by the City's water consultant (BHC Consultants) demonstrate that the source of supply requirements for the 580 zone exceed existing water supply; and

**WHEREAS**, the pump station that serves these zones does not have an emergency generator which means that the supply is not "continuous and uninterrupted"; and

**WHEREAS**, on June 10, 2019, the Fire Marshall who serves the City of Port Orchard informed the City that the fire flow and fire storage requirements in the 580 zone require 2,875 gpm for a 2 hour period. Prior to this notice, the maximum fire flow and storage requirement was assumed to be 1,500 gpm for a 2 hour period;

**WHEREAS**, the City's water consultant recommends that in order to develop additional equivalent residential units (ERUs) in the 580 zone, additional storage and supply must be developed to serve those ERUs; and

**WHEREAS**, the City has consulted with the Department of Health Office of Drinking Water (DOH) about the possible over-allocation of water source and storage in the 580 and 660 zones. DOH reviewed and confirmed the City's calculations and supported the City's imposition of a moratorium on additional connections in these zones until the system deficits were addressed; and

**WHEREAS**, the minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

~~**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and~~

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to

ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact; Re-Affirmation of Moratorium.** Based on the public hearing held on July 23, 2019, the recitals set forth above are hereby adopted as the City Council's ~~initial~~ findings of fact in support of the moratorium established by this ordinance. ~~The City Council may, in its discretion, adopt~~ This ordinance re-affirms the findings of fact and the moratorium originally adopted as Ordinance No. 020-19 on June 11, 2019 and adopts additional findings ~~after~~ of fact based on the public hearing ~~referenced in Section 5 below.~~

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need

to be connected to water, in either the 580 &or 660 water service zones, included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.
2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.
3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.
4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).
5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.
6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council ~~shall hold~~duly held a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council ~~hereby schedules~~held this public hearing for July 23, 2019, prior to adoption of this amended ordinance which reaffirmed and amended Ordinance No. 020-19.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of

which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this ~~11<sup>th</sup>~~<sup>23<sup>rd</sup></sup> day of ~~June~~<sup>July</sup> 2019.

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Robert Putaansuu, Mayor



ATTEST:

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Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:



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Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED:

EFFECTIVE DATE:

**ORDINANCE NO. 020-19**

**AN ORDINANCE of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.**

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard ("City") updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to

construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive

Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 5 below.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to the 580 & 660 water service zones included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit

Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.

2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.

3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.

4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).

5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.

6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council hereby schedules this public hearing for July 23, 2019.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community

Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

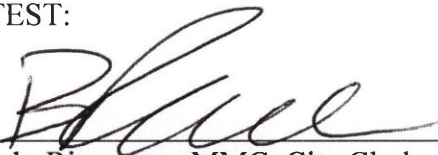
**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 11<sup>th</sup> day of June 2019.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk

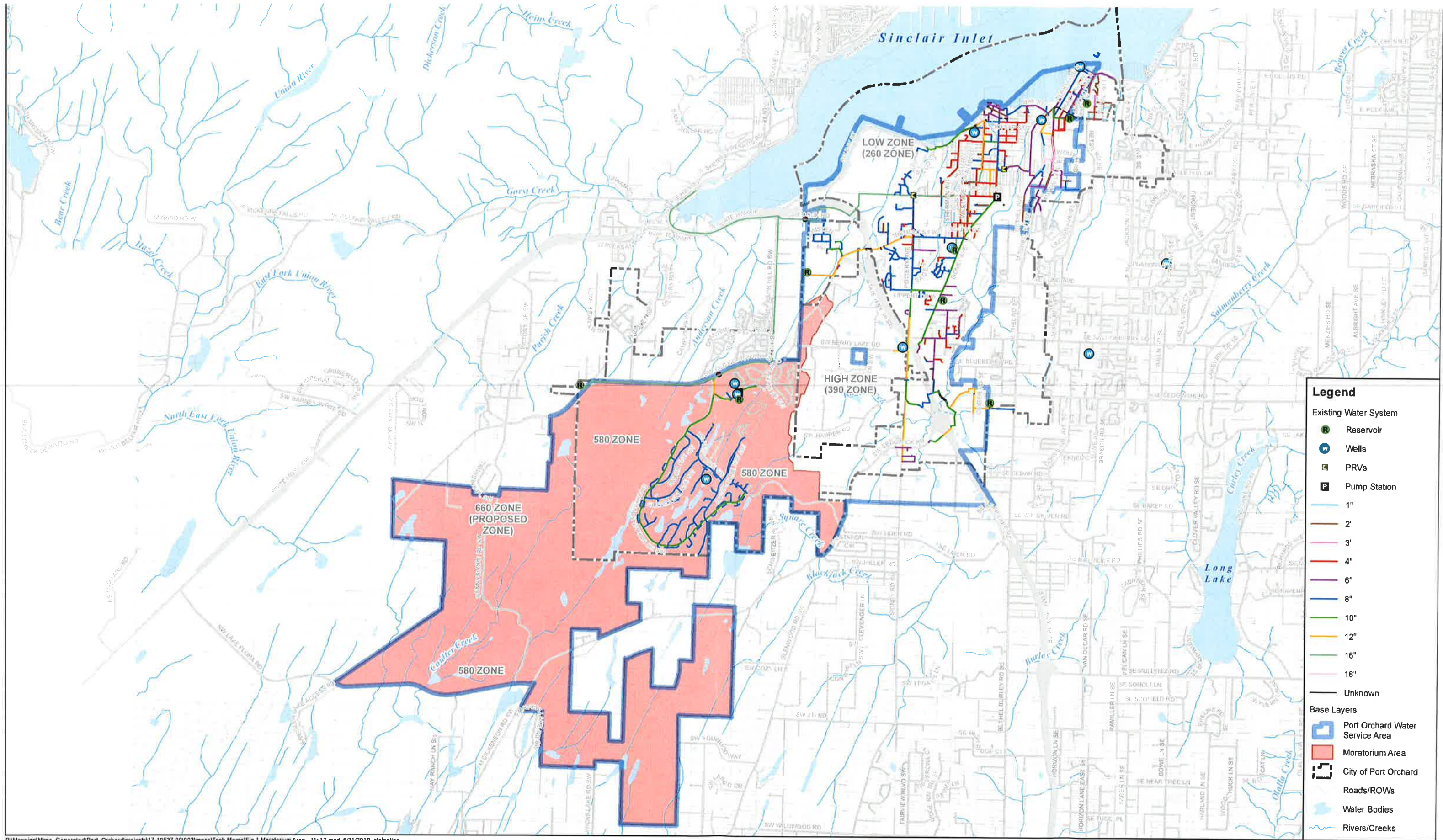


APPROVED AS TO FORM:



Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED: June 21<sup>st</sup>, 2019  
EFFECTIVE DATE: June 11<sup>th</sup>, 2019



P:\Mapping\Maps\_Generated\Port\_Orchard\projects\117-10527.001002\maps\Tech Memo\Fig 1 Moratorium Area - 11x17.mxd 6/11/2019 ciolentino

Water System: City of Port Orchard.  
 Kitsap County base data.  
 Data sources supplied may not reflect current or actual conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.  
 BHC Consultants LLC, assumes no responsibility for the validity of any information presented herein, nor any responsibility for the use or misuse of the data.

0 1,250 2,500 5,000

Page 32 of 188



**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure  
**1**





**NOTICE OF CITY OF PORT ORCHARD  
ORDINANCE**

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held June 11, 2019.

**ORDINANCE NO. 020-19**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF CERTAIN DEVELOPMENT IN THE 580 & 660 WATER ZONES OF PORT ORCHARD; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; PROVIDING FOR EXCLUSIONS; RECOGNIZING THAT A PUBLIC HEARING WILL BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETATIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

Copies of Ordinance No. 020-19 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request, a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 020-19 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson  
City Clerk

Published: Friday, June 21, 2019

# Classified Proof

Client	94964 - City of Port Orchard-LEGALS	Phone	(360) 876-7030		
Address	216 Prospect Street	E-Mail	mthomas@cityofportorchard.us		
	Port Orchard, WA, 98366	Fax			
Order#	861769	Requested By	MICHELLE THOMAS	Order Price	\$19.27
Classification	9908 - POI Legals	PO #		Tax 1	\$0.00
Start Date	06/21/2019	Created By	1683	Tax 2	\$0.00
End Date	06/21/2019	Creation Date	06/17/2019, 03:33:04 pm	Total Net	\$19.27
Run Dates	1			Payment	\$0.00
Publication(s)	Port Orchard Independent				
Sales Rep	1683 - Holland, Lisa	Phone	(360) 394-8714		
		E-Mail	lholland@soundpublishing.com		
		Fax	(360) 598-6800		

CITY OF  
PORT ORCHARD  
NOTICE OF  
PUBLIC HEARING

The Port Orchard City Council will hold a public hearing during its regularly-scheduled meeting on Tuesday, July 23, 2019 at 6:30 pm in the Council Chambers at City Hall, to take testimony and comment on Ordinance No. 020-19, which was adopted by the City Council on June 11, 2019. This ordinance declares an emergency and provides for a temporary six-month limited moratorium on the acceptance of certain development in the 580 and 660 water zones within the City of Port Orchard. In accordance with RCW 35A.63.220 and 36.70A.390, a public hearing must be held within 60 days of adoption of this emergency ordinance.

Ordinance No. 020-19 can be viewed online at: <https://www.cityofportorchard.us/documents/ordinance-no-020-19-port-orchard-emergency-water-moratorium/> or at the front counter of the Department of Community Development at 720 Prospect Street, Port Orchard.

Any person or public agency expressing an interest is invited to at-

tend the public hearing and/or submit written comments to the Department of Community Development on or before 4:00 PM, July 23, 2019. For further information, contact the Department of Community Development, City of Port Orchard, (360) 874-5533 or [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us).  
Published: Port Orchard Independent  
June 21, 2019  
Legal #: POI



## TECHNICAL MEMORANDUM

**Date:** July 18, 2019  
**To:** Mike Pleasants, PE, Assistant City Engineer; Jacki Brown, Water System Manager; City of Port Orchard  
**From:** Jim Gross, PE; Lauren Miller, EIT  
**CC:** Mark Dorsey, PE, Director of Public Works/City Engineer; Nick Bond, Community Development Director  
**Subject:** City of Port Orchard – 580 Zone ERU Analysis Comparison

BHC Consultants, LLC (BHC) is under contract to complete the Water System Plan (Plan) update for the City of Port Orchard (City). As part of this Plan update, BHC completed an analysis of Equivalent Residential Units (ERUs) in the City's McCormick Woods 580 Zone. The City's McCormick Woods 580 Zone provides storage and supply to the City of Bremerton's (Bremerton) 580 Zone. For the purpose of this memo, the City's McCormick Woods 580 Zone is referred to as the "McCormick 580 Zone" and the McCormick and Bremerton 580 Zones are referred to collectively as the "aggregate 580 Zone".

Calculations in relation to the ERU capacity of the 580 Zone were completed by BHC in January 2019 and updated in March and June through July (current calculations). The assumptions from the March calculations were substantially the same as those used in the January calculations. However, the March calculations included an assessment of supply limitations which was not assessed in the January calculations. Because storage was the limiting capacity factor, the results produced from both the January and March calculations were approximately the same. Accordingly, only the March calculations are included in Table 1.

Methodology used in the current calculations is summarized below:

- Required Standby Storage was calculated using 200 gallons per ERU, as stated in Section 9.04 of the DOH Water System Design Manual (WSDM) (2009).
- Equalizing storage was calculated using Equation 9-1 of the DOH WSDM (2009).
- Peak hour demands were calculated using Equation 5-1 of the DOH WSDM (2009).
- ADD per ERU was calculated using 2015-2017 production data provided by the City and Bremerton and master meter data provided by Bremerton.
- Average day demands for McCormick Park were not available. Because the account opened in late 2018, an entire year of data is not yet available to calculate the account's average day demand. An additional 17,000 gpd was included in the McCormick 580 Zone average day demand (included in the total "gpd/ERU" value) to account for McCormick Park demands based on recent usage (Mark Dorsey, 6/26/19 email).
- The average day demand (ADD) to maximum day demand (MDD) peaking factor was calculated based on the maximum month's average day demand (MMAD) multiplied by



a factor of 1.7 per Section 5.2.1 of the DOH WSDM (2009). The largest resulting peaking factor between 2015 and 2017 was used.

- Required fire flow of 2,875 gpm for 2 hours per guidance from the Deputy Fire Marshal for the largest/most critical structure at 4100 SW Old Clifton Road (Brad Wiggins, letter dated June 10, 2019).

Table 1 compares assumptions and values calculated in the 2009 Plan for years 2008 (historical) and 2020 (projected) to calculations completed in March and current calculations.

<b>Table 1 Comparison of 580 Zone Storage and Supply Capacity Calculations</b>				
<b>Parameter</b>	<b>2009 Plan (2008)</b>	<b>2009 Plan (2020)</b>	<b>3/2019 Calculations (2018)</b>	<b>Current Calculations (2019)</b>
<b>Demand</b>				
McCormick Non-Residential gpd/ERU	-	-	-	57
McCormick Residential gpd/ERU	260	240	240	260 <sup>(5)</sup>
Bremerton Residential gpd/ERU	-	-		200 <sup>(5)</sup>
Aggregate Residential gpd/ERU	260	240		231
McCormick Non-Residential ERUs	-	-	-	244
McCormick Residential ERUs	814	2,414	1,932	976
Bremerton Residential ERUs	-	-		895
Aggregate ERUs	814	2,414		1,932
McCormick ADD (mgd)	0.21	0.58	0.49	0.32
Bremerton ADD (mgd)	-	-		0.18
Aggregate ADD (mgd)	0.21	0.58		0.50
McCormick MDD/ADD PF	2.9	2.9	4.0	3.8
Bremerton MDD/ADD PF	-	-		3.3
Aggregate MDD (gpm)	420	1,083	1,370	1,247
Aggregate PHD (gpm)	818	2,158	2,370	2,182
<b>Supply</b>				
Well Capacity (gpd)	875	1,025	617	540
Bremerton Supply (gpm)	350	350	1,800	350
Assumed Pumping (hr/day) <sup>(1)</sup>	18			
Available Daily Supply (gpm)	950	1,100	2,263	755

**Table 1 Comparison of 580 Zone Storage and Supply Capacity Calculations**

Parameter	2009 Plan (2008)	2009 Plan (2020)	3/2019 Calculations (2018)	Current Calculations (2019)
Required MDD+FSS (gpm) <sup>(2)</sup>	509	1,166	1,441	1,327
Supply Surplus/(Deficit) (gpm)	441	(66)	822	(572)
<b>Storage</b>				
Total Storage (MG)	0.57	0.57	0.45	0.45
Operating Storage (MG)	0.01	0.01	0.05	0.05
Dead Storage (MG)	0	0	0	0
Total Effective Storage	0.56	0.56	0.40	0.40
Equalizing Storage (MG)	0	0.15	0	0.19
Standby Storage (MG) <sup>(3)</sup>	0.16	0.79	0.39	0.42
FSS (MG)	0.36	0.36	0.31	0.35
Total Required Storage (MG) <sup>(4)</sup>	0.52	1.3	0.39	0.62
Storage Surplus/(Deficit) (MG)	0.04	(0.74)	0.01	(0.22)

**Notes:**

1. MDD must be provided within 18 hours per day in accordance with recommendations included in Section 5.7.1 of the DOH WSDM. The Bremerton supply is assumed to be capable of operating 24 hours per day. Well sources are assumed to operate 18 hours per day.
2. Sources must be capable of replenishing depleted fire suppression storage (FSS) within 72 hours while concurrently supplying MDD for the water system in accordance with recommendations included in Section 5.7.1 of the DOH WSDM.
3. Standby storage in the 2009 Plan for 2020 was calculated using DOH Equation 9-2 (water systems with a single source) for the proposed McCormick West Zone and the Glenwood JPA. The 2019 standby storage requirement was calculated using the greater of DOH WSDM Equation 9-3 for water systems with multiple sources and 200 gallons per ERU (per DOH recommendation).
4. Required storage in the 2009 Plan was calculated as the combination of equalizing, standby, and FSS (stacked storage). Required storage in the current calculations represent the combination of equalizing storage and the greater of standby and FSS (nested storage). Nesting of FSS and standby storage is permitted by the fire marshal per 11-28-18 phone call with Brad Wiggins, Deputy Fire Marshal.
5. The total McCormick demand per ERU in the current calculations includes only residential demands based on 2015 through 2017 production and master meter data. The Bremerton gpd/ERU includes both residential and non-residential demands as residential demands account for the vast majority of Bremerton 580 demands. Because demands are based on production data, leakage is accounted for in gpd/ERU values.



Differences between the calculations primarily resulted from variation in the assumed number of ERUs, peaking factor, supply, and storage calculation method. Variability across each of these components is discussed below.

### **Total ERUs**

The total number of ERU's projected in the 2009 Plan for 2020 is significantly higher than that of the current ERUs in the aggregate 580 Zone. While the 2009 Plan did not account for demands from the Bremerton 580 Zone, the total projected ERUs in the McCormick 580 Zone in 2020 exceeded the current number of ERUs in the aggregate Zone. ERUs used in the March calculations included some parcels that had not yet been permitted. The current calculations include 976 residential ERUs in the McCormick 580 Zone (831 residential accounts and 145 permitted parcels) (Nick Bond, 7/2/19 email) and 895 residential units in Bremerton's 580 Zone (Ned Lever, 6/26/19 email).

### **Peaking Factor**

The peaking factor used in the 2009 Plan does not appear to be based on actual demand or production data. The plan discusses the McCormick 580-Zone reaching peak day peaking factor of 4.0; however, it attributes the high factor to "operational issues leading to reservoir overflows" and instead assigns a peaking factor of 2.9 to the zone. The peaking factor used in the March calculations was based on daily well production data and bimonthly production data from Bremerton between 2015 and 2017. Bremerton subsequently provided input indicating that the Bremerton supply was not consistently operated in relation to demands or reservoir levels. The peaking factor used in the current calculations was calculated based on the maximum bimonthly well production and bimonthly production data from Bremerton between 2015 and 2017 and a maximum day/maximum month peaking factor of 1.7 per the DOH WSDM. The largest peaking factor calculated across this time period was used for each system.

### **Supply**

The total well capacity within the 580 Zone was listed as 875 gpm in the 2009 Plan. Data provided from the City for 2017 indicated a lower capacity of 617 gpm; this total was used in the March calculations. Subsequently, the City provided an updated combined well capacity of 540 gpm; this total was used in the current calculations.

By agreement, Bremerton supplies up to 350 gpm to the 580 Zone. Bremerton indicated in early 2019 that the capacity of the station that supplies the 580 Zone is 1,800 gpm, and this volume could be available to the aggregate 580 Zone. Accordingly, a total Bremerton supply of 1,800 gpm was used in the March calculations. In subsequent discussions, Bremerton indicated it could only guarantee 350 gpm would be available to the 580 Zone. The current calculations assume 350 gpm available supply from Bremerton.

### **Storage Methodology**

The 2009 plan calculated the required storage as the total of equalizing, standby, and FSS (stacked storage). Required storage in the current calculations represent the combination of equalizing storage and the greater of standby and FSS (nested storage). Nesting of FSS and standby storage is permitted by the deputy fire marshal (Brad Wiggins, 11/28/18 phone call).





The 2009 Plan did not provide input on the methodology used to determine operational storage. BHC calculations used current SCADA set points on the 0.45 MG tank to calculate operational storage. The 2009 Plan included 0.12 MG of storage from the two 0.06 MG equalizing tanks at the well site. These tanks were excluded from both the March and current calculations at the direction of the City. The 2009 plan did not include dead (unpumpable) storage in the 0.06 MG tanks and there is no indication that operating storage was considered in these tanks. Accordingly, the actual volume that could be provided by these tanks is significantly less than 0.12 MG.

With the assumptions included in both the 2009 Plan and the current calculations, the existing quantity of ERUs exceeds the storage capacity of the 580 Zone. Under the current calculations, the source of supply requirements exceed the existing supply. In order to develop additional ERUs in either the McCormick or the Bremerton 580 Zone, additional storage and supply must be developed.

# Technical Memorandum - DRAFT



**To:** Greg Krabbe, McCormick Communities, LLC  
**From:** David Kuhns, PE  
Tom Bell-Games, PE  
**Date:** July 17, 2019  
**Subject:** 580 Zone Capacity Analysis

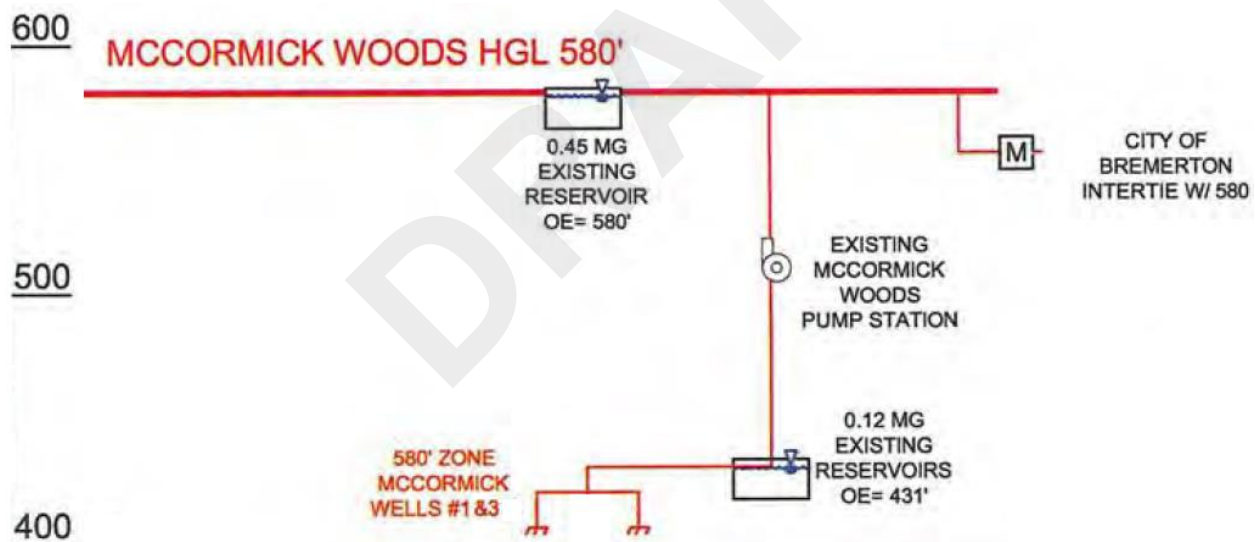
## Background

The McCormick Woods system, referred to as the 580 Zone, is part of the Port Orchard water system but is physically separate from the rest of the Port Orchard Water System. The 580 Zone also serves areas that reside in both the City of Port Orchard and the City of Bremerton.

Water for the 580 Zone comes from two sources: ground water wells on the Port Orchard side (Wells # 1 and #3) and an intertie with Bremerton (which is pumped from a Bremerton Pump Station).

Three storage tanks exist in the 580 Zone. The two wells pump into two parallel tanks with an overflow elevation of 431 (referred to in this TM as the McCormick 431 Reservoirs). The McCormick Woods Pump Station then lifts water from the McCormick 431 Reservoirs to the 580 Zone hydraulic grade line (HGL) which has a single reservoir (referred to in this TM as the McCormick 580 Reservoir). A schematic of the 580 Zone is shown in Figure 1.

**Figure 1. HGL Schematic of 580 Zone**



Source: City of Port Orchard 2009 Water System Plan

Recent analysis work by another consulting firm of the 580 Zone determined that the system currently has a deficiency for storage requirements causing a moratorium to be placed on new construction within the zone. HDR performed a separate analysis to determine the capacity of the zone to determine if there is a surplus capacity. That analysis is summarized in this TM.

## Data for Analysis

This section provides a summary of the data provided to HDR to complete a capacity analysis.

### Source Production Data

HDR was provided production data for the sources feeding the 580 Zone.

For the City of Bremerton intertie supply, HDR was provided a spreadsheet consisting of bi-monthly (every two months) volumes pumped by Pump Station 2A (PS 2A) which feeds the intertie. This covered a period from 1/20/2015 through 5/21/2018. For each bi-monthly period, the spreadsheet calculates the average daily pumped flow. In reviewing the spreadsheet, HDR made two modifications causing the gallons per day volumes used in HDR's analysis to differ from what was originally presented in Bremerton's spreadsheet. First, the spreadsheet includes a column for "Days in Cycle" which are manually entered values and are used to calculate average gallons per day in each cycle. Looking at the "Date Begin" and "Date End Read" columns corresponding to the "Days in Cycle", some of the manually entered values were off, which HDR corrected. HDR also changed the conversion of cubic feet (cft) to gallons (gal) from 7.48 gal/cft to 7.48052 gal/cft. For the days between 1/1/2015 and 1/20/2015, it was assumed that the average daily volume was equal to those in the first bi-monthly period starting on 1/20/2015.

For the City of Port Orchard, HDR was provided a number of spreadsheets consisting of daily pumped volumes for Wells #1 and #3. This covered a period from 1/1/2015 through 12/31/2017. For most of the time frame, HDR also received PDF scans of the original daily hand note recordings of pumped volumes. In reviewing the production data, HDR noticed several errors in the spreadsheet and made corrections based on the hand notes. For days where a daily read was skipped and two days flow were recorded in one day, the volume was equally split between both days.

The source production data was used to develop peaking factors for the system.

### Consumption Data

HDR was provided consumption data for service connections within the 580 Zone.

For the City of Bremerton, HDR received individual meter reads for all Bremerton connections within the 580 Zone spanning a time frame from 1/7/2016 through 12/28/2018. The data included the following customer classes: commercial, irrigation, multi-family, and residential.

For the City of Port Orchard, HDR received individual meter reads for all Port Orchard connections within the 580 Zone spanning a time frame from 1/13/2014 through 12/31/2018. The data included the following customer classes: irrigation, other, and residential, as well as hydrant flows for serving construction demands.

The consumption data was used to determine the number of active single family residential units per year and value of an equivalent residential unit (ERU), and when paired with source production data, the quantity of non-retail sales.

### Service Elevation

HDR was provided information that the highest service connection directly served by the McCormick 580 reservoir is at an elevation of 480 ft. No connections are directly served by the McCormick 431 Reservoirs.

### Reservoir Sizes

The sizes of the reservoirs were based off of information presented in Port Orchard's 2009 Water System Plan (WSP) as summarized in Table 1.

**Table 1. 580 Zone Reservoir Geometry**

Reservoir	Overflow Elevation	Bottom Elevation	Diameter
McCormick 431 (typical of two)	431 ft	416 ft <i>(based on 15 ft height in WSP)</i>	25 ft
McCormick 580	580 ft	538 ft <i>(based on 42 ft height in WSP)</i>	42.7 ft <i>(based on 42 ft height and 0.45 Mgal capacity in WSP)</i>

## Operating Rules and Capacities

HDR was provided operating rules and capacities for the Port Orchard side of the system. These are summarized in Table 2, Table 3, Table 4, and Table 5 below.

**Table 2. Well Pumping Capacity**

Wells Operating	Capacity (gpm)
Well #1 Only	128
Well #3 Only	423
Well #1 and Well #3	540

**Table 3. McCormick Woods Pump Station Pumping Capacity**

Pumps Operating	Capacity (gpm)
Pump 1 Only	198
Pump 2 Only	338
Pump 3 Only	356
Pump 1 and 2	519
Pump 2 and 3	665
Pump 1, 2, and 3	793

**Table 4. Well Operating Rules**

Condition	Level in McCormick 431 Reservoirs (ft)
All Off	13 ft
Lead On	12.6 ft
Lag On	12 ft

**Table 5. McCormick Woods Pump Station Operating Rules**

Condition	Level in McCormick 580 Reservoir (ft)
All Off	41.5 ft
Lead On	39.5 ft
Lag On	39 ft
Lag 2 On	36.5 ft

For the Bremerton intertie, the current agreement between Bremerton and Port Orchard is for the intertie to supply up to 350 gpm. However, HDR was directed that the intertie could have the capacity to supply up to 900 gpm. The capacity analysis assumes that 900 gpm is available from Bremerton through the intertie.

## Water Use Factors

### MDD/ADD Peaking Factor

The maximum day demand (MDD) to average day demand (ADD) peaking factor is used to estimate MDD given an ADD. The historical MDD/ADD peaking factors were calculated for both the Port Orchard and Bremerton supplies, as well as for the overall 580 Zone.

To complete this analysis, the total daily source production was found by totaling the daily production from Port Orchard's Wells #1 and #3, and Bremerton's PS 2A. Because PS 2A data is read on a bi-monthly basis, the daily production for PS 2A was based on the average day production from the bi-monthly total.

For estimating the MDD for Bremerton, the Bremerton production was peaked by a factor of 1.35. This is based on guidance from the Draft Department of Health (DOH) Water System Design Manual (WSDM) (revised September 2018), which recommends using a MDD to Max Month Average Day Demand (MMADD) peaking factor of 1.35 for systems serving 1,000 to 100,000 people and 1.65 for systems serving fewer than 1,000 people. As the population is greater than 1,000, the 1.35 peaking factor was used. Because Port Orchard data was done on a daily basis, no peaking factor had to be assumed to determine MDD for Port Orchard production.

Table 6, Table 7, and Table 8 provide a summary of source production demands for the overall 580 Zone, Port Orchard source, and Bremerton source, respectively.

**Table 6. Overall 580 Zone Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	397,305	406,154	410,493	404,651
MDD (gpd)	1,305,396	1,322,930	1,320,347	1,316,224
ADD (gpm)	276	282	285	281
MDD (gpm)	907	919	917	914
MDD/ADD	3.29	3.26	3.22	3.25

gpd = gallons per day

**Table 7. Port Orchard Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	214,041	239,102	296,929	250,024
MDD (gpd)	790,812	918,732	765,280	824,941
ADD (gpm)	149	166	206	174
MDD (gpm)	549	638	531	573
MDD/ADD	3.69	3.84	2.58	3.37

**Table 8. Bremerton Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	183,265	167,051	113,564	154,627
MDD (gpd)	531,480	471,325	624,149	542,318
ADD (gpm)	127	116	79	107
MDD (gpm)	369	327	433	377
MDD/ADD	2.90	2.82	5.50	3.74

As shown on Table 6, the MDD/ADD peaking factor has been trending downward. Therefore, the MDD/ADD peaking factor for 2017 of 3.22 was used for the capacity analysis.

## Equivalent Residential Units (ERUs)

From the consumption data provided from each city, for each year covered by the data, the number of active residential connections and annual residential demand was determined to calculate the value of an ERU. An ERU is calculated by taking the annual residential demand and dividing by the number of residential connections. Active residential connections were determined by totaling the number of residential accounts that had a consumption more than zero in a given year. Meter read demands were grouped into a year based on the date of the meter read. After determining the value of an ERU, the number of ERUs associated with non-residential customer classes and for non-retail sales could be determined by dividing the consumption by the value of an ERU.

Table 9 and Table 10 provide a summary of the historical active accounts and consumption for Port Orchard. Table 11 and Table 12 provide this for Bremerton, while Table 13 and Table 14 provide this information for the overall 580 Zone.

**Table 9. Port Orchard Number of Active Accounts**

Account Type	2014	2015	2016	2017	2018
Residential	861	866	878	906	975
Irrigation	18	19	18	23	24
Other	11	11	11	11	12
<b>Total</b>	<b>890</b>	<b>896</b>	<b>907</b>	<b>940</b>	<b>1,011</b>

**Table 10. Port Orchard Consumption**

Account Type	Metered Consumption (gallons)				
	2014	2015	2016	2017	2018
Residential	66,236,000	73,306,220	69,783,600	68,938,000	75,844,300
Irrigation	8,810,000	11,338,000	11,606,000	11,262,000	12,061,990
Other	2,153,000	2,282,000	2,216,000	1,833,000	1,963,000
Construction	0	0	2,216,000	1,768,800	1,881,600
<b>Total</b>	<b>77,199,000</b>	<b>86,926,220</b>	<b>85,821,600</b>	<b>83,801,800</b>	<b>91,750,890</b>

**Table 11. Bremerton Number of Active Accounts**

Account Type	2014	2015	2016	2017	2018
Residential	Data not Provided		726	809	883
Irrigation			8	9	10
Commercial			3	4	3
Multi-family					1
<b>Total</b>					<b>737</b>

**Table 12. Bremerton Consumption**

Account Type	Metered Consumption (gallons)				
	2014	2015	2016	2017	2018
Residential	Data not Provided		48,723,619	54,282,393	57,840,129
Irrigation			4,489,808	4,043,969	6,748,177
Commercial			3,740	5,236	5,984
Multi-family					65,829
<b>Total</b>					<b>53,217,167</b>

**Table 13. Overall 580 Zone Active Accounts**

Account Type	2016	2017	2018
Residential	1,604	1,715	1,858
Irrigation	26	32	34
Other (including Multi-Family)	14	15	16
<b>Total</b>	<b>1,644</b>	<b>1,762</b>	<b>1,908</b>

**Table 14. Overall 580 Zone Consumption**

Account Type	Metered Consumption (gallons)		
	2016	2017	2018
Residential	118,507,219	123,220,393	133,684,429
Multi-Family	0	0	65,829
Irrigation	16,095,808	15,305,969	18,810,167
Other (including Multi-Family)	2,219,740	1,838,236	1,968,984
Construction Hydrant Usage	2,216,000	1,768,800	1,881,600
<b>Total</b>	<b>139,038,767</b>	<b>142,133,399</b>	<b>156,411,009</b>

**Table 15. Calculation of Non-Retail Consumption**

Demand	2016	2017
Total Source Production (gal)	148,652,193	149,830,018
Total Retail Consumption (gal)	139,038,767	142,133,399
Total Non-Retail Consumption (gal)	9,613,426	7,696,619
Non Retail Sales Percent of Production	6.47%	5.14%

Given the source and consumption data, the non-retail consumption (which includes distribution system losses) is given in Table 15. Table 16 provides a summary of the historical ERUs by city and for the overall 580 Zone. Table 17 shows the historical number of ERUs within the 580 Zone. The current number of ERUs within the 580 Zone is assumed to be equivalent to what was in the zone based on 2018 data. This places the current number of ERUs in the zone as 2,255 (excluding construction demands).

**Table 16. ERU Values**

Location	ERU <sub>ADD</sub> by Year and Location (gpd/ERU)				
	2014	2015	2016	2017	2018
Port Orchard	210.76	231.92	217.16	208.47	213.12
Bremerton	Data Not Available		183.37	183.83	179.46
Overall 580 Zone	Data Not Available		201.86	196.85	197.13

**Table 17. Overall 580 Zone ERUs by Class**

Account Type	Number of ERUs <sup>a</sup>		
	2016	2017	2018
Residential	1,604	1,715	1,858
Multi-Family	0	0	1
Irrigation	218	213	261
Other (including Multi-Family)	30	26	27
Construction Hydrant Usage	30	25	26
Non-Retail	130	107	107 <sup>b</sup>
<b>Total</b>	2,012	2,085	2,281
<b>Total Excluding Construction</b>	1,982	2,061	2,255

<sup>a</sup> Number of ERUs in each year based on the overall 580 Zone value of an ERU for the corresponding year (found in Table 16). For non-residential account types, the number of ERUs is calculated by taking the account types consumption (found in Table 14) divided by the value of an ERU for the corresponding year.

<sup>b</sup> Because production information was not available for 2018, the non-retail ERUs for 2018 was assumed to be equal to 2017.

For determining capacity of the system, the values for ERUs for each system and for the overall 580 Zone are summarized in Table 18. These values are based on a 3-year average from 2016 - 2018.



**Table 18. Assumed ERU Values for Planning**

Location	ERU <sub>ADD</sub> (gpd/ERU)
Port Orchard	212.92
Bremerton	182.22
Overall 580 Zone	198.61

## Storage Capacity Analysis

### Methodology

A storage capacity analysis was completed to determine the current surplus (or deficiency) in storage given current system demands as well as the maximum supported number of ERUs given the current system infrastructure. This is done by comparing the volume of existing water storage provided by the reservoirs in the water system, to the volume of storage required to serve the current and maximum possible demands.

The storage capacity analysis only looks at supply/demand flow rates, existing reservoir volumes, and system elevations for determining the capacity of the storage facilities. Additional analyses that take into consideration the movement of water through the distribution system and associated impacts on pressure (such as head loss) are not completed as part of this analysis.

There are five types of storage volumes that must be accounted for per Washington Administrative Code (WAC) 246-290-235. These are described below and shown on Figure 2 (page 9).

- Operational Storage (OS)** - the volume of storage associated with source or booster pump normal cycling times under normal operating conditions. For this analysis, this is calculated as the volume of water that is delivered to the system from the storage facility between the storage facility's sources being off to when the lead source turns on. Operating storage must be provided at a pressure of at least 30 psi per DOH requirements.
- Equalizing Storage (ES)** - the volume of storage needed to supplement supply to consumers when peak demands exceed the source capacity. Equalizing storage must be provided at a pressure of at least 30 psi per DOH requirements. Equalizing storage volume is calculated as the difference in peak hour demand to supply capacity (all sources online) multiplied by 150 minutes.
- Standby Storage (SS)** - the volume of stored water available for use during a loss of source capacity or power, or similar short-term emergency. This storage component is equal to the greater of (1) the amount of storage required to meet average day demands for two days if the largest source supplying the storage facility is out of service, or (2) 200 gallons per the number of ERUs served by the facility. Standby storage must be provided at a pressure of at least 20 psi during maximum day demand (MDD).
- Fire Suppression Storage (FSS)** - the volume of stored water available during fire suppression activities. This is calculated to be the volume associated with the highest fire demand (flow × duration) served by the storage facilities. The standby storage and fire suppression storage can be "nested" meaning the larger of the two becomes the required storage volume. Fire suppression storage must be provided at a pressure of at least 20 psi. The highest fire demand for the 580 Zone is 2,875 gpm for 2 hours (345,000 gal).
- Dead Storage (DS)** - the volume of stored water not available to all consumers at the minimum required design pressures.

The storage capacity analysis is based on an evaluation of the existing storage reservoirs and their ability to meet the demands and minimum pressure requirements in the areas they serve.

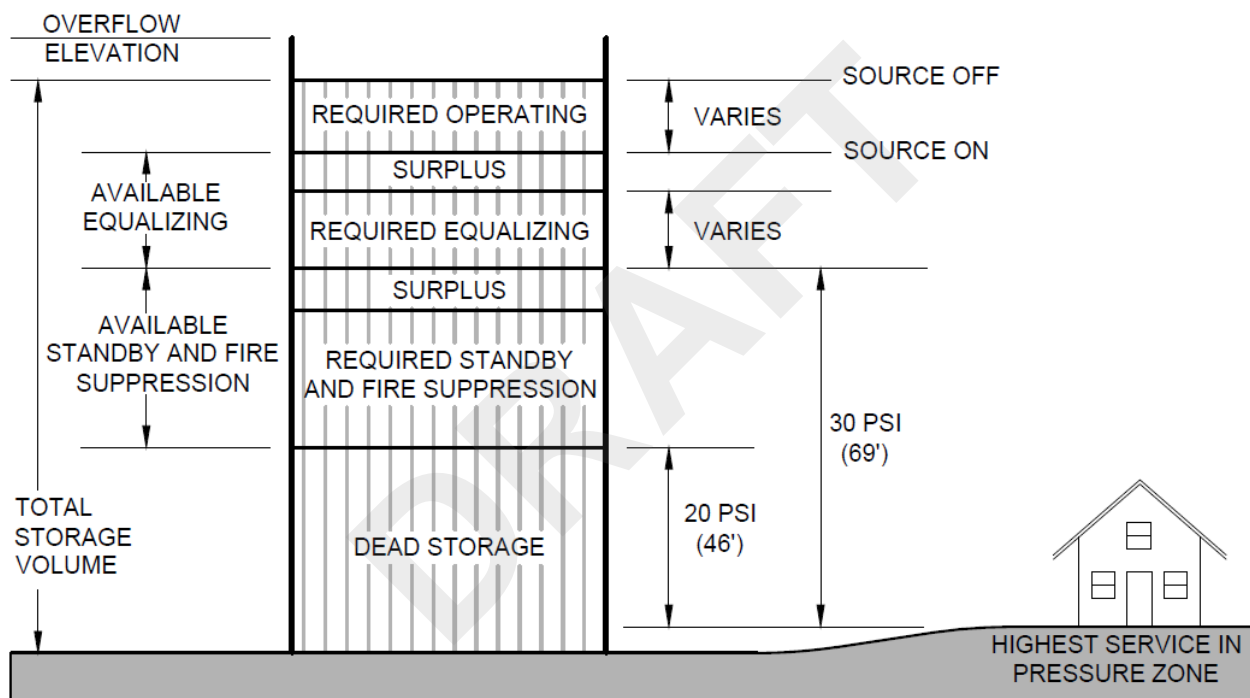
With the way the 580 Zone is configured, the storage analysis looks at four scenarios:

1. Standby storage driving 20 psi storage requirements where the McCormick Woods Pump Station is the limiting source.
2. Standby storage driving 20 psi storage requirements where Wells #1 and #3 are the limiting source.
3. Fire suppression storage driving 20 psi storage requirements where the McCormick Woods Pump Station is the limiting source.
4. Fire suppression storage driving 20 psi storage requirements where Wells #1 and #3 are the limiting source.

For the standby storage scenarios, storage volumes in the McCormick 431 Reservoirs are available for OS, ES, and SS. For the fire suppression storage scenarios, storage volumes in the McCormick 431 Reservoirs are available for OS and ES, but not for FSS.

Required storage volumes for each of the storage components follows the methodologies provided in the Washington State Department of Health (DOH) Water System Design Manual.

**Figure 2. Schematic of Storage Components**



## Results

The storage capacity analysis for the four scenarios are given in Table 19, Table 20, Table 21, and Table 22 (pages 10 through 13). Out of the four scenarios, the lowest number of ERUs supported by current infrastructure is based on the scenario of standby storage driving the 20 psi storage requirement with the wells as the limiting source (Table 20).

Table 20 shows that a maximum of 2,329 ERUs can be supported. Given that there are currently 2,255 ERUs in the 580 Zone, this leaves a surplus of 74 ERUs when assuming the ERU value is equivalent to the overall 580 Zone ERU value.

If assuming the Port Orchard specific ERU value, there is a surplus of 69 ERUs. If assuming the Bremerton specific ERU value, there is a surplus of 80 ERUs.

**Table 19. Standby Storage Driving 20 psi Requirements, Pump Station as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,453
<b>Demand (gpm)</b>		
Average Day Demand	311	338
Maximum Day Demand	1,001	1,089
Peak Hour Demand	1,720	1,861
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	4,093	25,151
Standby Storage	451,000	490,513
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	28,455	49,513
Greater than 20 psi at highest meter	479,455	540,027
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 20 psi Storage	540,027	540,027
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	391,174	370,116
20 psi Storage	60,572	0

**Table 20. Standby Storage Driving 20 psi Requirements, Wells as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,329
<b>Demand (gpm)</b>		
Average Day Demand	311	321
Maximum Day Demand	1,001	1,034
Peak Hour Demand	1,720	1,773
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	42,043	49,908
Standby Storage	451,000	465,757
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	66,405	74,270
Greater than 20 psi at highest meter	517,405	540,027
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 20 psi Storage	540,027	540,027
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	353,224	345,360
20 psi Storage	22,622	0

**Table 21. Fire Suppression Storage Driving 20 psi Requirements, Pump Station as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,922
<b>Demand (gpm)</b>		
Average Day Demand	311	403
Maximum Day Demand	1,001	1,298
Peak Hour Demand	1,720	2,194
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	4,093	75,193
Fire Suppression Storage	345,000	345,000
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	28,455	99,555
Greater than 20 psi at highest meter	373,455	444,555
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs <sup>a</sup>	0	0
Total Available 20 psi Storage	444,555	444,555
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	391,174	320,075
20 psi Storage	71,100	0

<sup>a</sup> FSS not available from 431 Reservoirs as it is not available via gravity

**Table 22. Fire Suppression Storage Driving 20 psi Requirements, Wells as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,566
<b>Demand (gpm)</b>		
Average Day Demand	311	354
Maximum Day Demand	1,001	1,140
Peak Hour Demand	1,720	1,941
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	42,043	75,193
Fire Suppression Storage	345,000	345,000
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	66,405	99,555
Greater than 20 psi at highest meter	411,405	444,555
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs <sup>a</sup>	0	0
Total Available 20 psi Storage	444,555	444,555
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	353,224	320,075
20 psi Storage	33,150	0

<sup>a</sup> FSS not available from 431 Reservoirs as it is not available via gravity

## Source Capacity Analysis

A storage capacity analysis for the 580 Zone was also completed to determine if sources were more limiting than storage. The source capacity analysis compares forecasted demands to the source capacity meeting those demands (wells and booster pump stations). The analysis looks at the following requirements:

1. Ability of sources to meet MDD with all sources in service.
2. Ability of sources to replenish depleted fire flow storage during MDD within 72 hours.
3. Ability of sources to meet ADD with largest source out of service.

The source analysis looks at two scenarios: (1) the wells being the limiting source and (2) the McCormick Woods Pump Station being the limited source. These are found in Table 23 and Table 24.

The source capacity analysis shows that current sources can support 3,063 ERUs which is greater than the capacity of storage.

**Table 23. Source Capacity Analysis, Wells as Limiting Source**

	Current	Max
<b>Projected Equivalent Residential Units</b>	2,255	3,063
<b>Projected Demand (gpm)</b>		
Average Day Demand	311	422
Maximum Day Demand	1,001	1,360
Flow to replenish fire suppression storage in 72 hr	80	80
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Source Surplus/(Deficiency) Checks (gpm)</b>		
Average Day Demand with Largest Pump Offline	229	118
Maximum Day Demand	439	80
Fire Storage Replenishment during MDD	359	0

**Table 24. Source Capacity Analysis, Pump Station as Limiting Source**

	Current	Max
<b>Projected Equivalent Residential Units</b>	2,255	3,632
<b>Projected Demand (gpm)</b>		
Average Day Demand	311	501
Maximum Day Demand	1,001	1,613
Flow to replenish fire suppression storage in 72 hr	80	80
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Source Surplus/(Deficiency) Checks (gpm)</b>		
Average Day Demand with Largest Pump Offline	482	292
Maximum Day Demand	692	80
Fire Storage Replenishment during MDD	612	0

---

## Summary

Based on provided source production data, metered consumption data, and operating rules, the 580 Zone has a small surplus in capacity. Between the storage and source capacity analyses, it was found that storage is the limiting factor.

Data shows that there are currently 2,255 ERUs within the 580 Zone (excluding construction demands) while the storage facilities in the zone can support up to 2,329 ERUs, a 74 ERU surplus. This is based on an overall 580 Zone ERU<sub>ADD</sub> value of 198.61 gpd and a MDD/ADD peaking factor of 3.22.

If assuming the Port Orchard specific ERU<sub>ADD</sub> value of 212.92 gpd, there is a surplus of 69 ERUs; and if assuming the Bremerton specific ERU<sub>ADD</sub> value of 182.22 gpd, there is a surplus of 80 ERUs.

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DRAFT



June 24, 2019

Mr. Mark Dorsey, P.E.  
City of Port Orchard  
216 Prospect Street  
Port Orchard, WA 98366

Subject: Notice of Water Storage Deficiency in the 580/660 Zone

Dear Mr. Dorsey:

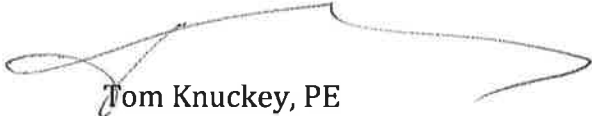
I am responding to the attached letter from Michael Pleasants, dated June 17, 2019, regarding the water storage deficiency in the W580 Zone which shares the use of the storage reservoir owned and operated by the City of Port Orchard. There are currently no applications for water service in the Bremerton W580 Zone and none are anticipated until the next final plat is approved in our water service area. As such we intend to continue issuing conditional water availability letters related to planned land use actions inside the Bremerton City limits with specific conditions related to the resolution of the storage deficiency. This will allow projects to continue moving forward while a resolution is determined.

As you are aware, the most imminent development which may apply for water services is the 85 lot McCormick North development. This project lies within the Bremerton water service area but is also located within the Port Orchard city limits. In reviewing the recent moratorium it does not appear that the City of Port Orchard included this project in the moratorium area. We feel this is an oversight. As the building permitting authority issuing a building permit moratorium, the City of Port Orchard should determine whether these lots receive building permits and by default water service. In this area of shared authority I will commit that the City of Bremerton will not sell any water services in its W580 Zone service area until the City of Port Orchard has issued building permits in a manner consistent with your moratorium. Ideally, Port Orchard will extend the moratorium limits to include the area inside your city limits north of Old Clifton Road.

Rest assured that the City of Bremerton is committed to a timely resolution of this issue so that building permitting and the sale of water service can continue. We will do as much as we can to assist in the planning efforts, collaborate on feasibility, or provide operational support.

Please feel free to contact me at (360) 473-2376 if you have any questions or wish to discuss this further.

Sincerely,



Tom Knuckey, PE  
Interim Director of Public Works and Utilities

cc: Roger Lubovich, City of Bremerton  
Ned Lever, P.E., City of Bremerton  
Cami Apfelbeck, City of Bremerton  
Andrea Spencer, City of Bremerton  
Nick Bond, City of Port Orchard  
Michael Pleasants, P.E., City of Bremerton  
File

Encl.



**CITY OF PORT ORCHARD**  
**Public Works Department**

216 Prospect Street, Port Orchard, WA 98366  
Voice: (360) 876-4991 • Fax: (360) 876-4980  
[www.cityofportorchard.us](http://www.cityofportorchard.us)

June 17, 2019

Mr. Tom Knuckey, P.E.  
City of Bremerton  
345 6<sup>th</sup> Street, Suite 500  
Bremerton, WA 98337

**Re: Notice of Water Storage Deficiency in the 580/660 zone**

Dear Mr. Knuckey:

As you are aware, the Cities of Bremerton and Port Orchard have an interlocal agreement dated January 20, 2002 for a shared 450,000 gallon reservoir for water storage in the 580/660 zones. The City of Port Orchard recently learned that we have exceeded the limits of this facility. As such, on June 11, 2019, the Port Orchard City Council enacted an emergency moratorium on any new building permits being issued in the City of Port Orchard retail water service area within the 580/660 zones. A copy of the ordinance adopting the emergency moratorium is attached. This emergency moratorium did not include areas outside of the Port Orchard retail water service area. However, this letter provides notice to Bremerton that the 450,000-gallon reservoir is unable to accommodate any additional connections in the Port Orchard or Bremerton retail services areas in the 580/660 zones at this time.

Please take whatever steps are necessary to ensure that additional connections in your retail service area are not approved until additional storage capacity becomes available.

Please contact me or Department of Community of Development Director Nick Bond should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Pleasants", written over a horizontal line.

Michael Pleasants, P.E.  
Assistant City Engineer  
City of Port Orchard

Enclosure: City of Port Orchard Ordinance No. 020-19  
cc: Cami Apfelbeck, City of Bremerton  
Ned Lever, P.E., City of Bremerton  
Mark Dorsey, P.E., City of Port Orchard  
Nick Bond, City of Port Orchard  
File

**ORDINANCE NO. 020-19**

**AN ORDINANCE of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.**

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard ("City") updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to

construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive

Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 5 below.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to the 580 & 660 water service zones included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit

Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.

2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.

3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.

4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).

5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.

6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council hereby schedules this public hearing for July 23, 2019.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community



Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 11<sup>th</sup> day of June 2019.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk



APPROVED AS TO FORM:



Jennifer Robertson,  
Attorney for Port Orchard

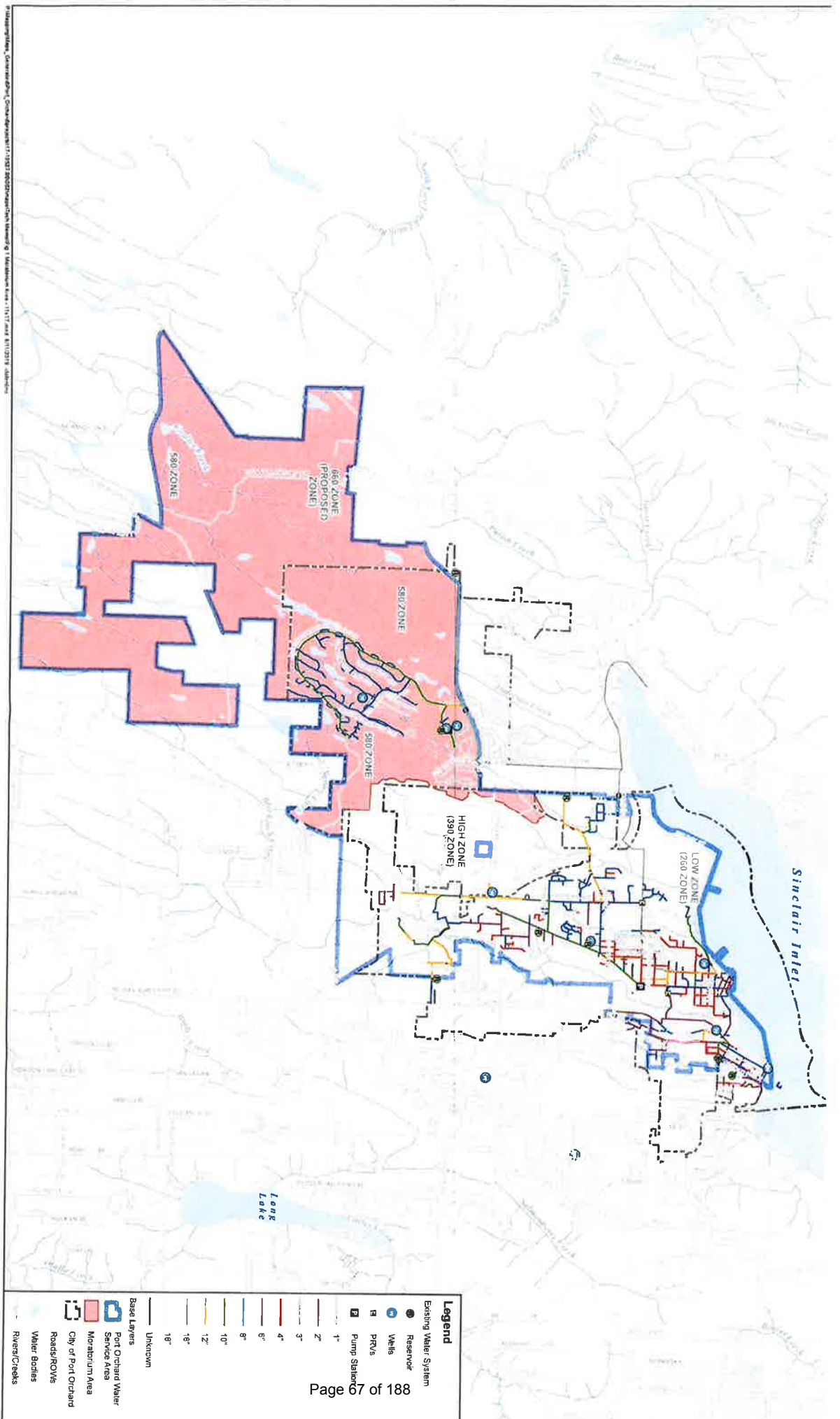
PUBLISHED: June 21<sup>st</sup>, 2019  
EFFECTIVE DATE: June 11<sup>th</sup>, 2019

2019 Update, City of Port Orchard  
 Own. Content may vary. This map is for informational purposes only. It is not intended to be used for legal or financial purposes. The map is not a warranty, representation, or agreement of any kind. It is provided as a service to the client. The client is responsible for the accuracy of the information provided. The map is not a substitute for a professional survey or other engineering or architectural services. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared.



**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure 1



**Legend**

**Existing Water System**

- Reservoir
- Wells
- PAVs
- Pump Station

**Base Layers**

- Port Orchard Water Service Area
- Moratorium Area
- City of Port Orchard
- Roads/ROVs
- Water Bodies
- Rivers/Creeks
- Unknown

1" 2" 3" 4" 5" 6" 8" 10" 12" 16" 18" Unknown

**NOTICE OF CITY OF PORT ORCHARD  
ORDINANCE**

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held June 11, 2019.

**ORDINANCE NO. 020-19**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF CERTAIN DEVELOPMENT IN THE 580 & 660 WATER ZONES OF PORT ORCHARD; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; PROVIDING FOR EXCLUSIONS; RECOGNIZING THAT A PUBLIC HEARING WILL BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETATIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

Copies of Ordinance No. 020-19 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request, a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 020-19 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson  
City Clerk

Published: Friday, June 21, 2019



**City of Port Orchard**  
 216 Prospect Street, Port Orchard, WA 98366  
 (360) 876-4407 • FAX (360) 895-9029

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**Agenda Staff Report**

Agenda Item No.: <u>Business Item 7A</u>	Meeting Date: <u>July 23, 2019</u>
Subject: <u>Adoption of an Emergency Moratorium</u>	Prepared by: <u>Nicholas Bond;</u>
<u>Ordinance in the 580 and 660 Water Zones</u>	<u>Mark Dorsey; and</u>
<u>_____</u>	Prepared by: <u>Jennifer Robertson,</u>
<u>_____</u>	<u>DCD/PW Land Use Atty</u>
<u>_____</u>	Atty Routing No.: <u>N/A</u>
<u>_____</u>	Atty Review Date: <u>N/A</u>

**Background:** In 2016, the City Council updated the City's Comprehensive Plan, including updating the Utilities Element. The Utilities Element serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth. This 2016 update was based on the City's Water Facilities Plan which was last updated in 2011.

The City is currently in the process of a complete update to the Water Facilities Plan as required by the State of Washington. This work is expected to be completed by the end of this year or, at the latest, in early 2020. BHC Consultants is providing the consulting services to the City for this update. During the work on updating the water facilities plan, additional data was provided that is more precise as it is based upon *actual* water usage. This more precise data, coupled with the work of reviewing mandated water system design standards, led the City to discover that there are serious deficits in the current water facilities in the 580 and 660 water zones. (See map attached to Ordinance No. 020-19-A.)

In early June 2019, the City received water peaking factor data and calculations, water usage data for the 580-pressure zone, fire storage requirement calculations, and information about the ability of Bremerton to supply water under an agreement between the two cities. All of these factors together demonstrated that the 580 and 660 zones have no existing capacity and are actually over-subscribed with connections. These deficits involve both insufficient water storage facilities and inadequate source supplies. Both source and storage are factors in the equations for determining the number of water connections available in accordance with the Washington State Office of Drinking Water 2009 Water System Design Manual. There are now significant concerns about development and growth in the 580 and 660 water zones due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide continuous uninterrupted water supply.

On June 11, 2019, the City Council adopted the emergency moratorium under Ordinance No. 020-19. This ordinance established a six-month moratorium on the acceptance of certain development permit application in the 580 and 660 water zones of Port Orchard. Specifically, the moratorium placed a "pause" on acceptance of any permits for buildings or structures which need to be connected to water service in these zones.

State law requires a public hearing to be held within 60 days of the adoption of Ordinance No. 020-19. A public hearing was held earlier, which is less than 60 days after the adoption of Ordinance No. 020-19.

**Technical Information:** The Cities of Port Orchard and Bremerton rely on a shared reservoir owned by the City of Port Orchard and located in the 580-water system pressure zone. Portions of the 580-pressure zone exist in both the Bremerton and City of Port Orchard Retail Water Service Area.

The City 660 pressure zone is currently undeveloped (the zone includes and approved but unconstructed subdivision) but shares a common water source with the 580 zone. There is presently no water reservoir constructed to serve the 660 zone.

An agreement dated December 26, 2001 stipulates that the City would provide Bremerton with use of City's 580 zone reservoir and the City of Bremerton would supply the City with 350 gallons per minute of water supply to fill the reservoir. This agreement included assumptions and milestone for improvements which were fixed based on old or incomplete information and the standards in place at that time.

On July 10, 2007, the City entered into an agreement with GEM1 LLC for the construction of a new 1,100,000-gallon reservoir to serve the 580-zone. Under the agreement, GEM 1 LLC was to construct a reservoir and be reimbursed by the City. McCormick Communities is the successor to GEM1 LLC. This reservoir has not been constructed by either GEM1 LLC or McCormick Communities. GEM1 LLC had active permits for this construction many years ago, but those permits expired approximately 5 years ago without construction ever being commenced.

Since 2007, at least 145 homes and a regional park have been constructed in the city's portion of the 580 zone and Bremerton has seen full build out of the 294 lot Bayside Plat within Bremerton's portion of the 580 zone.

In a meeting with Bremerton on June 10, 2019, the City was informed that Bremerton would not guarantee more than 350 gallons per minute in continuous uninterrupted supply based on the 2001 agreement between the two cities. In the Port Orchard's planning assumptions, Port Orchard had assumed that it could count on the maximum pumping capacity within the Anderson Hill booster pump station totaling 1,800 gallons per minute.

Several changes have been made to the 580 zone ERU capacity calculations prior to and subsequent to the passing of the moratorium in relation to additional data. Calculation changes and assumptions used to calculate the available ERU capacity of the 580 zone are detailed in the attached technical memorandum entitled *City of Port Orchard – 580 Zone ERU Analysis Comparison* (BHC, July 17, 2019) and summarized below.

Prior to passing the moratorium, the City had assumed that McCormick Wells 1 and 3 were producing at 617 gallons per minute. However, as part of its effort to verify data for the water system plan update, the City learned that these wells are producing at 540 gallons per minute.

The City of Bremerton supplies water to the 580 zone through the Anderson Hill pump station. The maximum capacity of this facility is 1,800 gallons per minute however there is no backup pump or emergency generator for the facility meaning that the supply is not continuous and uninterrupted.

On June 10, 2019, South Kitsap Deputy Fire Marshall Brad Wiggins provided a letter to the City of Port Orchard which increased the fire flow and fire storage requirements in the 580-zone determining that 2,875 gallons per minute for 2 hours was required. Prior to this letter, the maximum fire supply requirement was assumed to be 1,500 gallons per minute for 2 hours.

As part of the water system plan update the City learned that the actual peaking factor in the 580-zone is 3.8. The 2009 Port Orchard water system plan (approved 2011) had assumed that the peaking factor for this area was 2.9.

On June 12, 2019, the City Utility Manager notified the Department of Health Office of Drinking Water of a possible over allocation of water source and storage. The City shared its calculations with the DOH and the DOH confirmed the calculations and supported the City's proactive approach to resolving the matter.

The minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU.

The City of Port Orchard conducted a review of its utility billing software and its permit system to determine how many connections have been permitted in the City's portion of the 580 Zone and found that the City had permitted 976 (the HDR technical memo indicates 975 connections) single family connections (some of these are associated with homes permitted prior to the moratorium and which still under construction), 26 irrigation connections, and 14 nonresidential connections within the City's portion of the 580 zone. Prior to June of 2019, the City had assumed 923 existing residential connections in its planning efforts.

On June 24, 2019, the City received a letter from the City of Bremerton requesting that this moratorium be extended into the portion of the City Bremerton Retail Water Service Area.

On June 25, 2019, Bremerton provided an updated figure on the number of Equivalent Residential Units (ERUs) existing in its portion of the 580 zone and found that their previous number of assumed ERUs, 805 (2017), had increased to 844 single family ERUs assuming an average daily demand of 200 gallons per day per ERU. In this communication from Bremerton, Bremerton stated that they had 844 residential meters, 10 irrigation meters, and 4 commercial water meters (believed to be master meters).

On July 18<sup>th</sup>, the City of Port Orchard received a technical memo from HDR, Inc., the water system engineer representing McCormick Communities. This memo, marked "draft", is dated July 17, 2019 with a subject line "580 Zone Capacity Analysis" and is attached to this report. In this draft memo, HDR concludes that the City of Port Orchard has a small surplus in capacity. However, on page 4, the draft Memo states:

*For the Bremerton intertie, the current agreement between Bremerton and Port Orchard is for the intertie to supply up to 350 gpm. However, HDR was directed that the intertie could have*

*the capacity to supply up to 900 gpm. The capacity analysis assumes that 900 gpm is available from Bremerton through the inertia.*

Although the City is currently negotiating with Bremerton guarantee a higher volume, the cities haven't reached an updated agreement beyond the 350 gpm. Therefore, this assumption is not accurate. Because the City of Port Orchard has not reached an agreement with Bremerton to supply 900 gallons per minute, it appears that McCormick Communities agrees with the City that the 580 zone has more connections than can be supported based on the 350 gallons per minute that Bremerton has currently agreed to provide as a continuous and uninterruptable source.

(The City's consultant, BHC, is currently reviewing the technical aspects of the HDR memo and will be at the Council meeting and available to answer any questions about the HDR draft memo.)

**Process and Alternatives:** On July 23<sup>rd</sup> Council will take testimony on the moratorium during the public hearing. Following the public hearing, during the Council business portion of the meeting, the Council will consider the staff report and the testimony received from the public and may ask questions of staff and the City's water consultant. Following the discussion, Council will deliberate on the moratorium ordinance and decide whether to adopt an amended ordinance, keep the initial ordinance in place, amend the draft amended ordinance based on public testimony, or give direction to bring back an ordinance to repeal the moratorium.

No motion is necessary if the Council does not wish to make any amendments or clarification on emergency Ordinance No. 020-19. Ordinance No. 020-19 would remain in effect for the six-month period (expiring on December 11, 2019).

If Council desires to amend or make clarifications to emergency Ordinance No. 020-19 adopted on June 11, 2019, then two motions are possible:

1. Adopt revised emergency Ordinance 020-19-A, included in Exhibit 1 to the Agenda Bill; **or**
2. Amend and adopt revised emergency Ordinance 020-19-A included as Exhibit 1 to the Agenda Bill but make additional modifications to the ordinance after completion of the Public Hearing.

If Council adopts an amended ordinance, this would also remain in effect for the six-month period (expiring on December 11, 2019).

**Recommendation:** Staff recommends that the City Council adopt Ordinance 020-19 as attached.

**Motion for consideration:**

I move to adopt Ordinance No. 020-19-A, imposing a temporary six-month moratorium on the acceptance of certain development in the 580 and 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

**Fiscal Impact:** N/A



**Attachments:**

1. Ordinance 020-19-A with water zone map attached
2. Redline comparing Ordinance 020-19 with Ordinance 020-19-A
3. Ordinance 020-19 (adopted June 11, 2019)
4. Public Hearing Notice
5. BHC Memo - 580 Zone ERU Analysis Comparison – July 17, 2019
6. HDR Draft Technical Memo - 580 Zone Capacity Analysis – July 17, 2019
7. June 24, 2019 Letter from Bremerton Requesting Moratorium

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## ORDINANCE NO. 020-19-A

**AN ORDINANCE** of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

**WHEREAS**, the City Council adopted the emergency moratorium under Ordinance No. 020-19 on June 11, 2019, which established a six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; and

**WHEREAS**, in accordance with State law, a public hearing on the adoption of Ordinance No. 020-19 was held on July 23, 2019, which is less than 60 days after the adoption of Ordinance No. 020-19; and

**WHEREAS**, the City Council desires to reaffirm Ordinance No. 020-19 and amend it by adopting this updated Ordinance No. 020-19-A to add findings of fact based on additional information obtained by the City, information provided to the City by interested parties, and after conducting the public hearing; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard (City) updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has

discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, these deficits are in both the water storage and in the water source for these zones; and

**WHEREAS**, the prior water system plan assumed that the City's two wells in the 580 zone produced 875 gallons per minute (gpm), however, the recent data shows that the two wells only have a capacity of 540 gpm; and

**WHEREAS**, the source capacity from the City of Bremerton to the 580 zone is only guaranteed at the volume of 350 gpm under an existing agreement between the City of Port Orchard and the City of Bremerton; and

**WHEREAS**, the updated calculations performed by the City's water consultant (BHC Consultants) demonstrate that the source of supply requirements for the 580 zone exceed existing water supply; and

**WHEREAS**, the pump station that serves these zones does not have an emergency generator which means that the supply is not "continuous and uninterrupted"; and

**WHEREAS**, on June 10, 2019, the Fire Marshall who serves the City of Port Orchard informed the City that the fire flow and fire storage requirements in the 580 zone require 2,875 gpm for a 2 hour period. Prior to this notice, the maximum fire flow and storage requirement was assumed to be 1,500 gpm for a 2 hour period;

**WHEREAS**, the City's water consultant recommends that in order to develop additional equivalent residential units (ERUs) in the 580 zone, additional storage and supply must be developed to serve those ERUs; and

**WHEREAS**, the City has consulted with the Department of Health Office of Drinking Water (DOH) about the possible over-allocation of water source and storage in the 580 and 660 zones. DOH reviewed and confirmed the City's calculations and supported the City's imposition of a moratorium on additional connections in these zones until the system deficits were addressed; and

**WHEREAS**, the minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact; Re-Affirmation of Moratorium.** Based on the public hearing held on July 23, 2019, the recitals set forth above are hereby adopted as the City Council's findings of fact in support of the moratorium established by this ordinance. This ordinance re-affirms the findings of fact and the moratorium originally adopted as Ordinance No. 020-19 on June 11, 2019 and adopts additional findings of fact based on the public hearing.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to water, in either the 580 or 660 water service zones, included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.
2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.
3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.
4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).
5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.
6. Permits and approvals for signs.
7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council duly held a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council held this public hearing for July 23, 2019, prior to adoption of this amended ordinance which reaffirmed and amended Ordinance No. 020-19.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium



shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23<sup>rd</sup> day of July 2019.

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Robert Putaansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk

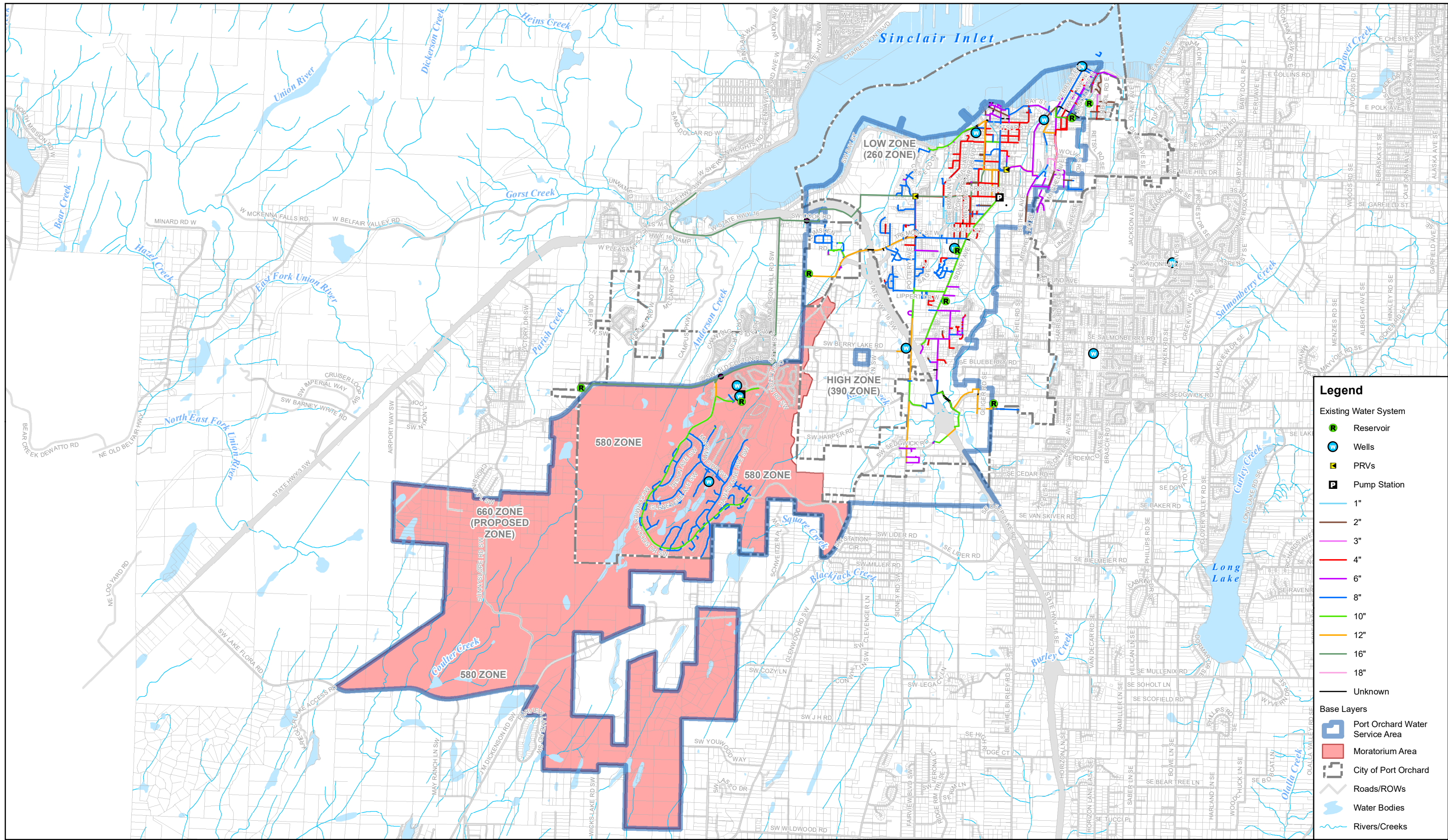
APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Jennifer Robertson", written over a horizontal line.

Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED:

EFFECTIVE DATE:



P:\Mapping\Maps\_Generated\Port\_Orchard\projects\17-10527.00\002\maps\Tech Memo\Fig 1 Moratorium Area - 11x17.mxd 6/11/2019 ctolentino

Water System: City of Port Orchard.  
 Kitsap County base data.  
 Data sources supplied may not reflect current or actual conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.  
 BHC Consultants LLC, assumes no responsibility for the validity of any information presented herein, nor any responsibility for the use or misuse of the data.

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 Page 83 of 188



**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure  
**1**

**ORDINANCE NO. 020-19-A**

**AN ORDINANCE** of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; ~~recognizing that a public hearing will be held within 60 days;~~ authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

**WHEREAS**, the City Council adopted the emergency moratorium under Ordinance No. 020-19 on June 11, 2019, which established a six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; and

**WHEREAS**, in accordance with State law, a public hearing on the adoption of Ordinance No. 020-19 was held on July 23, 2019, which is less than 60 days after the adoption of Ordinance No. 020-19; and

**WHEREAS**, the City Council desires to reaffirm Ordinance No. 020-19 and amend it by adopting this updated Ordinance No. 020-19-A to add findings of fact based on additional information obtained by the City, information provided to the City by interested parties, and after conducting the public hearing; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard (City) updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, these deficits are in both the water storage and in the water source for these zones; and

**WHEREAS**, the prior water system plan assumed that the City's two wells in the 580 zone produced 875 gallons per minute (gpm), however, the recent data shows that the two wells only have a capacity of 540 gpm; and

**WHEREAS**, the source capacity from the City of Bremerton to the 580 zone is only guaranteed at the volume of 350 gpm under an existing agreement between the City of Port Orchard and the City of Bremerton; and

**WHEREAS**, the updated calculations performed by the City's water consultant (BHC Consultants) demonstrate that the source of supply requirements for the 580 zone exceed existing water supply; and

**WHEREAS**, the pump station that serves these zones does not have an emergency generator which means that the supply is not "continuous and uninterrupted"; and

**WHEREAS**, on June 10, 2019, the Fire Marshall who serves the City of Port Orchard informed the City that the fire flow and fire storage requirements in the 580 zone require 2,875 gpm for a 2 hour period. Prior to this notice, the maximum fire flow and storage requirement was assumed to be 1,500 gpm for a 2 hour period;

**WHEREAS**, the City's water consultant recommends that in order to develop additional equivalent residential units (ERUs) in the 580 zone, additional storage and supply must be developed to serve those ERUs; and

**WHEREAS**, the City has consulted with the Department of Health Office of Drinking Water (DOH) about the possible over-allocation of water source and storage in the 580 and 660 zones. DOH reviewed and confirmed the City's calculations and supported the City's imposition of a moratorium on additional connections in these zones until the system deficits were addressed; and

**WHEREAS**, the minimum water standby storage assumption recommended by DOH in the 2009 Water System Design Manual is 200 gallons per ERU; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

~~**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and~~

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to

ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact; Re-Affirmation of Moratorium.** Based on the public hearing held on July 23, 2019, the recitals set forth above are hereby adopted as the City Council's ~~initial~~ findings of fact in support of the moratorium established by this ordinance. ~~The City Council may, in its discretion, adopt~~ This ordinance re-affirms the findings of fact and the moratorium originally adopted as Ordinance No. 020-19 on June 11, 2019 and adopts additional findings ~~after~~ of fact based on the public hearing ~~referenced in Section 5 below.~~

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need

to be connected to water, in either the 580 &or 660 water service zones, included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.
2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.
3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.
4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).
5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.
6. Permits and approvals for signs.



7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council ~~shall hold~~duly held a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council ~~hereby schedules~~held this public hearing for July 23, 2019, prior to adoption of this amended ordinance which reaffirmed and amended Ordinance No. 020-19.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of

which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this ~~11<sup>th</sup>~~<sup>23<sup>rd</sup></sup> day of ~~June~~<sup>July</sup> 2019.

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Robert Putaansuu, Mayor

ATTEST:

---

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:



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Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED:

EFFECTIVE DATE:

**ORDINANCE NO. 020-19**

**AN ORDINANCE of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.**

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard ("City") updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to

construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive

Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 5 below.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to the 580 & 660 water service zones included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit

Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.

2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.

3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.

4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).

5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.

6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council hereby schedules this public hearing for July 23, 2019.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community

Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.



No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

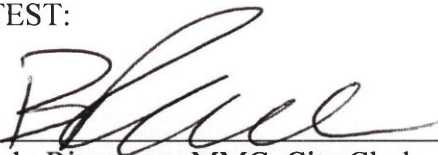
**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 11<sup>th</sup> day of June 2019.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk

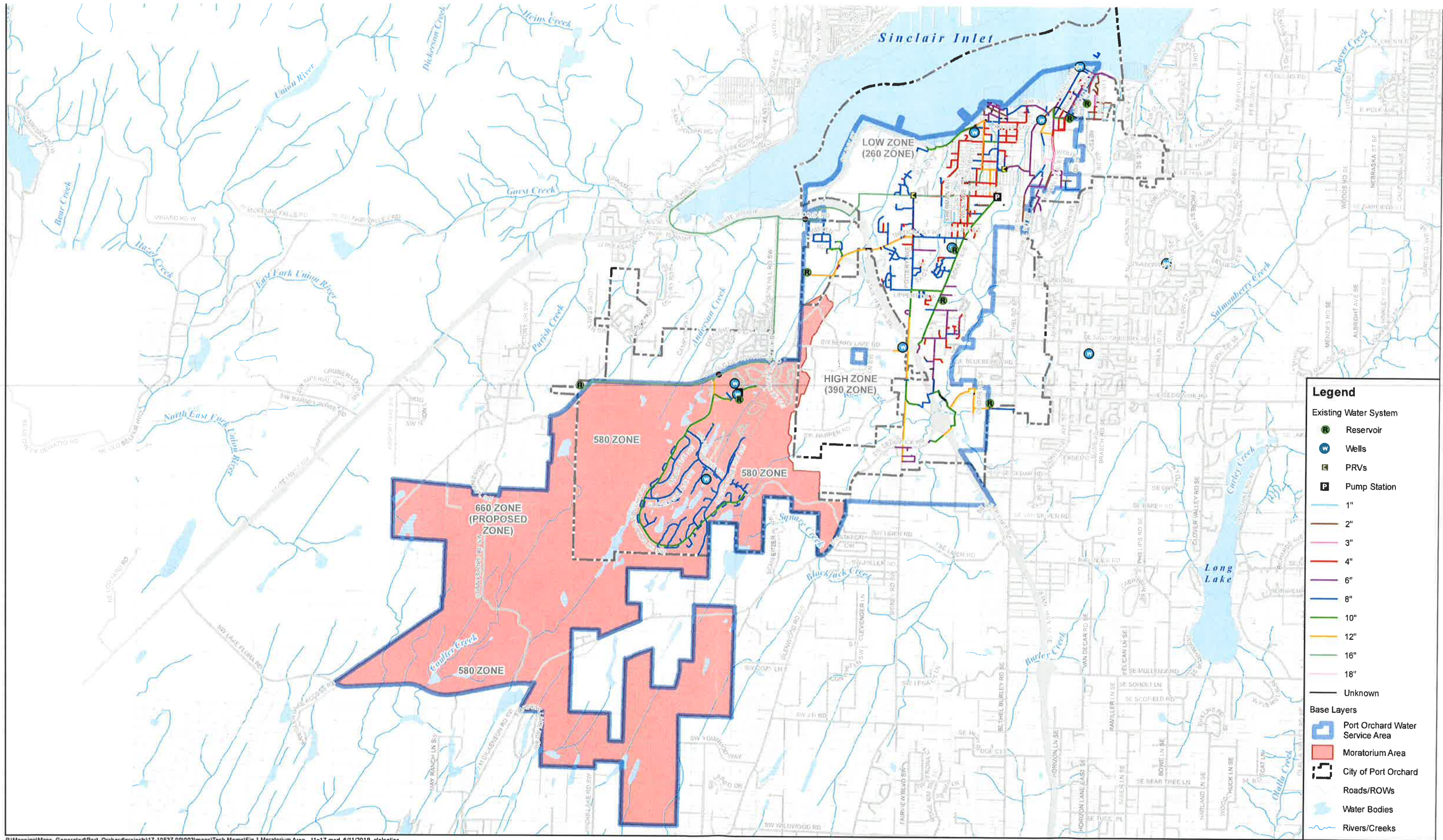


APPROVED AS TO FORM:



Jennifer Robertson,  
Attorney for Port Orchard

PUBLISHED: June 21<sup>st</sup>, 2019  
EFFECTIVE DATE: June 11<sup>th</sup>, 2019



P:\Mapping\Maps\_Generated\Port\_Orchard\projects\117-10527.00\002\maps\Tech Memo\Fig 1 Moratorium Area - 11x17.mxd 6/11/2019 ciolentino

Water System: City of Port Orchard.  
 Kitsap County base data.  
 Data sources supplied may not reflect current or actual conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.  
 BHC Consultants LLC, assumes no responsibility for the validity of any information presented herein, nor any responsibility for the use or misuse of the data.

0 1,250 2,500 5,000

Page 98 of 188



**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure  
**1**



**NOTICE OF CITY OF PORT ORCHARD  
ORDINANCE**

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held June 11, 2019.

**ORDINANCE NO. 020-19**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF CERTAIN DEVELOPMENT IN THE 580 & 660 WATER ZONES OF PORT ORCHARD; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; PROVIDING FOR EXCLUSIONS; RECOGNIZING THAT A PUBLIC HEARING WILL BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETATIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

Copies of Ordinance No. 020-19 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request, a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 020-19 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson  
City Clerk

Published: Friday, June 21, 2019

# Classified Proof

Client	94964 - City of Port Orchard-LEGALS	Phone	(360) 876-7030		
Address	216 Prospect Street	E-Mail	mthomas@cityofportorchard.us		
	Port Orchard, WA, 98366	Fax			
Order#	861769	Requested By	MICHELLE THOMAS	Order Price	\$19.27
Classification	9908 - POI Legals	PO #		Tax 1	\$0.00
Start Date	06/21/2019	Created By	1683	Tax 2	\$0.00
End Date	06/21/2019	Creation Date	06/17/2019, 03:33:04 pm	Total Net	\$19.27
Run Dates	1			Payment	\$0.00
Publication(s)	Port Orchard Independent				
Sales Rep	1683 - Holland, Lisa	Phone	(360) 394-8714		
		E-Mail	lholland@soundpublishing.com		
		Fax	(360) 598-6800		

CITY OF  
PORT ORCHARD  
NOTICE OF  
PUBLIC HEARING

The Port Orchard City Council will hold a public hearing during its regularly-scheduled meeting on Tuesday, July 23, 2019 at 6:30 pm in the Council Chambers at City Hall, to take testimony and comment on Ordinance No. 020-19, which was adopted by the City Council on June 11, 2019. This ordinance declares an emergency and provides for a temporary six-month limited moratorium on the acceptance of certain development in the 580 and 660 water zones within the City of Port Orchard. In accordance with RCW 35A.63.220 and 36.70A.390, a public hearing must be held within 60 days of adoption of this emergency ordinance.

Ordinance No. 020-19 can be viewed online at: <https://www.cityofportorchard.us/documents/ordinance-no-020-19-port-orchard-emergency-water-moratorium/> or at the front counter of the Department of Community Development at 720 Prospect Street, Port Orchard.

Any person or public agency expressing an interest is invited to at-

tend the public hearing and/or submit written comments to the Department of Community Development on or before 4:00 PM, July 23, 2019. For further information, contact the Department of Community Development, City of Port Orchard, (360) 874-5533 or [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us).  
Published: Port Orchard Independent  
June 21, 2019  
Legal #: POI



## TECHNICAL MEMORANDUM

**Date:** July 18, 2019  
**To:** Mike Pleasants, PE, Assistant City Engineer; Jacki Brown, Water System Manager; City of Port Orchard  
**From:** Jim Gross, PE; Lauren Miller, EIT  
**CC:** Mark Dorsey, PE, Director of Public Works/City Engineer; Nick Bond, Community Development Director  
**Subject:** City of Port Orchard – 580 Zone ERU Analysis Comparison

BHC Consultants, LLC (BHC) is under contract to complete the Water System Plan (Plan) update for the City of Port Orchard (City). As part of this Plan update, BHC completed an analysis of Equivalent Residential Units (ERUs) in the City's McCormick Woods 580 Zone. The City's McCormick Woods 580 Zone provides storage and supply to the City of Bremerton's (Bremerton) 580 Zone. For the purpose of this memo, the City's McCormick Woods 580 Zone is referred to as the "McCormick 580 Zone" and the McCormick and Bremerton 580 Zones are referred to collectively as the "aggregate 580 Zone".

Calculations in relation to the ERU capacity of the 580 Zone were completed by BHC in January 2019 and updated in March and June through July (current calculations). The assumptions from the March calculations were substantially the same as those used in the January calculations. However, the March calculations included an assessment of supply limitations which was not assessed in the January calculations. Because storage was the limiting capacity factor, the results produced from both the January and March calculations were approximately the same. Accordingly, only the March calculations are included in Table 1.

Methodology used in the current calculations is summarized below:

- Required Standby Storage was calculated using 200 gallons per ERU, as stated in Section 9.04 of the DOH Water System Design Manual (WSDM) (2009).
- Equalizing storage was calculated using Equation 9-1 of the DOH WSDM (2009).
- Peak hour demands were calculated using Equation 5-1 of the DOH WSDM (2009).
- ADD per ERU was calculated using 2015-2017 production data provided by the City and Bremerton and master meter data provided by Bremerton.
- Average day demands for McCormick Park were not available. Because the account opened in late 2018, an entire year of data is not yet available to calculate the account's average day demand. An additional 17,000 gpd was included in the McCormick 580 Zone average day demand (included in the total "gpd/ERU" value) to account for McCormick Park demands based on recent usage (Mark Dorsey, 6/26/19 email).
- The average day demand (ADD) to maximum day demand (MDD) peaking factor was calculated based on the maximum month's average day demand (MMAD) multiplied by



a factor of 1.7 per Section 5.2.1 of the DOH WSDM (2009). The largest resulting peaking factor between 2015 and 2017 was used.

- Required fire flow of 2,875 gpm for 2 hours per guidance from the Deputy Fire Marshal for the largest/most critical structure at 4100 SW Old Clifton Road (Brad Wiggins, letter dated June 10, 2019).

Table 1 compares assumptions and values calculated in the 2009 Plan for years 2008 (historical) and 2020 (projected) to calculations completed in March and current calculations.

<b>Table 1 Comparison of 580 Zone Storage and Supply Capacity Calculations</b>				
<b>Parameter</b>	<b>2009 Plan (2008)</b>	<b>2009 Plan (2020)</b>	<b>3/2019 Calculations (2018)</b>	<b>Current Calculations (2019)</b>
<b>Demand</b>				
McCormick Non-Residential gpd/ERU	-	-	-	57
McCormick Residential gpd/ERU	260	240	240	260 <sup>(5)</sup>
Bremerton Residential gpd/ERU	-	-		200 <sup>(5)</sup>
Aggregate Residential gpd/ERU	260	240		231
McCormick Non-Residential ERUs	-	-	-	244
McCormick Residential ERUs	814	2,414	1,932	976
Bremerton Residential ERUs	-	-		895
Aggregate ERUs	814	2,414	1,932	2,115
McCormick ADD (mgd)	0.21	0.58	0.49	0.32
Bremerton ADD (mgd)	-	-		0.18
Aggregate ADD (mgd)	0.21	0.58		0.50
McCormick MDD/ADD PF	2.9	2.9	4.0	3.8
Bremerton MDD/ADD PF	-	-		3.3
Aggregate MDD (gpm)	420	1,083	1,370	1,247
Aggregate PHD (gpm)	818	2,158	2,370	2,182
<b>Supply</b>				
Well Capacity (gpd)	875	1,025	617	540
Bremerton Supply (gpm)	350	350	1,800	350
Assumed Pumping (hr/day) <sup>(1)</sup>	18			
Available Daily Supply (gpm)	950	1,100	2,263	755



**Table 1 Comparison of 580 Zone Storage and Supply Capacity Calculations**

Parameter	2009 Plan (2008)	2009 Plan (2020)	3/2019 Calculations (2018)	Current Calculations (2019)
Required MDD+FSS (gpm) <sup>(2)</sup>	509	1,166	1,441	1,327
Supply Surplus/(Deficit) (gpm)	441	(66)	822	(572)
<b>Storage</b>				
Total Storage (MG)	0.57	0.57	0.45	0.45
Operating Storage (MG)	0.01	0.01	0.05	0.05
Dead Storage (MG)	0	0	0	0
Total Effective Storage	0.56	0.56	0.40	0.40
Equalizing Storage (MG)	0	0.15	0	0.19
Standby Storage (MG) <sup>(3)</sup>	0.16	0.79	0.39	0.42
FSS (MG)	0.36	0.36	0.31	0.35
Total Required Storage (MG) <sup>(4)</sup>	0.52	1.3	0.39	0.62
Storage Surplus/(Deficit) (MG)	0.04	(0.74)	0.01	(0.22)

**Notes:**

1. MDD must be provided within 18 hours per day in accordance with recommendations included in Section 5.7.1 of the DOH WSDM. The Bremerton supply is assumed to be capable of operating 24 hours per day. Well sources are assumed to operate 18 hours per day.
2. Sources must be capable of replenishing depleted fire suppression storage (FSS) within 72 hours while concurrently supplying MDD for the water system in accordance with recommendations included in Section 5.7.1 of the DOH WSDM.
3. Standby storage in the 2009 Plan for 2020 was calculated using DOH Equation 9-2 (water systems with a single source) for the proposed McCormick West Zone and the Glenwood JPA. The 2019 standby storage requirement was calculated using the greater of DOH WSDM Equation 9-3 for water systems with multiple sources and 200 gallons per ERU (per DOH recommendation).
4. Required storage in the 2009 Plan was calculated as the combination of equalizing, standby, and FSS (stacked storage). Required storage in the current calculations represent the combination of equalizing storage and the greater of standby and FSS (nested storage). Nesting of FSS and standby storage is permitted by the fire marshal per 11-28-18 phone call with Brad Wiggins, Deputy Fire Marshal.
5. The total McCormick demand per ERU in the current calculations includes only residential demands based on 2015 through 2017 production and master meter data. The Bremerton gpd/ERU includes both residential and non-residential demands as residential demands account for the vast majority of Bremerton 580 demands. Because demands are based on production data, leakage is accounted for in gpd/ERU values.



Differences between the calculations primarily resulted from variation in the assumed number of ERUs, peaking factor, supply, and storage calculation method. Variability across each of these components is discussed below.

### **Total ERUs**

The total number of ERU's projected in the 2009 Plan for 2020 is significantly higher than that of the current ERUs in the aggregate 580 Zone. While the 2009 Plan did not account for demands from the Bremerton 580 Zone, the total projected ERUs in the McCormick 580 Zone in 2020 exceeded the current number of ERUs in the aggregate Zone. ERUs used in the March calculations included some parcels that had not yet been permitted. The current calculations include 976 residential ERUs in the McCormick 580 Zone (831 residential accounts and 145 permitted parcels) (Nick Bond, 7/2/19 email) and 895 residential units in Bremerton's 580 Zone (Ned Lever, 6/26/19 email).

### **Peaking Factor**

The peaking factor used in the 2009 Plan does not appear to be based on actual demand or production data. The plan discusses the McCormick 580-Zone reaching peak day peaking factor of 4.0; however, it attributes the high factor to "operational issues leading to reservoir overflows" and instead assigns a peaking factor of 2.9 to the zone. The peaking factor used in the March calculations was based on daily well production data and bimonthly production data from Bremerton between 2015 and 2017. Bremerton subsequently provided input indicating that the Bremerton supply was not consistently operated in relation to demands or reservoir levels. The peaking factor used in the current calculations was calculated based on the maximum bimonthly well production and bimonthly production data from Bremerton between 2015 and 2017 and a maximum day/maximum month peaking factor of 1.7 per the DOH WSDM. The largest peaking factor calculated across this time period was used for each system.

### **Supply**

The total well capacity within the 580 Zone was listed as 875 gpm in the 2009 Plan. Data provided from the City for 2017 indicated a lower capacity of 617 gpm; this total was used in the March calculations. Subsequently, the City provided an updated combined well capacity of 540 gpm; this total was used in the current calculations.

By agreement, Bremerton supplies up to 350 gpm to the 580 Zone. Bremerton indicated in early 2019 that the capacity of the station that supplies the 580 Zone is 1,800 gpm, and this volume could be available to the aggregate 580 Zone. Accordingly, a total Bremerton supply of 1,800 gpm was used in the March calculations. In subsequent discussions, Bremerton indicated it could only guarantee 350 gpm would be available to the 580 Zone. The current calculations assume 350 gpm available supply from Bremerton.

### **Storage Methodology**

The 2009 plan calculated the required storage as the total of equalizing, standby, and FSS (stacked storage). Required storage in the current calculations represent the combination of equalizing storage and the greater of standby and FSS (nested storage). Nesting of FSS and standby storage is permitted by the deputy fire marshal (Brad Wiggins, 11/28/18 phone call).



The 2009 Plan did not provide input on the methodology used to determine operational storage. BHC calculations used current SCADA set points on the 0.45 MG tank to calculate operational storage. The 2009 Plan included 0.12 MG of storage from the two 0.06 MG equalizing tanks at the well site. These tanks were excluded from both the March and current calculations at the direction of the City. The 2009 plan did not include dead (unpumpable) storage in the 0.06 MG tanks and there is no indication that operating storage was considered in these tanks. Accordingly, the actual volume that could be provided by these tanks is significantly less than 0.12 MG.

With the assumptions included in both the 2009 Plan and the current calculations, the existing quantity of ERUs exceeds the storage capacity of the 580 Zone. Under the current calculations, the source of supply requirements exceed the existing supply. In order to develop additional ERUs in either the McCormick or the Bremerton 580 Zone, additional storage and supply must be developed.

# Technical Memorandum - DRAFT



**To:** Greg Krabbe, McCormick Communities, LLC  
**From:** David Kuhns, PE  
Tom Bell-Games, PE  
**Date:** July 17, 2019  
**Subject:** 580 Zone Capacity Analysis

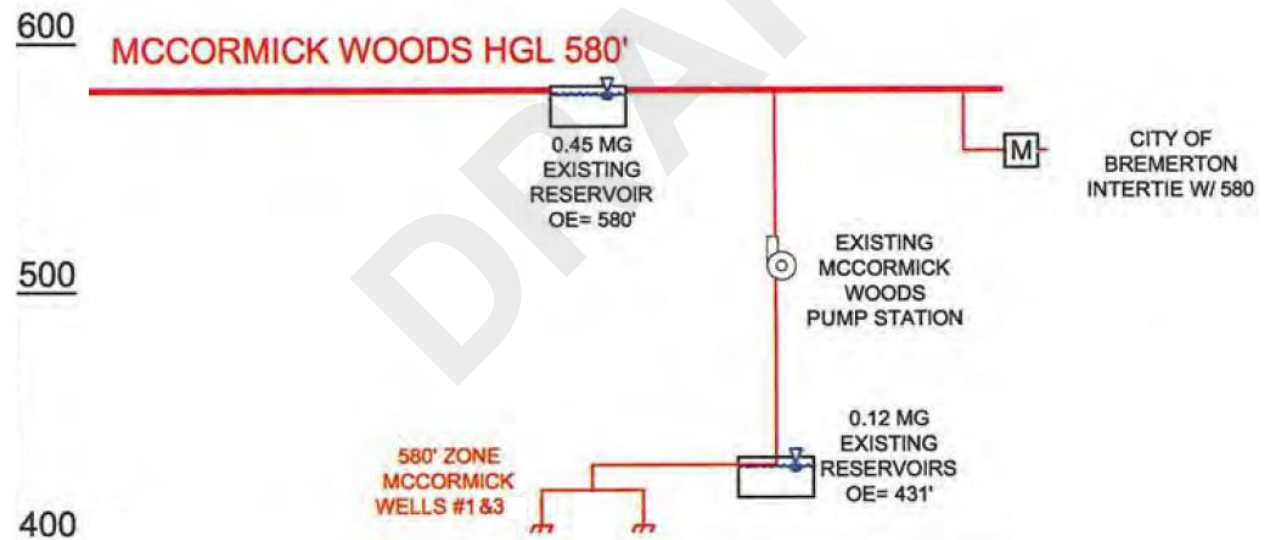
## Background

The McCormick Woods system, referred to as the 580 Zone, is part of the Port Orchard water system but is physically separate from the rest of the Port Orchard Water System. The 580 Zone also serves areas that reside in both the City of Port Orchard and the City of Bremerton.

Water for the 580 Zone comes from two sources: ground water wells on the Port Orchard side (Wells # 1 and #3) and an intertie with Bremerton (which is pumped from a Bremerton Pump Station).

Three storage tanks exist in the 580 Zone. The two wells pump into two parallel tanks with an overflow elevation of 431 (referred to in this TM as the McCormick 431 Reservoirs). The McCormick Woods Pump Station then lifts water from the McCormick 431 Reservoirs to the 580 Zone hydraulic grade line (HGL) which has a single reservoir (referred to in this TM as the McCormick 580 Reservoir). A schematic of the 580 Zone is shown in Figure 1.

Figure 1. HGL Schematic of 580 Zone



Source: City of Port Orchard 2009 Water System Plan

Recent analysis work by another consulting firm of the 580 Zone determined that the system currently has a deficiency for storage requirements causing a moratorium to be placed on new construction within the zone. HDR performed a separate analysis to determine the capacity of the zone to determine if there is a surplus capacity. That analysis is summarized in this TM.

## Data for Analysis

This section provides a summary of the data provided to HDR to complete a capacity analysis.

### Source Production Data

HDR was provided production data for the sources feeding the 580 Zone.

For the City of Bremerton intertie supply, HDR was provided a spreadsheet consisting of bi-monthly (every two months) volumes pumped by Pump Station 2A (PS 2A) which feeds the intertie. This covered a period from 1/20/2015 through 5/21/2018. For each bi-monthly period, the spreadsheet calculates the average daily pumped flow. In reviewing the spreadsheet, HDR made two modifications causing the gallons per day volumes used in HDR's analysis to differ from what was originally presented in Bremerton's spreadsheet. First, the spreadsheet includes a column for "Days in Cycle" which are manually entered values and are used to calculate average gallons per day in each cycle. Looking at the "Date Begin" and "Date End Read" columns corresponding to the "Days in Cycle", some of the manually entered values were off, which HDR corrected. HDR also changed the conversion of cubic feet (cft) to gallons (gal) from 7.48 gal/cft to 7.48052 gal/cft. For the days between 1/1/2015 and 1/20/2015, it was assumed that the average daily volume was equal to those in the first bi-monthly period starting on 1/20/2015.

For the City of Port Orchard, HDR was provided a number of spreadsheets consisting of daily pumped volumes for Wells #1 and #3. This covered a period from 1/1/2015 through 12/31/2017. For most of the time frame, HDR also received PDF scans of the original daily hand note recordings of pumped volumes. In reviewing the production data, HDR noticed several errors in the spreadsheet and made corrections based on the hand notes. For days where a daily read was skipped and two days flow were recorded in one day, the volume was equally split between both days.

The source production data was used to develop peaking factors for the system.

### Consumption Data

HDR was provided consumption data for service connections within the 580 Zone.

For the City of Bremerton, HDR received individual meter reads for all Bremerton connections within the 580 Zone spanning a time frame from 1/7/2016 through 12/28/2018. The data included the following customer classes: commercial, irrigation, multi-family, and residential.

For the City of Port Orchard, HDR received individual meter reads for all Port Orchard connections within the 580 Zone spanning a time frame from 1/13/2014 through 12/31/2018. The data included the following customer classes: irrigation, other, and residential, as well as hydrant flows for serving construction demands.

The consumption data was used to determine the number of active single family residential units per year and value of an equivalent residential unit (ERU), and when paired with source production data, the quantity of non-retail sales.

### Service Elevation

HDR was provided information that the highest service connection directly served by the McCormick 580 reservoir is at an elevation of 480 ft. No connections are directly served by the McCormick 431 Reservoirs.

### Reservoir Sizes

The sizes of the reservoirs were based off of information presented in Port Orchard's 2009 Water System Plan (WSP) as summarized in Table 1.

**Table 1. 580 Zone Reservoir Geometry**

Reservoir	Overflow Elevation	Bottom Elevation	Diameter
McCormick 431 (typical of two)	431 ft	416 ft <i>(based on 15 ft height in WSP)</i>	25 ft
McCormick 580	580 ft	538 ft <i>(based on 42 ft height in WSP)</i>	42.7 ft <i>(based on 42 ft height and 0.45 Mgal capacity in WSP)</i>

## Operating Rules and Capacities

HDR was provided operating rules and capacities for the Port Orchard side of the system. These are summarized in Table 2, Table 3, Table 4, and Table 5 below.

**Table 2. Well Pumping Capacity**

Wells Operating	Capacity (gpm)
Well #1 Only	128
Well #3 Only	423
Well #1 and Well #3	540

**Table 3. McCormick Woods Pump Station Pumping Capacity**

Pumps Operating	Capacity (gpm)
Pump 1 Only	198
Pump 2 Only	338
Pump 3 Only	356
Pump 1 and 2	519
Pump 2 and 3	665
Pump 1, 2, and 3	793

**Table 4. Well Operating Rules**

Condition	Level in McCormick 431 Reservoirs (ft)
All Off	13 ft
Lead On	12.6 ft
Lag On	12 ft

**Table 5. McCormick Woods Pump Station Operating Rules**

Condition	Level in McCormick 580 Reservoir (ft)
All Off	41.5 ft
Lead On	39.5 ft
Lag On	39 ft
Lag 2 On	36.5 ft

For the Bremerton intertie, the current agreement between Bremerton and Port Orchard is for the intertie to supply up to 350 gpm. However, HDR was directed that the intertie could have the capacity to supply up to 900 gpm. The capacity analysis assumes that 900 gpm is available from Bremerton through the intertie.

## Water Use Factors

### MDD/ADD Peaking Factor

The maximum day demand (MDD) to average day demand (ADD) peaking factor is used to estimate MDD given an ADD. The historical MDD/ADD peaking factors were calculated for both the Port Orchard and Bremerton supplies, as well as for the overall 580 Zone.

To complete this analysis, the total daily source production was found by totaling the daily production from Port Orchard's Wells #1 and #3, and Bremerton's PS 2A. Because PS 2A data is read on a bi-monthly basis, the daily production for PS 2A was based on the average day production from the bi-monthly total.

For estimating the MDD for Bremerton, the Bremerton production was peaked by a factor of 1.35. This is based on guidance from the Draft Department of Health (DOH) Water System Design Manual (WSDM) (revised September 2018), which recommends using a MDD to Max Month Average Day Demand (MMADD) peaking factor of 1.35 for systems serving 1,000 to 100,000 people and 1.65 for systems serving fewer than 1,000 people. As the population is greater than 1,000, the 1.35 peaking factor was used. Because Port Orchard data was done on a daily basis, no peaking factor had to be assumed to determine MDD for Port Orchard production.

Table 6, Table 7, and Table 8 provide a summary of source production demands for the overall 580 Zone, Port Orchard source, and Bremerton source, respectively.

**Table 6. Overall 580 Zone Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	397,305	406,154	410,493	404,651
MDD (gpd)	1,305,396	1,322,930	1,320,347	1,316,224
ADD (gpm)	276	282	285	281
MDD (gpm)	907	919	917	914
MDD/ADD	3.29	3.26	3.22	3.25

gpd = gallons per day

**Table 7. Port Orchard Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	214,041	239,102	296,929	250,024
MDD (gpd)	790,812	918,732	765,280	824,941
ADD (gpm)	149	166	206	174
MDD (gpm)	549	638	531	573
MDD/ADD	3.69	3.84	2.58	3.37

**Table 8. Bremerton Source Production**

Demand	2015	2016	2017	Average
ADD (gpd)	183,265	167,051	113,564	154,627
MDD (gpd)	531,480	471,325	624,149	542,318
ADD (gpm)	127	116	79	107
MDD (gpm)	369	327	433	377
MDD/ADD	2.90	2.82	5.50	3.74

As shown on Table 6, the MDD/ADD peaking factor has been trending downward. Therefore, the MDD/ADD peaking factor for 2017 of 3.22 was used for the capacity analysis.

## Equivalent Residential Units (ERUs)

From the consumption data provided from each city, for each year covered by the data, the number of active residential connections and annual residential demand was determined to calculate the value of an ERU. An ERU is calculated by taking the annual residential demand and dividing by the number of residential connections. Active residential connections were determined by totaling the number of residential accounts that had a consumption more than zero in a given year. Meter read demands were grouped into a year based on the date of the meter read. After determining the value of an ERU, the number of ERUs associated with non-residential customer classes and for non-retail sales could be determined by dividing the consumption by the value of an ERU.

Table 9 and Table 10 provide a summary of the historical active accounts and consumption for Port Orchard. Table 11 and Table 12 provide this for Bremerton, while Table 13 and Table 14 provide this information for the overall 580 Zone.

**Table 9. Port Orchard Number of Active Accounts**

Account Type	2014	2015	2016	2017	2018
Residential	861	866	878	906	975
Irrigation	18	19	18	23	24
Other	11	11	11	11	12
<b>Total</b>	<b>890</b>	<b>896</b>	<b>907</b>	<b>940</b>	<b>1,011</b>

**Table 10. Port Orchard Consumption**

Account Type	Metered Consumption (gallons)				
	2014	2015	2016	2017	2018
Residential	66,236,000	73,306,220	69,783,600	68,938,000	75,844,300
Irrigation	8,810,000	11,338,000	11,606,000	11,262,000	12,061,990
Other	2,153,000	2,282,000	2,216,000	1,833,000	1,963,000
Construction	0	0	2,216,000	1,768,800	1,881,600
<b>Total</b>	<b>77,199,000</b>	<b>86,926,220</b>	<b>85,821,600</b>	<b>83,801,800</b>	<b>91,750,890</b>



**Table 11. Bremerton Number of Active Accounts**

Account Type	2014	2015	2016	2017	2018
Residential	Data not Provided		726	809	883
Irrigation			8	9	10
Commercial			3	4	3
Multi-family					1
<b>Total</b>				<b>737</b>	<b>822</b>

**Table 12. Bremerton Consumption**

Account Type	Metered Consumption (gallons)				
	2014	2015	2016	2017	2018
Residential	Data not Provided		48,723,619	54,282,393	57,840,129
Irrigation			4,489,808	4,043,969	6,748,177
Commercial			3,740	5,236	5,984
Multi-family					65,829
<b>Total</b>				<b>53,217,167</b>	<b>58,331,599</b>

**Table 13. Overall 580 Zone Active Accounts**

Account Type	2016	2017	2018
Residential	1,604	1,715	1,858
Irrigation	26	32	34
Other (including Multi-Family)	14	15	16
<b>Total</b>	<b>1,644</b>	<b>1,762</b>	<b>1,908</b>

**Table 14. Overall 580 Zone Consumption**

Account Type	Metered Consumption (gallons)		
	2016	2017	2018
Residential	118,507,219	123,220,393	133,684,429
Multi-Family	0	0	65,829
Irrigation	16,095,808	15,305,969	18,810,167
Other (including Multi-Family)	2,219,740	1,838,236	1,968,984
Construction Hydrant Usage	2,216,000	1,768,800	1,881,600
<b>Total</b>	<b>139,038,767</b>	<b>142,133,399</b>	<b>156,411,009</b>

**Table 15. Calculation of Non-Retail Consumption**

Demand	2016	2017
Total Source Production (gal)	148,652,193	149,830,018
Total Retail Consumption (gal)	139,038,767	142,133,399
Total Non-Retail Consumption (gal)	9,613,426	7,696,619
Non Retail Sales Percent of Production	6.47%	5.14%

Given the source and consumption data, the non-retail consumption (which includes distribution system losses) is given in Table 15. Table 16 provides a summary of the historical ERUs by city and for the overall 580 Zone. Table 17 shows the historical number of ERUs within the 580 Zone. The current number of ERUs within the 580 Zone is assumed to be equivalent to what was in the zone based on 2018 data. This places the current number of ERUs in the zone as 2,255 (excluding construction demands).

**Table 16. ERU Values**

Location	ERU <sub>ADD</sub> by Year and Location (gpd/ERU)				
	2014	2015	2016	2017	2018
Port Orchard	210.76	231.92	217.16	208.47	213.12
Bremerton	Data Not Available		183.37	183.83	179.46
Overall 580 Zone	Data Not Available		201.86	196.85	197.13

**Table 17. Overall 580 Zone ERUs by Class**

Account Type	Number of ERUs <sup>a</sup>		
	2016	2017	2018
Residential	1,604	1,715	1,858
Multi-Family	0	0	1
Irrigation	218	213	261
Other (including Multi-Family)	30	26	27
Construction Hydrant Usage	30	25	26
Non-Retail	130	107	107 <sup>b</sup>
<b>Total</b>	2,012	2,085	2,281
<b>Total Excluding Construction</b>	1,982	2,061	2,255

<sup>a</sup> Number of ERUs in each year based on the overall 580 Zone value of an ERU for the corresponding year (found in Table 16). For non-residential account types, the number of ERUs is calculated by taking the account types consumption (found in Table 14) divided by the value of an ERU for the corresponding year.

<sup>b</sup> Because production information was not available for 2018, the non-retail ERUs for 2018 was assumed to be equal to 2017.

For determining capacity of the system, the values for ERUs for each system and for the overall 580 Zone are summarized in Table 18. These values are based on a 3-year average from 2016 - 2018.

**Table 18. Assumed ERU Values for Planning**

Location	ERU <sub>ADD</sub> (gpd/ERU)
Port Orchard	212.92
Bremerton	182.22
Overall 580 Zone	198.61

## Storage Capacity Analysis

### Methodology

A storage capacity analysis was completed to determine the current surplus (or deficiency) in storage given current system demands as well as the maximum supported number of ERUs given the current system infrastructure. This is done by comparing the volume of existing water storage provided by the reservoirs in the water system, to the volume of storage required to serve the current and maximum possible demands.

The storage capacity analysis only looks at supply/demand flow rates, existing reservoir volumes, and system elevations for determining the capacity of the storage facilities. Additional analyses that take into consideration the movement of water through the distribution system and associated impacts on pressure (such as head loss) are not completed as part of this analysis.

There are five types of storage volumes that must be accounted for per Washington Administrative Code (WAC) 246-290-235. These are described below and shown on Figure 2 (page 9).

- Operational Storage (OS)** - the volume of storage associated with source or booster pump normal cycling times under normal operating conditions. For this analysis, this is calculated as the volume of water that is delivered to the system from the storage facility between the storage facility's sources being off to when the lead source turns on. Operating storage must be provided at a pressure of at least 30 psi per DOH requirements.
- Equalizing Storage (ES)** - the volume of storage needed to supplement supply to consumers when peak demands exceed the source capacity. Equalizing storage must be provided at a pressure of at least 30 psi per DOH requirements. Equalizing storage volume is calculated as the difference in peak hour demand to supply capacity (all sources online) multiplied by 150 minutes.
- Standby Storage (SS)** - the volume of stored water available for use during a loss of source capacity or power, or similar short-term emergency. This storage component is equal to the greater of (1) the amount of storage required to meet average day demands for two days if the largest source supplying the storage facility is out of service, or (2) 200 gallons per the number of ERUs served by the facility. Standby storage must be provided at a pressure of at least 20 psi during maximum day demand (MDD).
- Fire Suppression Storage (FSS)** - the volume of stored water available during fire suppression activities. This is calculated to be the volume associated with the highest fire demand (flow × duration) served by the storage facilities. The standby storage and fire suppression storage can be "nested" meaning the larger of the two becomes the required storage volume. Fire suppression storage must be provided at a pressure of at least 20 psi. The highest fire demand for the 580 Zone is 2,875 gpm for 2 hours (345,000 gal).
- Dead Storage (DS)** - the volume of stored water not available to all consumers at the minimum required design pressures.

The storage capacity analysis is based on an evaluation of the existing storage reservoirs and their ability to meet the demands and minimum pressure requirements in the areas they serve.

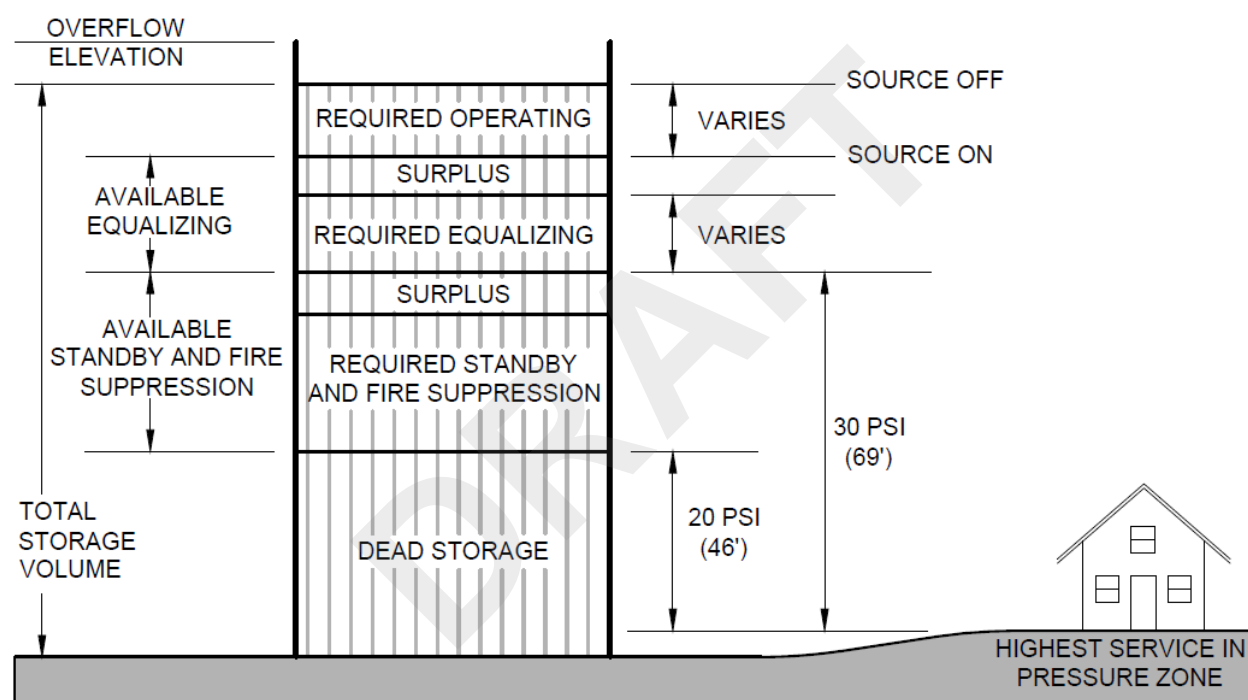
With the way the 580 Zone is configured, the storage analysis looks at four scenarios:

1. Standby storage driving 20 psi storage requirements where the McCormick Woods Pump Station is the limiting source.
2. Standby storage driving 20 psi storage requirements where Wells #1 and #3 are the limiting source.
3. Fire suppression storage driving 20 psi storage requirements where the McCormick Woods Pump Station is the limiting source.
4. Fire suppression storage driving 20 psi storage requirements where Wells #1 and #3 are the limiting source.

For the standby storage scenarios, storage volumes in the McCormick 431 Reservoirs are available for OS, ES, and SS. For the fire suppression storage scenarios, storage volumes in the McCormick 431 Reservoirs are available for OS and ES, but not for FSS.

Required storage volumes for each of the storage components follows the methodologies provided in the Washington State Department of Health (DOH) Water System Design Manual.

**Figure 2. Schematic of Storage Components**



## Results

The storage capacity analysis for the four scenarios are given in Table 19, Table 20, Table 21, and Table 22 (pages 10 through 13). Out of the four scenarios, the lowest number of ERUs supported by current infrastructure is based on the scenario of standby storage driving the 20 psi storage requirement with the wells as the limiting source (Table 20).

Table 20 shows that a maximum of 2,329 ERUs can be supported. Given that there are currently 2,255 ERUs in the 580 Zone, this leaves a surplus of 74 ERUs when assuming the ERU value is equivalent to the overall 580 Zone ERU value.

If assuming the Port Orchard specific ERU value, there is a surplus of 69 ERUs. If assuming the Bremerton specific ERU value, there is a surplus of 80 ERUs.

**Table 19. Standby Storage Driving 20 psi Requirements, Pump Station as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,453
<b>Demand (gpm)</b>		
Average Day Demand	311	338
Maximum Day Demand	1,001	1,089
Peak Hour Demand	1,720	1,861
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	4,093	25,151
Standby Storage	451,000	490,513
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	28,455	49,513
Greater than 20 psi at highest meter	479,455	540,027
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 20 psi Storage	540,027	540,027
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	391,174	370,116
20 psi Storage	60,572	0

**Table 20. Standby Storage Driving 20 psi Requirements, Wells as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,329
<b>Demand (gpm)</b>		
Average Day Demand	311	321
Maximum Day Demand	1,001	1,034
Peak Hour Demand	1,720	1,773
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	42,043	49,908
Standby Storage	451,000	465,757
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	66,405	74,270
Greater than 20 psi at highest meter	517,405	540,027
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 20 psi Storage	540,027	540,027
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	353,224	345,360
20 psi Storage	22,622	0

**Table 21. Fire Suppression Storage Driving 20 psi Requirements, Pump Station as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,922
<b>Demand (gpm)</b>		
Average Day Demand	311	403
Maximum Day Demand	1,001	1,298
Peak Hour Demand	1,720	2,194
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	4,093	75,193
Fire Suppression Storage	345,000	345,000
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	28,455	99,555
Greater than 20 psi at highest meter	373,455	444,555
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs <sup>a</sup>	0	0
Total Available 20 psi Storage	444,555	444,555
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	391,174	320,075
20 psi Storage	71,100	0

<sup>a</sup> FSS not available from 431 Reservoirs as it is not available via gravity

**Table 22. Fire Suppression Storage Driving 20 psi Requirements, Wells as Limiting Source**

	Current	Max
<b>Equivalent Residential Units</b>	2,255	2,566
<b>Demand (gpm)</b>		
Average Day Demand	311	354
Maximum Day Demand	1,001	1,140
Peak Hour Demand	1,720	1,941
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Required Storage Volume Components (gal)</b>		
Operational Storage	24,362	24,362
Equalizing Storage	42,043	75,193
Fire Suppression Storage	345,000	345,000
<b>Required Storage Volume by Pressure (gal)</b>		
Greater than 30 psi at highest meter	66,405	99,555
Greater than 20 psi at highest meter	411,405	444,555
<b>Existing Storage</b>		
Available at 30 psi at Highest Meter		
Existing McCormick 580 Reservoir	324,158	324,158
Existing McCormick 431 Reservoirs	95,472	95,472
Total Available 30 psi Storage	419,630	419,630
Available at 20 psi at Highest Meter		
Existing McCormick 580 Reservoir	444,555	444,555
Existing McCormick 431 Reservoirs <sup>a</sup>	0	0
Total Available 20 psi Storage	444,555	444,555
<b>Storage Surplus/(Deficiency) Checks (gpm)</b>		
30 psi Storage	353,224	320,075
20 psi Storage	33,150	0

<sup>a</sup> FSS not available from 431 Reservoirs as it is not available via gravity



## Source Capacity Analysis

A storage capacity analysis for the 580 Zone was also completed to determine if sources were more limiting than storage. The source capacity analysis compares forecasted demands to the source capacity meeting those demands (wells and booster pump stations). The analysis looks at the following requirements:

1. Ability of sources to meet MDD with all sources in service.
2. Ability of sources to replenish depleted fire flow storage during MDD within 72 hours.
3. Ability of sources to meet ADD with largest source out of service.

The source analysis looks at two scenarios: (1) the wells being the limiting source and (2) the McCormick Woods Pump Station being the limited source. These are found in Table 23 and Table 24.

The source capacity analysis shows that current sources can support 3,063 ERUs which is greater than the capacity of storage.

**Table 23. Source Capacity Analysis, Wells as Limiting Source**

	Current	Max
<b>Projected Equivalent Residential Units</b>	2,255	3,063
<b>Projected Demand (gpm)</b>		
Average Day Demand	311	422
Maximum Day Demand	1,001	1,360
Flow to replenish fire suppression storage in 72 hr	80	80
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
Wells 1 and 3 Online	540	540
Total Capacity	1,440	1,440
Total Capacity with Largest Offline	540	540
<b>Source Surplus/(Deficiency) Checks (gpm)</b>		
Average Day Demand with Largest Pump Offline	229	118
Maximum Day Demand	439	80
Fire Storage Replenishment during MDD	359	0

**Table 24. Source Capacity Analysis, Pump Station as Limiting Source**

	Current	Max
<b>Projected Equivalent Residential Units</b>	2,255	3,632
<b>Projected Demand (gpm)</b>		
Average Day Demand	311	501
Maximum Day Demand	1,001	1,613
Flow to replenish fire suppression storage in 72 hr	80	80
<b>Sources (gpm)</b>		
City of Bremerton Intertie	900	900
McCormick Woods PS (All Pumps Online)	793	793
Total Capacity	1,693	1,693
Total Capacity with Largest Offline	793	793
<b>Source Surplus/(Deficiency) Checks (gpm)</b>		
Average Day Demand with Largest Pump Offline	482	292
Maximum Day Demand	692	80
Fire Storage Replenishment during MDD	612	0

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## Summary

Based on provided source production data, metered consumption data, and operating rules, the 580 Zone has a small surplus in capacity. Between the storage and source capacity analyses, it was found that storage is the limiting factor.

Data shows that there are currently 2,255 ERUs within the 580 Zone (excluding construction demands) while the storage facilities in the zone can support up to 2,329 ERUs, a 74 ERU surplus. This is based on an overall 580 Zone ERU<sub>ADD</sub> value of 198.61 gpd and a MDD/ADD peaking factor of 3.22.

If assuming the Port Orchard specific ERU<sub>ADD</sub> value of 212.92 gpd, there is a surplus of 69 ERUs; and if assuming the Bremerton specific ERU<sub>ADD</sub> value of 182.22 gpd, there is a surplus of 80 ERUs.

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June 24, 2019

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City of Port Orchard  
216 Prospect Street  
Port Orchard, WA 98366

Subject: Notice of Water Storage Deficiency in the 580/660 Zone

Dear Mr. Dorsey:

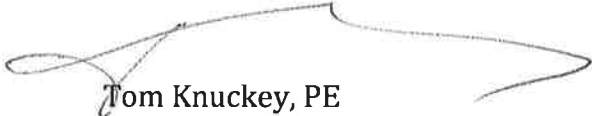
I am responding to the attached letter from Michael Pleasants, dated June 17, 2019, regarding the water storage deficiency in the W580 Zone which shares the use of the storage reservoir owned and operated by the City of Port Orchard. There are currently no applications for water service in the Bremerton W580 Zone and none are anticipated until the next final plat is approved in our water service area. As such we intend to continue issuing conditional water availability letters related to planned land use actions inside the Bremerton City limits with specific conditions related to the resolution of the storage deficiency. This will allow projects to continue moving forward while a resolution is determined.

As you are aware, the most imminent development which may apply for water services is the 85 lot McCormick North development. This project lies within the Bremerton water service area but is also located within the Port Orchard city limits. In reviewing the recent moratorium it does not appear that the City of Port Orchard included this project in the moratorium area. We feel this is an oversight. As the building permitting authority issuing a building permit moratorium, the City of Port Orchard should determine whether these lots receive building permits and by default water service. In this area of shared authority I will commit that the City of Bremerton will not sell any water services in its W580 Zone service area until the City of Port Orchard has issued building permits in a manner consistent with your moratorium. Ideally, Port Orchard will extend the moratorium limits to include the area inside your city limits north of Old Clifton Road.

Rest assured that the City of Bremerton is committed to a timely resolution of this issue so that building permitting and the sale of water service can continue. We will do as much as we can to assist in the planning efforts, collaborate on feasibility, or provide operational support.

Please feel free to contact me at (360) 473-2376 if you have any questions or wish to discuss this further.

Sincerely,



Tom Knuckey, PE  
Interim Director of Public Works and Utilities

cc: Roger Lubovich, City of Bremerton  
Ned Lever, P.E., City of Bremerton  
Cami Apfelbeck, City of Bremerton  
Andrea Spencer, City of Bremerton  
Nick Bond, City of Port Orchard  
Michael Pleasants, P.E., City of Bremerton  
File

Encl.



**CITY OF PORT ORCHARD**  
**Public Works Department**

216 Prospect Street, Port Orchard, WA 98366  
Voice: (360) 876-4991 • Fax: (360) 876-4980  
[www.cityofportorchard.us](http://www.cityofportorchard.us)

June 17, 2019

Mr. Tom Knuckey, P.E.  
City of Bremerton  
345 6<sup>th</sup> Street, Suite 500  
Bremerton, WA 98337

**Re: Notice of Water Storage Deficiency in the 580/660 zone**

Dear Mr. Knuckey:

As you are aware, the Cities of Bremerton and Port Orchard have an interlocal agreement dated January 20, 2002 for a shared 450,000 gallon reservoir for water storage in the 580/660 zones. The City of Port Orchard recently learned that we have exceeded the limits of this facility. As such, on June 11, 2019, the Port Orchard City Council enacted an emergency moratorium on any new building permits being issued in the City of Port Orchard retail water service area within the 580/660 zones. A copy of the ordinance adopting the emergency moratorium is attached. This emergency moratorium did not include areas outside of the Port Orchard retail water service area. However, this letter provides notice to Bremerton that the 450,000-gallon reservoir is unable to accommodate any additional connections in the Port Orchard or Bremerton retail services areas in the 580/660 zones at this time.

Please take whatever steps are necessary to ensure that additional connections in your retail service area are not approved until additional storage capacity becomes available.

Please contact me or Department of Community of Development Director Nick Bond should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Pleasants", written over a horizontal line.

Michael Pleasants, P.E.  
Assistant City Engineer  
City of Port Orchard

Enclosure: City of Port Orchard Ordinance No. 020-19  
cc: Cami Apfelbeck, City of Bremerton  
Ned Lever, P.E., City of Bremerton  
Mark Dorsey, P.E., City of Port Orchard  
Nick Bond, City of Port Orchard  
File

**ORDINANCE NO. 020-19**

**AN ORDINANCE of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a temporary six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.**

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

**WHEREAS**, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

**WHEREAS**, the City Council of the City of Port Orchard ("City") updated the City's Comprehensive Plan in 2016, which includes a Utilities Element that serves as the City's guiding or strategy document to ensure that the City will have adequate utilities available for projected growth; and

**WHEREAS**, the City updated its water facilities plan in 2011 and is currently in the process of a complete update which is expected to be completed by the end of this year or in early 2020; and

**WHEREAS**, as a result of the work on updating the water facilities plan, the City has discovered that there are deficits in the current water facilities, particularly in the 580 & 660 water zones; and

**WHEREAS**, the City's current water facilities plan provides that the water storage facilities and other improvements in the 580 & 660 zones are to be completed by a private developer to serve its development; and

**WHEREAS**, the City and the private developer entered into an agreement in 2007 whereby the developer would build the legally required water storage and other water facilities in conformance with city code to serve the expected growth from that development in the 580 & 660 water zones; and

**WHEREAS**, although there have been permits issued in the past to the developer to

construct these improvements, those permits expired many years ago without the construction occurring; and

**WHEREAS**, in the intervening twelve (12) years since the City and the developer entered into an agreement for construction of the water facilities, the water design manual as adopted by the State Department of Health has changed which impact the scope of the water storage and other facilities required for serving the 580 & 660 zones; and

**WHEREAS**, in addition to insufficient water storage facilities, the 580 & 660 zones also have inadequate source supplies; and

**WHEREAS**, the City Council has significant concerns about development and growth in the 580 & 660 water zones, which is shown on Map 1 as attached hereto, due to the availability of adequate water storage facilities and source for serving that area and for the ability to provide uninterrupted water supply; and

**WHEREAS**, the City Council finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens, including to the health, safety and welfare of the people and property in the 580 & 660 water zones; and

**WHEREAS**, the City Council's concerns regarding likely adverse impacts related to growth and development require immediate attention and include, but are not limited to, developing adequate water source for the 580 & 660 zones and working with the developer in that area to increase water storage capacity to serve the expected growth and to ensure continuous supply of water in order to accommodate growth and development in this area; and

**WHEREAS**, the increase in water source, water storage and improvements necessary to ensure adequate supply are critical to ensuring water supply and adequate fire flow for the growing 580 & 660 zones; and

**WHEREAS**, the City has determined that there are no water connections remaining in the 580 or 660 zones because the facilities for source and storage of those zones have reached maximum capacity; and

**WHEREAS**, based on these and related concerns, the City Council has determined that a limited moratorium on development within the 580 & 660 water zones is in the best interests of the City to allow sufficient time for a plan to increase water source, water storage and to ensure continuous supply and to ensure that the goals of the City's Comprehensive



Plan are being met to the Council's satisfaction; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

**WHEREAS**, the City Council declares that a public emergency exists requiring that the City's moratorium become effective immediately upon adoption; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 5 below.

**Section 2. Moratorium Imposed.** As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under Section 3 and Section 4 of this ordinance, the City hereby imposes a moratorium, as described in this Section 2, for those properties located in the 580 & 660 water service zones as shown on the attached Map #1 requesting the following ("Permit Applications"):

All building permit applications for the construction of buildings and structures which need to be connected to the 580 & 660 water service zones included or otherwise described in Chapter 20.200 of the Port Orchard Municipal Code ("POMC").

**Section 3. Effect on Vested Rights.** The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

**Section 4. Exclusions.** The provisions of this moratorium shall not apply to any Permit

Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.

2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise exempted by this section.

3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.

4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).

5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.

6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, or before August 10, 2019. The Council hereby schedules this public hearing for July 23, 2019.

**Section 6. Interpretive Authority.** The City of Port Orchard Director of Community

Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 8. Declaration of Public Emergency; Effective Date; Duration.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). The Council further declares that due to the declared public emergency, this ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Without an immediate moratorium on the City's acceptance of non-exempt development applications, such applications could become vested, leading to a development and use of property without adequate water facilities to serve these properties. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent a flood of applications to the City in the 580 & 660 zones. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This moratorium shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the moratorium for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 9. No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary or mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 10. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 11. Effective date.** This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 11<sup>th</sup> day of June 2019.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk



APPROVED AS TO FORM:



Jennifer Robertson,  
Attorney for Port Orchard

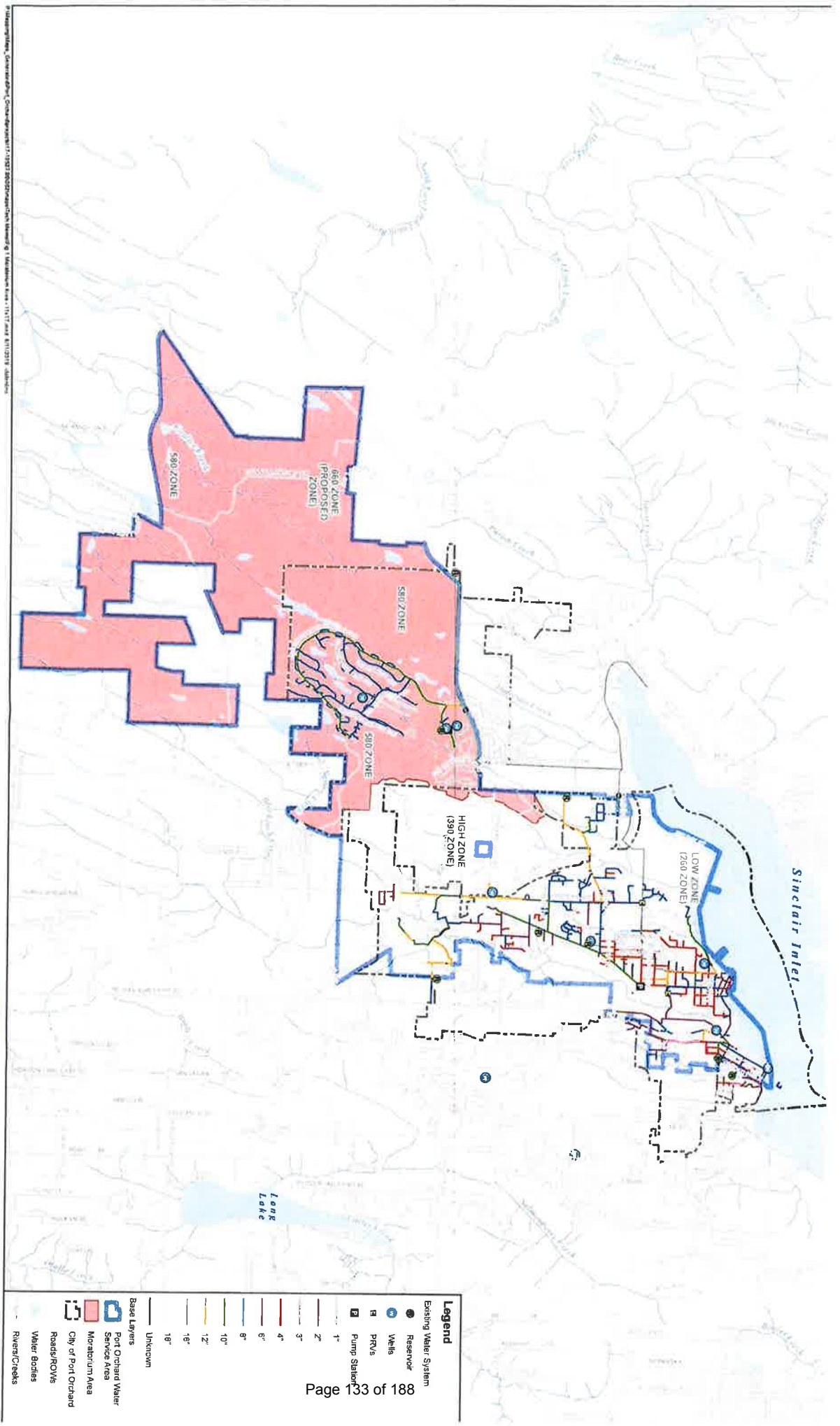
PUBLISHED: June 21<sup>st</sup>, 2019  
EFFECTIVE DATE: June 11<sup>th</sup>, 2019

2019, Public Use of Port Owner.  
 Other than as shown, this map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose. The map is not intended to be used for any other purpose.



**Moratorium Area**  
 City of Port Orchard, Washington  
 June 2019

Figure 1



**Legend**

**Existing Water System**

- Reservoir
- Wells
- PRVs
- Pump Station

**Base Layers**

- Port Orchard Water Service Area
- Moratorium Area
- City of Port Orchard
- Roads/ROVs
- Water Bodies
- Rivers/Creeks
- Unknown

1" — 1"  
 2" — 2"  
 3" — 3"  
 4" — 4"  
 6" — 6"  
 8" — 8"  
 10" — 10"  
 12" — 12"  
 16" — 16"  
 18" — 18"

**NOTICE OF CITY OF PORT ORCHARD  
ORDINANCE**

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held June 11, 2019.

**ORDINANCE NO. 020-19**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF CERTAIN DEVELOPMENT IN THE 580 & 660 WATER ZONES OF PORT ORCHARD; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; PROVIDING FOR EXCLUSIONS; RECOGNIZING THAT A PUBLIC HEARING WILL BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETATIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

Copies of Ordinance No. 020-19 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request, a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 020-19 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson  
City Clerk

Published: Friday, June 21, 2019



**City of Port Orchard**  
216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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### Agenda Staff Report

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>July 23, 2019</u>
Subject:	<u>Adoption of an Ordinance Repealing</u>	Prepared by:	<u>Debbie Lund</u>
	<u>Ordinance No. 952, Codified in Port</u>		<u>HR Coordinator</u>
	<u>Orchard Municipal Code Chapter 2.40</u>	Atty Routing No.:	<u>N/A</u>
	<u>"Affirmative Action Program"</u>	Atty Review Date:	<u>N/A</u>

**Summary:** In 1975 the City of Port Orchard adopted an Affirmative Action Program. In 1998, Washington state voters passed an initiative that prohibited local governments from having such programs. In 2019, the Washington state legislature passed legislation (Diversity, Equity and Inclusion Act) proposed by the citizens as Initiative 1000, permitting, but not requiring, local governments to again implement affirmative action programs. That legislation is effective July 28, 2019.

The City of Port Orchard did not repeal the 1975 Affirmative Action Program ordinance and with the passage of the new legislation staff is concerned that the 1975 program would be re-activated and without further review and evaluation is likely to be overly burdensome to staff.

**Recommendation:** Staff recommends adopting the Ordinance as presented.

**Relationship to Comprehensive Plan:** N/A

**Motion for consideration:** "I move to adopt an Ordinance which repeals Ordinance 952, codified at Chapter 2.40 of the Port Orchard Municipal Code, to allow staff time to evaluate the impacts to the City of the passage of the Washington State Diversity, Equity and Inclusion Act, proposed by the citizens as Initiative 1000."

**Fiscal Impact:** N/A

**Alternatives:** Do not adopt Ordinance and provide alternative guidance.

**Attachments:** Ordinance.

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, REPEALING ORDINANCE NO. 952, CODIFIED AT CHAPTER 2.40 POMC, WHICH ESTABLISHED AN AFFIRMATIVE ACTION PROGRAM WITHIN THE CITY; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, in 1975, the City of Port Orchard adopted Ordinance No. 952, codified as Chapter 2.40 POMC (“Affirmative Action Program”), which established a program for implementing affirmative action principles in city hiring; and

**WHEREAS**, in 1998, Washington state voters passed Initiative 200 (I-200), which prohibited state and local governments from either discriminating against or granting preferential treatment to applicants, employees, or contractors based on the protected categories of race, sex, color, ethnicity, or national origin, thereby rendering portions of Ordinance No. 952 obsolete; and

**WHEREAS**, the 2019 Washington state legislature passed the Washington State Diversity, Equity, and Inclusion Act, proposed by citizens as Initiative 1000 (I-1000), which permits state and local governments to implement affirmative action laws, regulations, policies or procedures in public employment in order to remedy discrimination against certain protected classes; and

**WHEREAS**, with the passage of I-1000, the city may now consider certain information about applicants in considering them for public employment, and is permitted – but not required – to implement affirmative action rules and policies such as recruitment and participation goals; and

**WHEREAS**, staff has determined that I-1000, which becomes effective July 28, 2019, could inadvertently re-activate all or portions of the Affirmative Action Program set forth in Chapter 2.40 POMC before the city has had an opportunity to determine what affirmative action laws, regulations, policies or procedures it would be appropriate to adopt at this point in time, if any; and

**WHEREAS**, the City Council has determined it to be in the best interests of the city to repeal Ordinance 952 (Chapter 2.40 POMC) at this time; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Repealed. That Ordinance No. 952, codified at Chapter 2.40 POMC, is hereby

repealed in its entirety.

**SECTION 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23 day of July 2019.

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

\_\_\_\_\_  
John Clauson, Councilmember

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:



**City of Port Orchard**  
 216 Prospect Street, Port Orchard, WA 98366  
 (360) 876-4407 • FAX (360) 895-9029

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**Agenda Staff Report**

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>July 23, 2019</u>
Subject:	<u>Adoption of an Ordinance Revising</u>	Prepared by:	<u>Debbie Lund</u>
	<u>Ordinance 010-19 and Clarifying</u>		<u>HR Coordinator</u>
	<u>Benefits For Non-Union Employees</u>	Atty Routing No.:	<u>NA</u>
		Atty Review Date:	<u>NA</u>

**Summary:** Staff has discovered that some of the verbiage of Ordinance 010-19 and its Appendix A left room for interpretation that could be contrary to staff’s intent when recommending the language to the City Council. This Ordinance is to clarify that intent in the following areas:

- Application of benefits to all non-union employees. Ordinance 010-19 inadvertently referred to FLSA “Executive” exempt employees when the intent was to cover all FLSA exempt employees. (“Executive” is just one of a handful of exemption classifications under the FLSA.)
- “Full time” and “part-time” definitions. The term “full-time” and “part-time” is used in Appendix A without the context of the meaning of those terms in personnel policy. With the enactment of federal health care reform a full-time employee means any employee averaging 30 or more hours a week. City personnel policies reflect that definition. Appendix A does not and is being updated to provide that reference for clarification.
- Well City Incentive Program. It is staff’s belief that all employees who enroll in one of the AWC’s medical plans should benefit when the City receives the Well City Award. The language in Appendix A inadvertently excluded those part-time employees who choose to enroll. This revision clarifies that intent.

**Recommendation:** Staff recommends adopting the Ordinance as presented.

**Relationship to Comprehensive Plan:** N/A

**Motion for consideration:** “I move to adopt an Ordinance which revises Ordinance 010-19 and clarifies the benefits offered to non-union City employees.”

**Fiscal Impact:** N/A

**Alternatives:** Do not adopt Ordinance and provide alternative guidance.

**Attachments:** Ordinance 010-19 Appendix “A”-redlined, Ordinance, Personnel Policy 7.4.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, REVISING ORDINANCE NO. 010-19 AND CLARIFYING BENEFITS OFFERED FOR NON-UNION EMPLOYEES; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Port Orchard has established certain employment benefits for non-union employees; and

**WHEREAS**, the City Council recognizes the importance of a healthy workforce and encourages all employees to participate in the City's wellness efforts; and

**WHEREAS**, the Well City incentive benefit, adopted as Appendix "A" of Ordinance No. 010-19 excluded part-time employees; and

**WHEREAS**, Section 2 and the title of Appendix "A" of Ordinance No. 010-19 inadvertently excluded FLSA Exempt employees under classifications other than "Executive"; and

**WHEREAS**, the City Council has determined that Appendix "A" of Ordinance No. 010-19 would benefit from some clarification; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 2 of Ordinance No. 010-19 shall be revised for clarification of intent to read: Effective March 17, 2019 the rates of pay for all non-union employees shall be increased by one and five hundredths percent (1.05%).

**SECTION 2.** Section 3 of Ordinance No. 010-19 is repealed and all benefits listed in Appendix A, attached, will be effective for all non-union employees upon the effective date of this ordinance as provided for in Section 6.

**SECTION 3.** This ordinance shall not change or limit other benefits not listed that covered employees currently have through their employment with the City.

**SECTION 4. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23 day of July 2019.

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

\_\_\_\_\_  
John Clauson, Councilmember

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:

## APPENDIX "A"

### NON-UNION EMPLOYEES

#### ***Medical Benefits:***

**MEDICAL BENEFITS FOR PART-TIME EMPLOYEES** -Part-time employees, as defined in personnel policies, the Employer will pay 50% of the medical insurance premium for the employee only if the employee elects to pay 50% of the premium by payroll deduction. The employee may elect to purchase medical insurance coverage for their spouse and/or dependents at their own expense by payroll deduction.

If an eligible full-time employee, as defined in personnel policies, elects to waive the Employer medical coverage as provided for in the City's personnel policies, the employee shall be compensated Five hundred dollars (\$500) as a contribution to be determined as either a cash payment or a contribution to a HRA/VEBA account per month (as determined by the applicable affected group) through the payroll process as a cost savings incentive. This cost savings incentive is only payable for those full months where the employee elects to waive coverage. Employees who participate may not be eligible to return to medical coverage until open enrollment periods as outlined by the insurance carrier. An eligible employee, for purposes of this paragraph, means a full-time employee.

Enrollment and eligibility for the Medical Incentive Program is subject to the total program max limit set at 12 participants city wide for the AWC sponsored health plans for 2019. Each year thereafter the City will determine the total program max limit and adjust appropriately.

Employees currently in the program will continue to remain unless they opt out. In the event, in an open enrollment period, the number of potential enrollees exceeds the available capacity, there will be a lottery for the available spots. Participants will not be unenrolled from their medical plan for the Medical Cost Savings until the City has verified that the employee is eligible to participate in the Medical Incentive Cost Savings program.

**HRA VEBA:**

For those full-time, as defined in personnel policies, eligible employees who are offered and enroll in the AWC Health First 250 or Kaiser Permanente plans:

The employer shall establish and enroll employees in an HRA/VEBA account starting with their first covered month. The employee shall be responsible for all fees charged by HRA/VEBA for his/her respective account. The employer shall deposit for those employees that meet the criteria above, on a monthly basis, amounts as established below:

VEBA Contributions per month			
Health First 250	2019	2020	2021
Employee Only	\$15	\$25	\$35
Emp/Spouse	\$25	\$40	\$55
Employee Spouse / 1 Dependent	\$35	\$55	\$75
Employee Spouse / 2 Dependent +	\$40	\$60	\$80
Employee and 1 Dependent	0	\$10	\$20
Employee and 2 Dependents	0	\$15	\$30
Employee and 3 Dependents	0	\$15	\$30

Kaiser Permanente \$20 Co-pay/\$200 Deductible	2019	2020	2021
Employee Only	\$20	\$25	\$30
Emp/Spouse	\$35	\$45	\$60
Employee Spouse / 1 Dependent	\$35	\$50	\$65
Employee Spouse / 2 Dependent +	\$40	\$60	\$80
Employee and 1 Dependent	\$10	\$20	\$30
Employee and 2 Dependents	\$10	\$20	\$30
Employee and 3 Dependents	0	\$10	\$20

**Well City Incentive Program:**

For those eligible employees who are offered and enroll in the AWC Health First 250 or Kaiser Permanente plans:

The City participates in the AWC Well City Wellness Program. Each year AWC awards a discount off medical premiums for cities that participate and receive the Wellness Award. The City encourages employees to participate in wellness activity throughout the year to promote health and wellness. Those employees who are enrolled in the AWC Health First 250 or Kaiser Permanente plans during January 1st of the awarded year will be eligible for a wellness incentive bonus to be deposited to their established HRA/VEBA accounts. If an employee doesn't have an HRA/VEBA account already established, the employer shall establish and enroll said employee in an HRA/VEBA of the City's choosing. The employee shall be responsible for all fees charged by HRA/VEBA for his/her respective account.

The employer shall deposit \$100 for each eligible employee as described above on an annual basis.



***Employee Premiums for AWC Health First 250 and Kaiser Permanente***

Full-time employees as defined in the City’s personnel policies shall be responsible for paying a portion of the total monthly premium for the subject medical plan by payroll deduction. The employees' share of the monthly premium shall be based on a numeric percentage of the total cost of the monthly premium for the subject plan (including the cost to insure dependents, if applicable).

The monthly dollar amount employees are required to pay for each of the subject medical plans will be calculated using the employee premium percentage (as represented by the table) multiplied by the medical premium per year:

The City reserves the right to increase the employee's share of the cost for health insurance as determined appropriate in its discretion.

<b>AWC Health First 250</b>	<b>2019 Employee Premium \$/Month</b>	<b>2019 Employee Premium %</b>	<b>2020 Employee Premium %</b>	<b>2021 Employee Premium %</b>
Employee only	\$59.46	8%	9%	10%
Employee and Spouse	\$119.41	8%	9%	10%
Employee and Spouse and 1 Dependent	\$148.95	8%	9%	10%
Employee and Spouse and 2 Dependent +	\$173.37	8%	9%	10%
Employee and 1 Dependent	\$88.99	8%	9%	10%
Employee and 2 Dependents	\$113.41	8%	9%	10%
Employee and 3 Dependents	\$113.41	8%	9%	10%

<b>Kaiser Permanente \$20 copay/\$200 deductible</b>	<b>2019 Employee Premium \$/Month</b>	<b>2019 Employee Premium %</b>	<b>2020 Employee Premium %</b>	<b>2021 Employee Premium %</b>
Employee only	\$48.62	8%	9%	10%
Employee and Spouse	\$96.44	8%	9%	10%
Employee and Spouse and 1 Dependent	\$120.84	8%	9%	10%
Employee and Spouse and 2 Dependent +	\$145.23	8%	9%	10%
Employee and 1 Dependent	\$73.02	8%	9%	10%
Employee and 2 Dependents	\$97.42	8%	9%	10%
Employee and 3 Dependents	\$97.42	8%	9%	10%

Employees working less than 30 hours a week will share in the cost of their insurance in accordance with the City’s personnel policies.

## APPENDIX "A"

### NON-UNION ~~REPRESENTED EMPLOYEES CLASSIFIED AS FLSA NON-EXEMPT AND CLASSIFIED AS FLSA EXECUTIVE EXEMPT~~

#### **Medical Benefits:**

MEDICAL BENEFITS FOR PART-TIME EMPLOYEES -Part-time employees, as defined in personnel policies, the Employer will pay 50% of the medical insurance premium ~~as specified above~~ for the employee only if the employee elects to pay 50% of the premium by payroll deduction. The employee may elect to purchase medical insurance coverage for their spouse and/or dependents at their own expense by payroll deduction.

If an eligible full-time employee, as defined in personnel policies, elects to waive the Employer medical coverage as provided for in the City's personnel policies, and the related insurance companies involved allow for such practice, the employee shall be compensated Five hundred dollars (\$500) as a contribution to be determined as either a cash payment or a contribution to a HRA/VEBA account per month (as determined by the applicable affected group) through the payroll process as a cost savings incentive. This cost savings incentive is only payable for those full months where the employee elects to waive coverage. Employees who participate may not be eligible to return to medical coverage until open enrollment periods as outlined by the insurance carrier. An eligible employee, for purposes of this paragraph, means a full-time employee.

Enrollment and eligibility for the Medical Incentive Program is subject to the total program max limit set at 12 participants city wide for the AWC sponsored health plans for 2019. Each year thereafter the City will determine the total program max limit and adjust appropriately.

Employees currently in the program will continue to remain unless they opt out. In the event, in an open enrollment period, the number of potential enrollees exceeds the available capacity, there will be a lottery for the available spots. Participants will not be unenrolled from their medical plan for the Medical Cost Savings until the City has verified that the employee is eligible to participate in the Medical Incentive Cost Savings program.

**HRA VEBA:**

For those full-time, as defined in personnel policies, eligible employees who are offered and enroll in the AWC Health First 250 or Kaiser Permanente plans:

The employer shall establish and enroll employees in an HRA/VEBA account starting with their first covered month. The employee shall be responsible for all fees charged by HRA/VEBA for his/her respective account. The employer shall deposit for those employees that meet the criteria above, on a monthly basis, amounts as established below:

<b>VEBA Contributions per month</b>			
<b>Health First 250</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Employee Only	\$15	\$25	\$35
Emp/Spouse	\$25	\$40	\$55
Employee Spouse / 1 Dependent	\$35	\$55	\$75
Employee Spouse / 2 Dependent +	\$40	\$60	\$80
Employee and 1 Dependent	0	\$10	\$20
Employee and 2 Dependents	0	\$15	\$30
Employee and 3 Dependents	0	\$15	\$30

<b>Kaiser Permanente \$20 Co-pay/\$200 Deductible</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Employee Only	\$20	\$25	\$30
Emp/Spouse	\$35	\$45	\$60
Employee Spouse / 1 Dependent	\$35	\$50	\$65
Employee Spouse / 2 Dependent +	\$40	\$60	\$80
Employee and 1 Dependent	\$10	\$20	\$30
Employee and 2 Dependents	\$10	\$20	\$30
Employee and 3 Dependents	0	\$10	\$20

**Well City Incentive Program:**

For those ~~full-time~~ eligible employees who are offered and enroll in the AWC Health First 250 or Kaiser Permanente plans:

The City participates in the AWC Well City Wellness Program. Each year AWC awards a discount off medical premiums for cities that participate and receive the Wellness Award. The City encourages employees to participate in wellness activity throughout the year to promote health and wellness. Those employees who are enrolled in the AWC Health First 250 or Kaiser Permanente plans during January 1st of the awarded year will be eligible for a wellness incentive bonus to be deposited to their established HRA/VEBA accounts. If an employee doesn't have an HRA/VEBA account already established, the employer shall establish and enroll said employee in an HRA/VEBA of the City's choosing. The employee shall be responsible for all fees charged by HRA/VEBA for his/her respective account.

The employer shall deposit \$100 for each eligible employee as described above on an annual basis.

**Employee Premiums for AWC Health First 250 and Kaiser Permanente**

Full-time employees as defined in the City’s personnel policies shall be responsible for paying a portion of the total monthly premium for the subject medical plan by payroll deduction. The employees' share of the monthly premium shall be based on a numeric percentage of the total cost of the monthly premium for the subject plan (including the cost to insure dependents, if applicable).

The monthly dollar amount employees are required to pay for each of the subject medical plans will be calculated using the employee premium percentage (as represented by the table) multiplied by the medical premium per year:

The City reserves the right to increase the employee's share of the cost for health insurance as determined appropriate in its discretion.

<b>AWC Health First 250</b>	<b>2019 Employee Premium \$/Month</b>	<b>2019 Employee Premium %</b>	<b>2020 Employee Premium %</b>	<b>2021 Employee Premium %</b>
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Employee and 1 Dependent	\$73.02	8%	9%	10%
Employee and 2 Dependents	\$97.42	8%	9%	10%
Employee and 3 Dependents	\$97.42	8%	9%	10%

Employees working less than 30 hours a week will share in the cost of their insurance in accordance with the City’s personnel policies.

## 7.4 HEALTH INSURANCE BENEFITS

Regular full-time and part-time employees of the City of Port Orchard may be eligible to participate in the City's various insurance programs. The programs and criteria for eligibility will be explained upon hire. The City reserves the right to make changes in the carriers and provisions of these programs (including the elimination or modification of any or all programs) when deemed necessary or advisable in its discretion.

The terms and conditions of health insurance benefits for the City's unionized employees are governed by the applicable collective bargaining agreement. Temporary employees are not normally eligible for health insurance coverage.

Medical Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides medical insurance coverage (these employees shall pay a portion of the cost for this insurance, as determined appropriate by the City in its discretion). For regular part-time employees hired prior to December 9, 1996, the City currently pays 100% of the medical insurance premium, less applicable an employee contribution determined appropriate by the City in its discretion, for the employee only. The employee may elect to purchase medical insurance coverage for their spouse/registered domestic partner, and/or dependents at their own expense by payroll deduction. For regular part-time employees working less than 30 hours per week hired after December 9, 1996, the City currently pays 50% of the medical insurance premium for the employee only if the employee elects to pay 50% of the premium by payroll deduction. The employee may elect to purchase medical insurance coverage for their spouse/registered domestic partner and/or dependents at their own expense by payroll deduction.

Dental Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides dental insurance coverage for the employee, spouse/registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer dental insurance coverage to part-time employees or their dependents.

Vision Coverage. For regular full-time employees and part time employees working 30 + hours per week per ACA statute, the City currently provides vision insurance coverage for the employee, spouse/ registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer vision insurance coverage to part-time employees or their dependents.

Employees eligible for health insurance shall be responsible for paying a portion of the total monthly premium for the subject medical plan by payroll deduction. The employees' share of the monthly premium is currently based on a numeric percentage of the total cost of the monthly premium for the subject plan (including the cost to insure dependents, if applicable). The amount of the numeric percentage shall be calculated by converting the monthly dollar amount employees are required to pay for each for the subject medical plans as of September 30, 2009 into a percentage basis. Employees shall then be responsible for paying this same percentage for each respective medical plan after September 30, 2009. In the event of any

increase in the cost of the total premium in the future for any of the subject plans, the employees shall be responsible for paying the same percentage of the increased monthly premium for that respective plan. The City reserves the right to increase the employee's share of the cost for health insurance as determined appropriate in its discretion.

The City may self-insure or purchase a \$50,000 life insurance policy for the employee (subscriber) only.

If an eligible employee elects to waive City medical coverage and the related insurance companies and the subject insurance plan involved allow for such practice, the employee may be compensated five hundred dollars (\$500) per month through the payroll process as a cost savings incentive. This cost savings incentive is only payable for those full months where the employee elects to waive coverage. An eligible employee includes any full-time employees, as well as part-time employees hired prior to December 9, 1996. Employees who participate may not be eligible to return to medical coverage until open enrollment periods as outlined by the insurance carrier.

In order to be eligible to receive health and welfare benefits, the employee must meet the minimum hours of work per month, if any, required by the plan provider (as well as all other requirements of the plan provider).

For more information regarding these benefits and eligibility requirements, please see the Human Resources Coordinator.



## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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### Agenda Staff Report

Agenda Item No.: Business Item 7D

Meeting Date: July 23, 2019

Subject: Adoption of an Ordinance Ratifying the  
Collective Bargaining Agreements with the  
Port Orchard Police Guild Representing the  
Patrol Officers and Sergeants

Prepared by: Noah Crocker  
Finance Director

Atty Routing No.: N/A

Atty Review Date: N/A

**Summary:** The City's negotiating team consisting of City Attorney Sharon Cates, Mayor Robert Putaansuu, City Finance Director Noah Crocker, and HR Coordinator Debbie Lund have reached tentative agreements with the Port Orchard Police Guild representing Patrol Officers and Sergeants. The Agreements have been ratified by the bargaining unit. The Agreements are not public documents until approved by the Council and signed by the parties and are therefore not attached to this staff report.

**Recommendation:** The City's negotiating team recommends that the City Council ratify the Collective Bargaining Agreements and authorize the Mayor to execute the Agreements.

**Relationship to Comprehensive Plan:** N/A

**Motion for consideration:** I move to adopt an Ordinance ratifying the terms of the Collective Bargaining Agreements with the Port Orchard Police Guild representing Patrol Officers and Sergeants bargaining unit and authorizing the Mayor to execute the same.

**Fiscal Impact:** The fiscal impact is consistent with the 2019-2020 biennial budget.

**Alternatives:** Decline to ratify the Agreement.

**Attachments:** Ordinance.

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RATIFYING THE COLLECTIVE BARGAINING AGREEMENTS WITH THE PORT ORCHARD POLICE GUILD REPRESENTING THE PATROL OFFICERS AND SERGEANTS; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City's Patrol Officers and Sergeants are represented by the Port Orchard Police Guild; and

**WHEREAS**, the current Collective Bargaining Agreements with the Port Orchard Police Guild expired on December 31, 2018; and

**WHEREAS**, the City's negotiating team has reached tentative Agreements with the Port Orchard Police Guild for new three (3) year contracts, and the City's negotiating team has recommended that the Council ratify the tentative Agreements; and

**WHEREAS**, the Port Orchard Police Guild has ratified the Agreements; and,

**WHEREAS**, the Council has reviewed the proposed Collective Bargaining Agreements and finds it is in the best interests of the City and its employees to ratify the Agreements; now, therefore;

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council hereby ratifies the tentative Collective Bargaining Agreements reached between the negotiating teams for the Port Orchard Police Guild representing the Patrol Officers and the Sergeants and the City as attached hereto as Exhibit A, and Exhibit B, and the Mayor is hereby authorized to execute the same.

**SECTION 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**SECTION 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**SECTION 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23rd day of July 2019.

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

\_\_\_\_\_  
John Clauson, Councilmember

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:



## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

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### Agenda Staff Report

Agenda Item No.:	<u>Business Item 7E</u>	Meeting Date:	<u>July 23, 2019</u>
Subject:	<u>Adoption of a Resolution Approving the</u> <u>Purchase of Vehicles for the Equipment</u> <u>Rental Revolving Fund 500</u>	Prepared by:	<u>Noah Crocker</u> <u>Finance Director</u>
		Atty Routing No.:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

**Summary:** The City Council adopted a Biennial Budget which included \$1,226,000 for the purchase of vehicles for the Equipment Rental and Revolving Fund 500.

The City's Procurement Policies require City Council approval for purchases costing \$35,000 or more.

The vehicles listed in the proposed Resolution are within the limits of the Biennial Budget and meet the City's fleet standardization policies.

The proposed Resolution is to provide the City Council's approval of the vehicle purchases in accordance with the procurement procedures established by the City Council.

**Recommendation:** Staff recommends adopting the Resolution as proposed.

**Relationship to Comprehensive Plan:** N/A

**Motion for consideration:** "I move to adopt a Resolution providing City Council approval of the purchase of vehicles in accordance with the City's fleet standardization policies and the 2019-2020 Biennial Budget."

**Fiscal Impact:** \$526,608.93

**Alternatives:** Do not approve resolution and provide alternative guidance.

**Attachment:** Resolution and Purchase Orders.

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON,  
APPROVING THE PURCHASE OF VEHICLES FOR THE EQUIPMENT RENTAL  
REVOLVING FUND**

**WHEREAS**, the City Council has approved Ordinance No.036-18, approving the 2019-2020 Biennial Budget; and

**WHEREAS**, the 2019-2020 Biennial Budget includes \$1,226,000 for capital purchases of vehicles for the Equipment Rental and Revolving fund; and

**WHEREAS**, the City Council has approved procurement policies which require City Council authorization for purchasing items costing \$35,000 or more; and

**WHEREAS**, the attached purchase orders are for vehicles that exceed the \$35,000 authorization limit; and

**WHEREAS**, the purchase orders are for vehicles that meet the fleet standards as adopted by the City Council and are consistent with the 2019-2020 Biennial Budget; now, therefore;

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**THAT:** The City Council approves the purchase of all vehicles listed in the purchase orders attached hereto in Exhibit A.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 23rd day of July 2019.

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Robert Putaansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk



## Equipment Rental & Revolving Fund 2019 Purchases Year to Date

The following were reviewed by the department directors and approved by the ER&R Program manager for replacement or addition during the 2019-2020 biennium.

Replacements & Additions		2019 Budget	2019 Actual*
<u>Department</u>	<u>Vehicle/ Equipment</u>	<u>Estimated Purchase Cost</u>	<u>Purchase Order Cost</u>
Police	Police Staff SUV	\$50,000	\$46,452.65
Police	Police Staff SUV	\$50,000	\$46,452.65
Police	Police Staff SUV	\$50,000	\$46,452.65
Police	Police Staff SUV	\$50,000	\$46,452.65
Police	Police Staff SUV	\$50,000	\$46,452.65
Police	Police Staff SUV	\$50,000	\$47,677.90
Police	Police Staff SUV	\$50,000	\$47,677.90
Public Works Street	Standard Truck	\$40,000	\$39,228.88
Public Works Water	Standard Truck	\$40,000	\$39,228.87
Public Works Water	Standard Truck	\$40,000	\$39,228.87
Public Works Sewer	Standard Truck	\$40,000	\$39,228.88
Administration	Staff Car - Addition	\$45,000	\$42,074.38
<b>Total</b>		<b>\$555,000</b>	<b>\$526,608.93</b>

\*Purchase Order Cost do not reflect all-inclusive final vehicle cost as there will be minor miscellaneous outfitting cost (City logo, lights, licensing, radios, etc.)

**City of Port Orchard**

216 Prospect Street  
 Port Orchard, WA 98366  
 (360) 876-4407



**Bud Clary Chevrolet**  
**Contact: Becky Davis**  
**Phone: (360) 423-1700**

**P.O. No. 001-19**  
**Date: November 30, 2018**

**Bill To:**

Attn: Accounts Payable  
 City Of Port Orchard  
 216 Prospect Street  
 Port Orchard, WA 98366

**Ship To:**

City of Port Orchard  
 216 Prospect Street  
 Port Orchard, WA 98366

**Ordered By:**

Cyndi Palmer  
 Public Works

**Authorized Signature:**

  
 City Clerk or Authorized Representative Signature

Qty	Description	Unit Price	Total
1	2019 Chevrolet Bolt EV	\$38,814.00	\$38,814.00
	**SEE ATTACHED QUOTE 2018-11-428 FOR MORE DETAILS*		
	<b>IF TOTAL COST IS OVER \$7,500.00 ATTACH PROCUREMENT DOCUMENTS</b>		
	<i>* See attached proposal for more details*</i>		

Subtotal	\$38,814.00
Tax (8.4%)	\$3,260.38
Est. Freight	
Shipping	
Bal Due	\$42,074.38

<b>THIS ORDER IS A CONFIRMATION</b>	<b>Yes</b>
<b>THIS ORDER IS NOT A CONFIRMATION</b>	
<b>ACCOUNT CODE:</b>	

## Cynthia Palmer

**From:** NOREPLY@des.wa.gov  
**Sent:** Friday, November 30, 2018 9:42 AM  
**To:** publicworks mailbox  
**Cc:** Steve.Hatfield@des.wa.gov  
**Subject:** Vehicle Quote - 2018-11-428 - PORT ORCHARD, CITY OF - 21802

**Vehicle Quote Number: 2018-11-428**    [Create Purchase Request](#)    [View organization purchase requests](#)

This is a **quote** only. You must create a purchase request to order this vehicle(s)

### Contract & Dealer Information

Contract #: 05916

Dealer: Bud Clary Chevrolet (W262)

Dealer Contact: Becky Davis

Dealer Phone: (360) 423-1700

### Organization Information

Organization: PORT ORCHARD, CITY OF - 21802

Email: PUBLICWORKS@CITYOFPORTORCHARD.US

Quote Notes:

Vehicle Location: KITSAP COUNTY

### Color Options & Qty

Summit White(GAZ) - 1

Tax Exempt: N

### Vehicle Options

Order Code	Option Description	Qty	Unit Price	Ext. Price
2019-0120-001	2019 Chevrolet Bolt EV LT(1FB48)	1	\$35,684.00	\$35,684.00
2019-0120-002	Comfort and Convenience pkg*(WPU) includes (KA1) heated driver front seats,(UVD)heated steering wheel,(N34)3-spoke leather wrapped steering wheel and (DD8)auto dimming inside rearview mirror	1	\$555.00	\$555.00
2019-0120-003	Driver Confidence pkg(WPR) includes (WPU)plus Side Blind Zone Alert with lane change Alert,(UFG)Rear cross-Traffic alert(UD7)Rear Parking Assist	1	\$1,050.00	\$1,050.00
2019-0120-009	Charge Cord,portable,120volt,additional(5XB)	1	\$535.00	\$535.00
2019-0120-010	Fast charging Provisions(CBT)	1	\$750.00	\$750.00
2019-0120-011	Storage,rear Cargo,double floor(LPO)(GK8)	1	\$100.00	\$100.00
2019-0120-013	All season floor mats,front and rear(LPO)(VAV)	1	\$140.00	\$140.00

### Quote Totals

**Total Vehicles:** 1  
**Sub Total:** \$38,814.00  
**8.4 % Sales Tax:** \$3,260.38  
**Quote Total:** \$42,074.38



Purchases through Interlocal Agreements

CITY OF PORT ORCHARD

**PURCHASES THROUGH INTERLOCAL AGREEMENTS**

*BEK*

City Contract No.: 057-13

Interlocal Agreement with (government agency or Purchasing Co-Op name): DES

Item Description: Chev Bolt - EV  
for Administration Dept

Do you have an Interlocal agreement signed with the Contract (host) Agency?

- If yes, where is it filed: Client's office
- If no, get a mutually signed Agreement in place before you continue.

State OSP Contract No. #: K 1937

*If you have an Office of State Procurement (OSP) contract number you may skip the remainder of this test because the OSP contracts comply with remaining requirements and retain the documentation on hand for SAO to review in the OSP offices.*

Is this a technology contract?

- If yes, do your own rules allow for technology contracts to be negotiated?
- If your own rules allow for negotiated IT contracts, you can skip this test.

Is this a services contract?

- If yes, do your own rules allow services to be negotiated?
- If your own rules allow for negotiated services, you can skip the remainder of the test.

Are you using this as only one of multiple quotes, for a small purchase?

- If yes, you can skip the remainder of the test. Your purchase will not mandate the sealed bid rules.

**Checklist for Required Compliance**

Does the host agency have a requirement to run a newspaper ad in their local paper and did they comply	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Federal and State contract rules usually don't require a newspaper ad. For others, attach the ad or place into the file
Did they list on a website? If so, state when and the address. Attach proof if possible.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Always required. Indicate date, address and/or attach or place into the file.
Did the bid & award comply with the Host agency's codes and statutes?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If No, you cannot use the bid.
Did bid contain any preference that is illegal in your statutes such as WMBE points?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If Yes, you cannot use the bid.

**City of Port Orchard**

216 Prospect Street  
 Port Orchard, WA 98366  
 (360) 876-4407

**PURCHASE ORDER**

**Columbia Ford—W403**  
**700 7th Avenue**  
**Longview, WA 98632**

**P.O. No. 010-19**  
**Date: January 29, 2019**

**Bill To:**

Attn: Accounts Payable  
 City Of Port Orchard  
 216 Prospect Street  
 Port Orchard, WA 98366

**Ship To:**

City of Port Orchard  
 216 Prospect Street  
 Port Orchard, WA 98366

**Ordered By:**

Chief Geoffrey Marti  
 Police Chief

**Authorized Signature:**

  
 City Clerk or Authorized Representative Signature

Qty	Description	Unit Price	Total
5	2020 Ford Interceptor AWD Pursuit-Rated Utility/SUV	\$42,853.00	\$214,265.00
2	2020 Ford Interceptor AWD Pursuit-Rated Utility/SUV (Sergeant)	\$43,983.30	\$87,966.60
	<b>IF TOTAL COST IS OVER \$7,500.00 ATTACH PROCUREMENT DOCUMENTS</b>		
	<i>* See attached proposal for more details*</i>		

Subtotal	\$302,231.60
Tax (8.4%)	\$25,387.45
Est. Freight	
Shipping	
Bal Due	\$327,619.05

<b>THIS ORDER IS A CONFIRMATION</b>	<b>Yes</b>
<b>THIS ORDER IS NOT A CONFIRMATION</b>	
<b>ACCOUNT CODE:</b>	

# Contract Automobile Request System (CARS) Washington State Department of Enterprise Services

## Organization Purchase Request Details

**Organization Information**

[Return to Org Requests](#)

<b>Contract #:</b> 05916 - Motor Vehicles	<b>Quote #:</b> 2019-1-302
<b>Status:</b> Submitted To Dealer	<b>Submit Date:</b> 01-11-2019
<b>Organization:</b> 21802 - PORT ORCHARD, CITY OF - 21802	<b>Order Date:</b>
<b>Order Contact:</b> Geoffrey C. Marti	<b>Expected Delivery Date:</b>
<b>Contact Phone:</b> 360-876-1700	<b>Delivery Date:</b>
<b>Contact Email:</b> gmarti@cityofportorchard.us	<b>Cancel Date:</b>
<b>Dealer:</b> Columbia Ford - W403	<b>Organization Reference #:</b>
<b>Dealer Address:</b> 700 7th Avenue Longview WA 98632	<b>Organization PO #:</b>
<b>Internal Notes:</b>	<b>Dealer Contact:</b> Marie Tellinghiusen
<b>Comments To Dealer:</b>	<b>Dealer Phone:</b> (360) 423-4321 Ext: 187
<b>Dealer Reference #:</b> 19-0056 E766-E770	<b>Dealer Email:</b> orders@colford.com
<b>Dealer Comments:</b> Please send a copy of your PO. 01/14/19 Revised to change quantity to FIVE vehicles	

**Color Options**

Color Name	Quantity

Agate Black (UM)	5
Tax Exempt: N	

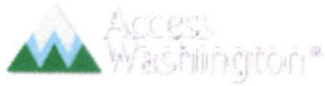
**Vehicle Options**

Order Code	Order Code Description	Qty	Unit Price	Ext. Price
2020-0519-001	2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV (K8A/500A)	5	\$32,800.00	\$164,000.00
2020-0519-010	2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV, 3.3L V6 Direct-Injection (136-MPH Top Speed), 10-Speed Automatic Police-Calibrated Transmission (Column Shifter), 255/60R 18 All-Season BSW Tires; HD Steel Wheels, HD 80-Amp 730CCA Battery, HD 250 Amp Alternator, 21.4 Gallon Fuel Tank, 3.73 Axle Ratio (K8A/500A) THIS IS THE BASE VEHICLE -- Please review standard specs to view complete description.	5	\$0.00	\$0.00
2020-0519-013	Ready for the Road Package. [Includes contents of Front Headlamp Lighting Solution #66A, Tail Lamp Lighting Solution #66B, Rear Lighting Solution #66C; Pre-wiring for grille LED lights, siren and speaker #60A, 100 Watt Siren/Speaker #18X, Rear console Plate #85R, Hidden Door-Lock Plunger/Rear Door Handles/Rear Windows Inoperable #52P; PLUS: Grille Linear LED Lights (Red/Blue) and harness; Whelen Cencom Light Controller Head with dimmable backlight; Whelen Cencom Relay Center/Siren/Amp with Traffic Advisor mounted behind 2nd row seat; Light controller/relay cencom wiring (wiring harness) with additional input/output pigtails; high current pigtail; Whelan Specific WECAN cable (console to cargo area) connects Cencom to Control Head] (Not available with Ultimate Wiring Package #67U or Interior Upgrade Package #65U ) (67H)	5	\$3,586.00	\$17,930.00
2020-0519-021	Side Marker LED, Sideview Mirrors (Driver side - Red / Passenger side - Blue) (Located on backside of exterior mirror housing) (LED lights only. Wiring and controller are not included.) (Must also order Pre-wiring for grille lamp, siren and speaker #60A) (63B)	5	\$290.00	\$1,450.00
2020-0519-022	Rear Quarter Glass Side Marker LED Lights (Driver side - Red / Passenger side - Blue) (63L)	5	\$574.00	\$2,870.00
2020-0519-030	Switchable Red/White Lighting in Cargo Area (deletes 3rd row map light) (17T)	5	\$51.00	\$255.00
2020-0519-032	Dark Car Feature (courtesy lamp disable when any door is opened) (Not available with Daytime Running Lights #942) (43D)	5	\$25.00	\$125.00
2020-0519-033		5	\$260.00	\$1,300.00

	Police Engine Idle Feature (when activated, allows the key to be removed from ignition while vehicle remains idling, which allows driver to leave the engine running and prevents vehicle from unauthorized use when driver is outside of the vehicle) (47A)			
2020-0519-035	BLIS Blind Spot Monitoring with Cross-Traffic Alert (Includes manual fold-away heated mirrors) (55B/54Z)	5	\$543.00	\$2,715.00
2020-0519-042	Reverse Sensing System (76R)	5	\$274.00	\$1,370.00
2020-0519-045	NEW - Pre-Collision Assist with Pedestrian Detection (Includes Forward Collision Warning and Automatic Emergency Braking and unique disable switch for Law Enforcement use) (Not available with Front Interior Visor Lightbar #96W) (76P)	5	\$144.00	\$720.00
2020-0519-047	Remote Keyless Entry with Four (4) FOBS/Transmitters (includes Liftgate Release Button) (Does not include Keyless Entry Door Keypad) (If ordered with Fleet Keyed Alike option, fobs are unique and are not fobbed-alike) (55F)	5	\$338.00	\$1,690.00
2020-0519-051	Spot Lamp, LED Bulb, Driver Only (Whelen) (51T)	5	\$419.00	\$2,095.00
2020-0519-253	Push Bumper, Lighted Pursuit, Front/Side Red/Blue LEDs (Setina PB450L4) (DLR)	5	\$974.00	\$4,870.00
2020-0519-258	Window Barriers, Rear Doors, HD Steel Bars (Setina) (Must also order Ready for the Road Package #67H, Hidden Door Lock Plunger #52P or Inoperable Rear Door Locks #68G) (DLR)	5	\$190.00	\$950.00
2020-0519-262	Partition, Front Horizontal with Sliding Polycarbonate Window, including Recess Panel (Setina 10VSRP) (DLR)	5	\$742.00	\$3,710.00
2020-0519-263	Partition, Front - XL Upgrade with center and side recess panel (allows additional legroom for rear right-side passenger) (Must also order a front partition) (Setina XL) (DLR)	5	\$20.00	\$100.00
2020-0519-264	Partition, Front - Tallman Upgrade (allows additional seat recline for driver) (Must also order a front partition) (Setina T) (DLR)	5	\$20.00	\$100.00
2020-0519-266	Weapons Mounting System, DUAL [Standard Shotgun Lock and Adjustable Universal Lock with key override and timer] (Must also order Front Partition w/ Recess Panel #10VSRP) (DLR)	5	\$349.00	\$1,745.00
2020-0519-271	Partition, Rear - Polycarbonate Panel (Setina 12VS/P) (DLR)	5	\$441.00	\$2,205.00
2020-0519-272	Seat, Setina HD TPO Full Replacement Rear Prisoner Transport Seat (includes Center-Originating Seat Belts with Docking Buckles on front partition) (Factory seat shipped loose in cargo area) (Must also order Setina Rear Partition 12VS or 12VS/P) (DLR)	5	\$813.00	\$4,065.00

**Request Totals**

Total Vehicles:	<b>5</b>
Sub Total:	<b>\$214,265.00</b>
8.4 % Sales Tax:	<b>\$17,998.26</b>
Request Total:	<b>\$232,263.26</b>



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# Contract Automobile Request System (CARS)

## Organization Purchase Request Details

**Organization Information**

[Return to Org Requests](#)

<b>Contract #:</b> 05916 - Motor Vehicles	<b>Quote #:</b> 2019-1-303
<b>Status:</b> Submitted To Dealer	<b>Submit Date:</b> 01-11-2019
<b>Organization:</b> 21802 - PORT ORCHARD, CITY OF - 21802	<b>Order Date:</b>
<b>Order Contact:</b> Geoffrey C Marti	<b>Expected Delivery Date:</b>
<b>Contact Phone:</b> 360-876-1700	<b>Delivery Date:</b>
<b>Contact Email:</b> gmarti@cityofportorchard.us	<b>Cancel Date:</b>
<b>Dealer:</b> Columbia Ford - W403	<b>Organization Reference #:</b>
<b>Dealer Address:</b> 700 7th Avenue Longview WA 98632	<b>Organization PO #:</b>
<b>Internal Notes:</b>	<b>Dealer Contact:</b> Marie Tellinghiusen
<b>Comments To Dealer:</b>	<b>Dealer Phone:</b> (360) 423-4321 Ext: 187
<b>Dealer Reference #:</b> 19-0057 E771-E772	<b>Dealer Email:</b> orders@colford.com
<b>Comments:</b> Dealer Please send a copy of your PO. 01/14/19 revised to delete #036 Heated Sideview Mirrors (included with BLIS #55B)(549) \$61.00	

**Color Options**

Color Name	Quantity

Agate Black (UM)	2
Tax Exempt: N	

**Vehicle Options**

Order Code	Order Code Description	Qty	Unit Price	Ext. Price
2020-0519-001	2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV (K8A/500A)	2	\$32,800.00	\$65,600.00
2020-0519-010	2020 Ford Police Interceptor AWD Pursuit-Rated Utility/SUV, 3.3L V6 Direct-Injection (136-MPH Top Speed), 10-Speed Automatic Police-Calibrated Transmission (Column Shifter), 255/60R 18 All-Season BSW Tires; HD Steel Wheels, HD 80-Amp 730CCA Battery, HD 250 Amp Alternator, 21.4 Gallon Fuel Tank, 3.73 Axle Ratio (K8A/500A) THIS IS THE BASE VEHICLE -- Please review standard specs to view complete description.	2	\$0.00	\$0.00
2020-0519-013	Ready for the Road Package. [Includes contents of Front Headlamp Lighting Solution #66A, Tail Lamp Lighting Solution #66B, Rear Lighting Solution #66C; Pre-wiring for grille LED lights, siren and speaker #60A, 100 Watt Siren/Speaker #18X, Rear console Plate #85R, Hidden Door-Lock Plunger/Rear Door Handles/Rear Windows Inoperable #52P; PLUS: Grille Linear LED Lights (Red/Blue) and harness; Whelen Cencom Light Controller Head with dimmable backlight; Whelen Cencom Relay Center/Siren/Amp with Traffic Advisor mounted behind 2nd row seat; Light controller/relay cencom wiring (wiring harness) with additional input/output pigtailed; high current pigtail; Whelan Specific WECAN cable (console to cargo area) connects Cencom to Control Head] (Not available with Ultimate Wiring Package #67U or Interior Upgrade Package #65U ) (67H)	2	\$3,586.00	\$7,172.00
2020-0519-021	Side Marker LED, Sideview Mirrors (Driver side - Red / Passenger side - Blue) (Located on backside of exterior mirror housing) (LED lights only. Wiring and controller are not included.) (Must also order Pre-wiring for grille lamp, siren and speaker #60A) (63B)	2	\$290.00	\$580.00
2020-0519-022	Rear Quarter Glass Side Marker LED Lights (Driver side - Red / Passenger side - Blue) (63L)	2	\$574.00	\$1,148.00
2020-0519-023	Front Interior Visor Light Bar (LED) (Super low-profile warning LED light bar fully integrated into the top of the windshield near the headliner. Fully programmable. Red/Red or Blue/Blue operation. White Take Down and Scene capabilities.) (96W)	2	\$1,142.00	\$2,284.00
2020-0519-030	Switchable Red/White Lighting in Cargo Area (deletes 3rd row map light) (17T)	2	\$51.00	\$102.00

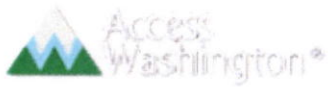


2020-0519-032	Dark Car Feature (courtesy lamp disable when any door is opened) (Not available with Daytime Running Lights #942) (43D)	2	\$25.00	\$50.00
2020-0519-033	Police Engine Idle Feature (when activated, allows the key to be removed from ignition while vehicle remains idling, which allows driver to leave the engine running and prevents vehicle from unauthorized use when driver is outside of the vehicle) (47A)	2	\$260.00	\$520.00
2020-0519-035	BLIS Blind Spot Monitoring with Cross-Traffic Alert (Includes manual fold-away heated mirrors) (55B/54Z)	2	\$543.00	\$1,086.00
2020-0519-042	Reverse Sensing System (76R)	2	\$274.00	\$548.00
2020-0519-047	Remote Keyless Entry with Four (4) FOBS/Transmitters (includes Liftgate Release Button) (Does not include Keyless Entry Door Keypad) (If ordered with Fleet Keyed Alike option, fobs are unique and are not fobbed-alike) (55F)	2	\$338.00	\$676.00
2020-0519-051	Spot Lamp, LED Bulb, Driver Only (Whelen) (51T)	2	\$419.00	\$838.00
2020-0519-256	Push Bumper, Lighted Pursuit, Front/Side Red/Blue LEDS, Front Center Clear Linear Strobe (Setina PB450L5) (DLR)	2	\$1,126.00	\$2,252.00
2020-0519-258	Window Barriers, Rear Doors, HD Steel Bars (Setina) (Must also order Ready for the Road Package #67H, Hidden Door Lock Plunger #52P or Inoperable Rear Door Locks #68G) (DLR)	2	\$190.00	\$380.00
2020-0519-262	Partition, Front Horizontal with Sliding Polycarbonate Window, including Recess Panel (Setina 10VSRP) (DLR)	2	\$742.00	\$1,484.00
2020-0519-263	Partition, Front - XL Upgrade with center and side recess panel (allows additional legroom for rear right-side passenger) (Must also order a front partition) (Setina XL) (DLR)	2	\$20.00	\$40.00
2020-0519-266	Weapons Mounting System, DUAL [Standard Shotgun Lock and Adjustable Universal Lock with key override and timer] (Must also order Front Partition w/ Recess Panel #10VSRP) (DLR)	2	\$349.00	\$698.00
2020-0519-271	Partition, Rear - Polycarbonate Panel (Setina 12VS/P) (DLR)	2	\$441.00	\$882.00
2020-0519-272	Seat, Setina HD TPO Full Replacement Rear Prisoner Transport Seat (includes Center-Originating Seat Belts with Docking Buckles on front partition) (Factory seat shipped loose in cargo area) (Must also order Setina Rear Partition 12VS or 12VS/P) (DLR)	2	\$813.00	\$1,626.00

**Request Totals**

Total Vehicles:	<b>2</b>
Sub Total:	<b>\$87,966.00</b>
8.4 % Sales Tax:	<b>\$7,389.14</b>

Request Total: **\$95,355.14**



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**City of Port Orchard**

216 Prospect Street  
Port Orchard, WA 98366  
(360) 876-4407

# PURCHASE ORDER

**Columbia Ford (W403)**  
700 7th Avenue  
Longview, WA 98632

P.O. No. 025-19

Date: May 28, 2019

**Bill To:**

Attn: Accounts Payable  
City Of Port Orchard  
216 Prospect Street  
Port Orchard, WA 98366

**Ship To:**

City of Port Orchard  
216 Prospect Street  
Port Orchard, WA 98366

**Ordered By:**

**Authorized Signature:**

Cyndi Palmer  
Public Works

  
City Clerk or Authorized Representative Signature

Qty	Description	Unit Price	Total
4	2019 Ford F250 with vehicle options (see attached)	\$36,189.00	\$144,756.00
	<b>IF TOTAL COST IS OVER \$7,500.00 ATTACH PROCUREMENT DOCUMENTS</b>		
	<i>* See attached proposal for more details*</i>		

<b>Subtotal</b>	\$144,756.00
<b>Tax (8.4%)</b>	\$12,159.50
<b>Est. Freight</b>	
<b>Shipping</b>	
<b>Bal Due</b>	\$156,915.50

<b>THIS ORDER IS A CONFIRMATION</b>	Yes
<b>THIS ORDER IS NOT A CONFIRMATION</b>	
<b>ACCOUNT CODE:</b>	

## Cynthia Palmer

**From:** NOREPLY@des.wa.gov  
**Sent:** Friday, May 24, 2019 10:35 AM  
**To:** publicworks mailbox  
**Cc:** Steve.Hatfield@des.wa.gov  
**Subject:** Vehicle Quote - 2019-5-302 - PORT ORCHARD, CITY OF - 21802

**Vehicle Quote Number: 2019-5-302**

[Create Purchase Request](#)

[View organization purchase requests](#)

This is a **quote** only. You must create a purchase request to order this vehicle(s)

### Contract & Dealer Information

Contract #: 05916

Dealer: Columbia Ford (W403)  
700 7th Avenue  
Longview WA 98632

Dealer Contact: Marie Tellinghiusen  
Dealer Phone: (360) 423-4321 Ext: 187  
Dealer Email: orders@colford.com

### Organization Information

Organization: PORT ORCHARD, CITY OF - 21802

Email: publicworks@cityofportorchard.us

Quote Notes:

Vehicle Location: Port Orchard

### Color Options & Qty

Oxford White (Z1) - 4

Tax Exempt: N

### Vehicle Options

Order Code	Option Description	Qty	Unit Price	Ext. Price
2019-0821-0001	2019 Ford F250 Pickup, Regular Cab, 4WD, 142WB, 8ft Box, 6.2L V8 Gas, TorqShift-G 6-speed auto w/SelectShift, 10000# GVWR, 3830# Payload, 3.73 RAR (F2B/600A/996/44S/142WB)	4	\$25,593.00	\$102,372.00
2019-0821-0004	Alternative Cab/Wheelbase: Extended Cab, 148WB, 6.75ft box, 10000# GVWR, 3560# Payload (X2B/148WB)	4	\$2,192.00	\$8,768.00
2019-0821-0018	Medium Duty Battery, Dual 78AH, 1500CCA Total (Included with diesel) (86M)	4	\$203.00	\$812.00
2019-0821-0019	Extra Extra HD 240 Amp Alternator (Only available with gas) (67E)	4	\$83.00	\$332.00
2019-0821-0022	Power Equipment Group - Regular/Extended Cabs (includes power door locks and windows, manual-folding, manually-telescoping trailer tow mirrors with power heated glass, heated convex spotter mirror, integrated clearance lamps/turn signals, perimeter alarm, power tailgate lock, Remote Keyless Entry, upgraded door-trim panel) (deletes passenger-side door lock cylinder) (Includes four (4) RKE Fobs w/ Integrated Keys) (90L/54K)	4	\$1,198.00	\$4,792.00
2019-0821-0029	Platform Running Boards (Extended/Crew Cabs)(18B)	4	\$429.00	\$1,716.00
2019-0821-0041	LED Box Lighting (Includes LED Center High-Mounted Stop Lamp CHMSL) (Not available with Pickup Box Delete #66D) (66L)	4	\$59.00	\$236.00
2019-0821-0043	Tailgate Step (includes step and handle) (85G)	4	\$362.00	\$1,448.00

2019-0821-0046	Wheel Well Liners, Front (61L)	4	\$174.00	\$696.00
2019-0821-0049	Splash Guards/Mud Flaps, Front and Rear (factory) (Not available with Pickup Box Delete #66D) (61S/62S)	4	\$125.00	\$500.00
2019-0821-0054	NEW - XL Value Package [Includes Audio Pkg #585: AM/FM/MP3 and SYNC - Voice Recognition Communications (hands-free cell phone) with 911 Assist, 4.2in LCD screen in center stack, AppLink, and (1) smart-charging USB port) (Regular cab includes 4 speakers, Ext/Crew Cab includes 6 speakers)] PLUS: bright chrome hub covers and center ornaments - SRW only, chrome front and rear step bumper, Cruise Control #525) (Does not include rear bumper if ordered with Pickup Box Delete #66D) (96V)	4	\$966.00	\$3,864.00
2019-0821-0056	110V/400W Outlet (with 40/20/40 seats, there is one in-dash mounted outlet; 2nd outlet in the console requires 40/console/40 seats)(43C)	4	\$72.00	\$288.00
2019-0821-0209	Spray-In Bedliner (Line-X) (DLR)	4	\$440.00	\$1,760.00
2019-0821-0215	Spotlight, LED 6in Clear Lens, Pillar Mounted, Driver Side (Unity) (DLR)	4	\$560.00	\$2,240.00
2019-0821-0330	Side rail box - topside lift-up door (46L x 12H x 9W) (DRIVER SIDE) (Compatible with Adrian Cross boxes on 6.75 or 8ft beds) (Adrian AD303-D) (TB330)	4	\$606.00	\$2,424.00
2019-0821-0331	Side rail box - topside lift-up door (46L x 12H x 9W) (PASSENGER SIDE) (Compatible with Adrian Cross boxes on 6.75 or 8ft beds) (Adrian AD303-P) (TB331)	4	\$606.00	\$2,424.00
2019-0821-0362	Cab Rack - flat perforated aluminum sheet screen insert (MH EBY CBGD) (TB362)	4	\$786.00	\$3,144.00
2019-0821-0368	Cab Rack Option - Mini-Lightbar Mount, 9x15, installed centered on cab guard. (EBY CBGD-BP) (TB368)	4	\$55.00	\$220.00
2019-0821-0521	AMBER - Basic Amber Package, installed [Includes two (2) Mpower amber grille lights; two (2) amber LED inserts in reverse lenses; and NROADS 17in amber lightbar mounted on roof or cabguard; and six (6) button switch panel. Also includes single radio prewire (includes power and coax in roof)] (DWS-SD-A-2) (DW521)	4	\$1,680.00	\$6,720.00

**Quote Totals**

<b>Total Vehicles:</b>	4
<b>Sub Total:</b>	\$144,756.00
<b>8.4 % Sales Tax:</b>	\$12,159.50
<b>Quote Total:</b>	\$156,915.50

**Purchases through Interlocal Agreements**

CITY OF PORT ORCHARD  
**PURCHASES THROUGH INTERLOCAL AGREEMENTS**

City Contract No.: 057-13

Interlocal Agreement with (government agency or Purchasing Co-Op name): Washington State Dept. Enterprise Services

Item Description: 4 Public Works Trucks - Ford F250

**Do you have an Interlocal agreement signed with the Contract (host) Agency?**

- If yes, where is it filed: clerk's office
- If no, get a mutually signed Agreement in place before you continue.

State OSP Contract No. #: 05916 - Motor Vehicles

*If you have an Office of State Procurement (OSP) contract number you may skip the remainder of this test because the OSP contracts comply with remaining requirements and retain the documentation on hand for SAO to review in the OSP offices.*

**Is this a technology contract?**

- If yes, do your own rules allow for technology contracts to be negotiated?
- If your own rules allow for negotiated IT contracts, you can skip this test.

**Is this a services contract?**

- If yes, do your own rules allow services to be negotiated?
- If your own rules allow for negotiated services, you can skip the remainder of the test.

**Are you using this as only one of multiple quotes, for a small purchase?**

- If yes, you can skip the remainder of the test. Your purchase will not mandate the sealed bid rules.

**Checklist for Required Compliance**

Does the host agency have a requirement to run a newspaper ad in their local paper and did they comply	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Federal and State contract rules usually don't require a newspaper ad. For others, attach the ad or place into the file
Did they list on a website? If so, state when and the address. Attach proof if possible.	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Always required. Indicate date, address and/or attach or place into the file.
Did the bid & award comply with the Host agency's codes and statutes?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If No, you cannot use the bid.
Did bid contain any preference that is illegal in your statutes such as WMBE points?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, you cannot use the bid.



**City of Port Orchard**

216 Prospect Street, Port Orchard, WA 98366  
(360) 876-4407 • FAX (360) 895-9029

**Agenda Staff Report**

Agenda Item No.	<u>Business Item 7F</u>	Meeting Date:	<u>July 23, 2019</u>
Subject:	<u>Approval of Change Order No. 24 to</u>	Prepared by:	<u>Mark R. Dorsey, P.E.</u>
	<u>Contract No. 037-17 with Active</u>		<u>Public Works Director</u>
	<u>Construction, Inc. for the Tremont Street</u>	Atty Routing No:	<u>N/A</u>
	<u>Widening Project</u>	Atty Review Date:	<u>N/A</u>

**Summary:** On April 23, 2019, the Port Orchard City Council Authorized Change Orders No. 19 through 23 for Contract No. C037-17 with Active Construction, Inc., thereby bringing the current value of all change orders to date to a total of \$1,675,564.72, or 167.6% of the Contingency Value. Tonight’s action is for the approval of Change Order No. 24 (Additional work associated with the installation of the 30-inch storm drainage outfall pipe) at \$32,486.20. Approval of this change order brings the current value of all change orders to date to a total of \$1,708,050.80, or 170.8% of the Contingency Value. The City’s CACM Team and the Contractor have updated the Cost to Complete value at \$1.2M over the Contingency value. The City has now secured an additional \$1.3M in supplemental funds.

**Relationship to Comprehensive Plan:** Project 1.1 – Chapter 8: Transportation.

**Recommendation:** Staff recommends that the City Council authorize the Mayor to execute Change Order No. 24 with Active Construction, Inc. in an amount not to exceed \$32,486.20.

**Motion for Consideration:** I move to approve Change Order No. 24 with Active Construction, Inc. in an amount not to exceed \$32,486.20.

**Fiscal Impact:** Funding up to a \$1M Contingency Value provided within the approved 2019-2020 Biennial Budget for this Project. A budget amendment will be required.

**Alternatives:** None.

**Attachments:** Change Order No. 24

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# CITY OF PORT ORCHARD

## Authorization for Change Order No. 24

Date: July 23, 2019 Contractor: ACTIVE CONSTRUCTION, INC.  
Project: TREMONT STREET WIDENING PO BOX 430  
Contract / Job # C037-17 PUYALLUP, WA 98371

**THIS CHANGE ORDER AUTHORIZES THE ADDITIONAL WORK: ADDITIONAL WORK ASSOCIATED WITH THE INSTALLATION OF THE 30-IN STROM DRAINAGE PIPE, VALUE ESTIMATED AT \$32,486.20.**

Contract History					
	Amount	Sales Tax	Total	Date	Appvd by
Original Contract	\$12,779,179.17	Included	\$12,779,179.17	27-Jun-17	COUNCIL
Change Order 1	\$250,000.00	Included	\$250,000.00	24-Apr-18	COUNCIL
Change Order 1A	-\$7,093.67	Included	-\$7,093.67	08-May-18	COUNCIL
Change Order 2	\$150,000.00	Included	\$150,000.00	08-May-18	COUNCIL
Change Order 2A	-\$21,305.63	Included	-\$21,305.63	27-Nov-18	COUNCIL
Change Order 3	\$116,889.50	Included	\$116,889.50	26-Jun-18	COUNCIL
Change Order 3A	\$24,703.27	Included	\$24,703.27	25-Sep-18	COUNCIL
Change Order 4	\$18,309.41	Included	\$18,309.41	24-Jul-18	COUNCIL
Change Order 5	\$69,720.34	Included	\$69,720.34	24-Jul-18	COUNCIL
Change Order 6	\$75,179.29	Included	\$75,179.29	24-Jul-18	COUNCIL
Change Order 7	\$114,820.78	Included	\$114,820.78	11-Sep-18	COUNCIL
Change Order 8	\$40,753.56	Included	\$40,753.56	27-Nov-18	COUNCIL
Change Order 9	\$142,256.52	Included	\$142,256.52	27-Nov-18	COUNCIL
Change Order 10	\$138,477.60	Included	\$138,477.60	27-Nov-18	COUNCIL
Change Order 11	\$124,763.94	Included	\$124,763.94	27-Nov-18	COUNCIL
Change Order 12	\$0.00	Included	\$0.00	19-Jan-19	PWD
Change Order 13	\$24,500.00	Included	\$24,500.00	26-Feb-19	COUNCIL
Change Order 14	\$46,012.71	Included	\$46,012.71	12-Mar-19	COUNCIL
Change Order 15	\$22,545.11	Included	\$22,545.11	12-Mar-19	COUNCIL
Change Order 16	\$73,244.42	Included	\$73,244.42	12-Mar-19	COUNCIL
Change Order 17	\$53.91	Included	\$53.91	12-Mar-19	COUNCIL
Change Order 18	\$80,000.00	Included	\$80,000.00	12-Mar-19	COUNCIL
Change Order 19	\$102,608.32	Included	\$102,608.32	23-Apr-19	COUNCIL
Change Order 20	\$36,408.94	Included	\$36,408.94	23-Apr-19	COUNCIL
Change Order 21	\$10,766.75	Included	\$10,766.75	23-Apr-19	COUNCIL
Change Order 22	-\$160,810.55	Included	-\$160,810.55	23-Apr-19	COUNCIL
Change Order 23	\$202,760.20	Included	\$202,760.20	23-Apr-19	COUNCIL
Change Order 24	\$32,486.20	Included	\$32,486.20	23-Jul-19	COUNCIL
Math Error	-\$0.12	Included	-\$0.12	23-Jul-19	COUNCIL
<b>Total Contract</b>			<b>\$14,487,229.97</b>		

I have reviewed the Change Order information above and certify that to the best of my knowledge descriptions and costs are true and accurate.

\_\_\_\_\_  
Contractor Approval Signature

  
\_\_\_\_\_  
Public Works Director/City Engineer

\_\_\_\_\_  
Printed Name & Title

MARK R. DORSEY, P.E.  
\_\_\_\_\_  
Printed Name

Change Orders that do not exceed 10%, with a maximum of \$50,000, of either legally authorized budget limit or contract amount established by City Council can be approved by the Public Works Director.

Approved: \_\_\_\_\_

Mayor

Change Orders that do not exceed 10%, with a maximum of \$100,000, of either legally authorized budget limit or contract amount established by City Council are to be approved by the Mayor.

Attest: \_\_\_\_\_

City Clerk

Change Orders over \$100,000 or exceed a total of 10% require Council Action.

\_\_\_\_\_  
Council Approval Date

# CHANGE ORDER



216 Prospect St.  
Port Orchard, WA 98366

Date: July 17, 2019  
 Federal Aid: STPUS-6610(004)  
 State Contract: N/A  
 Contract: LA 5855  
 Projects: \_\_\_\_\_  
 Change Order: CO 24

Review  
 Documentation \_\_\_\_\_  
 Resident Engr. \_\_\_\_\_  
 Materials Appr Engr. \_\_\_\_\_  
 City Project Manager \_\_\_\_\_  
 WSDOT \_\_\_\_\_  
 Finance (>10%) \_\_\_\_\_

**CONTRACTOR:**

Active Construction Inc.  
5110 River Rd. E  
Tacoma, WA 98443

**PROJECT:**

Tremont Street Widening  
SR 16 to Port Orchard Boulevard  
 \_\_\_\_\_  
 \_\_\_\_\_

**RECAPITULATION**

ORIGINAL CONTRACT:	\$ <u>12,779,179.17</u>
PREVIOUS ADDITIONS:	\$ <u>1,883,323.12</u>
PREVIOUS DEDUCTIONS:	\$ <u>(182,116.18)</u>
PREVIOUS TOTAL:	\$ <u>14,454,743.89</u>
THIS CHANGE (ADD.):	\$ <u>32,486.20</u>
(DED.):	\$ <u>(math error CO23) &lt;0.12&gt;</u>
ADJUSTED TOTAL:	\$ <u>14,487,229.97</u>

Sections 1-04.4 and 1-04.5 of the 2016 Standard Specifications shall govern the issuance of this Change Order. The work of this contract is herein modified to include the change detailed below. Additional quantities for existing and new items shall constitute the complete and final settlement for all costs of labor, material, equipment, overhead, profit, permit fees, damages (whether direct or indirect), and all other claims by the contractor as a result of this change.

**The time for completion is not changed by this Change Order**

Your proposal and this acceptance shall constitute and become part of the contract, subject to all conditions contained therein, as modified by this Change Order.

Accepted on: \_\_\_\_\_  
Date

Approved by: \_\_\_\_\_ 7/17/19  
Public Works Director/City Engineer Date  
City of Port Orchard

By: \_\_\_\_\_  
Active Construction Inc.

Acknowledged by: \_\_\_\_\_ N/A  
Surety

*Surety Seal (if Applicable)*

**CITY OF PORT ORCHARD  
CHANGE ORDER**

Tremont Street Widening  
Change Order 24  
May 29, 2019

**Description**

This change shifts the 30 In. storm drain south to avoid the unanticipated existing 6” underdrain below the north abutment at SR 16, between “T” Sta. 6+42.50 and “T” Sta. 9+36. During design, the location of the existing underdrain was not known during potholing. The contractor discovered that it was located along the same alignment as the proposed 30 In. ductile iron storm drain pipe. BergerABAM met with WSDOT on 9/18/2017 and WSDOT requested that the existing underdrain be protected rather than be replaced.

This Change Order also compensates the contractor for the rework of survey, sawcutting and traffic control .Also adds filling the existing 12-inch storm line with CDF and CDF check dams.

This Change Order creates the following Bid Item with the following quantity to the project:

- New Bid Item A2401 Additional work due to 30 In. storm drain shift per lump sum.

**Measurement and Payment**

Measurement and Payment for Increased Items of Work will be in accordance with the Project Specifications and the Unit Contract Price. All the modifications will be paid for under existing bid items, the newly created bid items or are incidental to the existing Bid Items.

Bid Item A2401: Additional work due to 30 In. storm drain

Lump Sum.....\$32,486.20

**The total cost for this change is as follows:**

The total cost for this change is as follow:

A2401	ADDITIONAL WORK DUE TO 30 IN. STORM DRAIN	1	LS	\$32,486.20	\$32,486.20
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The total cost for this change is \$32,486.20

**Time Statement**

This Change adds Zero(0) working days to the contract duration.

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**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of July 9, 2019**

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**1. CALL TO ORDER AND ROLL CALL**

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Present
Councilmember Chang	Present
Councilmember Clauson	Present
Councilmember Cucciardi	Absent
Councilmember Diener	Absent
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Finance Director Crocker, Community Development Director Bond, City Attorney Cates, City Clerk Rinearson and Deputy City Clerk Floyd.

**A. PLEDGE OF ALLEGIANCE**

**Mayor Putaansuu** led the audience and Council in the Pledge of Allegiance.

**Gail Porter**, Police Chaplain, gave an invocation prayer for new Police Chief Brown and everyone who was in attendance for the oath of office.

**2. APPROVAL OF AGENDA**

**MOTION:** By Councilmember Ashby, seconded by Councilmember Clauson, to add to the consent agenda the excusal of Councilmen's Cucciardi and Diener for personal reasons from this evening's meeting.

**The motion carried.**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Lucarelli, to approve the agenda as amended.

**The motion carried.**

### **3. CITIZENS COMMENTS**

There were no citizen comments.

### **4. CONSENT AGENDA**

- A.** Approval of Voucher Nos. 76760 through 76765, and 77033 through 77168 including bank drafts in the amount of \$2,589,311.32 and Electronic Payments in the amount of \$140,605.06 totaling \$2,729,916.38.
- B.** Approval of Payroll Check Nos. 77021 through 77032, including bank drafts and EFT's in the amount of \$253,128.84; and Direct Deposits in the amount of \$0 totaling \$253,128.84.
- C.** Approval of the June 18, 2019, Council Meeting Minutes
- D.** New Item: Excusal of Councilman's Cucciardi and Diener for Personal Reasons From this Evening's Meeting.

Mayor Putaansuu asked if there were any objections to tonight's consent agenda. After hearing no objections, Mayor Putaansuu said the Consent Agenda is approved by unanimous consent.

### **5. PRESENTATION**

#### **A. Introduction of Utility Manager Jacki Brown**

Mayor Putaansuu introduced Jacki Brown, the City's new Utility Manager, who provided her background and qualifications.

#### **B. Kitsap Economic Development Alliance**

John Powers, Executive Director of the Kitsap Economic Development Alliance, gave a brief update on second quarter numbers and provided regional information and media outreach.

### **6. EXECUTIVE SESSION**

At 6:52 p.m., Mayor Putaansuu recessed the meeting for a 20-minute executive session pursuant to RCW 42.30.110(1)(i) to discuss ongoing and potential litigation matters. City Attorney Cates, Finance Director Crocker and Community Development Director Bond were invited to attend.

At 7:12 p.m., Mayor Putaansuu reconvened Council back into regular session.

### **7. PUBLIC HEARING**

There were no public hearings.



## **8. BUSINESS ITEMS**

### **A. Adoption of a Resolution to Approve Agreement and Notice to Form for Accessory Dwelling Units**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Rosapepe, to adopt a resolution approving the form for the City's ADU Agreement and Notice to Title.

**The motion carried.  
(Resolution No. 017-19)**

### **B. Adoption of a Resolution Appointing a Planning Commissioner**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Clauson, to adopt a Resolution confirming the Mayor's appointment of Mr. Phillip King to the Planning Commission, as set forth in the Resolution presented.

**The motion carried.  
(Resolution No. 018-19)**

### **C. Approval of the June 25, 2019, Council Meeting Minutes**

**MOTION:** By Councilmember Clauson, seconded by Councilmember Chang, to approve the Council meeting from June 25<sup>th</sup>.

**The motion carried. Councilmember Lucarelli abstained.**

## **9. DISCUSSION ITEMS (No Action to be Taken)**

There were no discussion items.

## **10. REPORTS OF COUNCIL COMMITTEES**

Mayor Putaansuu reported the Finance Committee is scheduled to meet next Tuesday [July 16, 2019].

Councilmember Ashby reported the Economic Development and Tourism Committee is scheduled to meet the second Monday in August [August 13<sup>th</sup>].

Councilmember Lucarelli reported the Utilities Committee is scheduled to meet August 19<sup>th</sup>; the Sewer Advisory Committee is scheduled to meet August 14<sup>th</sup>; and the Chimes and Lights Committee is scheduled to meet August 19<sup>th</sup>.

Community Development Director Bond reported on the July 1<sup>st</sup> Land Use Committee meeting.

Mayor Putaansuu reported he will be attending a special meeting with the Growth Management Policy Board to work on Vision 2050.

## **11. REPORT OF MAYOR**

The Mayor reported the following:

- Tremont Street celebration is scheduled for August 2<sup>nd</sup> at 1:00pm;
- We received \$1.3 million initial funding from the Transportation Policy Board Puget Sound Regional Council Executive Board for the Tremont project;
- McCormick water system updates;
- Well 13 updates;
- City employee updates;
- Vacancy rates and rents;
- Attended AWC conference;
- Received his Advanced Certificate of Municipal Leadership from AWC [Association of Washington Cities];
- Finance Director Crocker was confirmed to serve on the Workers' Comp Retro Board; and
- City's insurer recommended the City does not allow bouncy houses in our parks as they are considered high risk.

## **12. REPORT OF DEPARTMENT HEADS**

Finance Director Crocker reported the State Auditor's office has been at the City for the past month, and an exit conference will be scheduled soon.

## **13. CITIZEN COMMENTS**

There were no citizen comments.

## **14. OATH OF OFFICE**

Mayor Putaansuu administered the oath of office to Police Chief Matt Brown.

Mrs. Brown pinned Police Chief Brown's badge to his uniform.

Police Chief Brown thanked the Council and Mayor and explained how incredible it is to have everyone here. He thanked his wife who supported him through these transitions. He would not be standing here without her.

Mayor Putaansuu asked everyone to join him for refreshments upon the adjournment of the meeting.

## **15. ADJOURNMENT**

The meeting adjourned at 7:35 p.m. No other action was taken. Audio/Visual was successful.

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Brandy Rinearson, MMC, City Clerk

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Robert Putaansuu, Mayor

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