



City of Port Orchard Council Meeting Agenda
September 24, 2019
6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby (Mayor Pro-Tempore)
Chair: ED/Tourism/LT Committee
Staff: Development Director
Finance Committee
KRCC / PSRC TransPol / KRCC TransPol
KRCC PlanPol-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
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

C. Adoption of a Resolution Confirming the Appointment of Tim Drury as the City's Abatement Hearing Officer (Bond) Page 3

D. Excusal of Councilmember Ashby Due to Personal Reasons

5. PRESENTATION

6. PUBLIC HEARING

A. Surplus of Water and Sewer Utility Equipment (Crocker) Page 7

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 20.39 Adopting Regulations Related to Social Services Facilities and Repealing Interim Ordinance No. 015-19 (Bond) Page 9

B. Adoption of an Ordinance Amending Port Orchard Municipal Code Section 20.200.012 "Tenant Occupancy Permit" (Bond) Page 25

C. Adoption of a Resolution Amending Resolution No. 1946 Updating Speed Limits on Certain Roads within the City of Port Orchard (POMC 10.08) (Bond) Page 35

D. Approval of Amendment No. 1 to Contract No. 025-17 with BHC Consultants, LLC for the 2017 Water System Plan Update (Dorsey) Page 55

E. Approval of Amendment No. 1 to Contract No. 049-17 with BHC Consultants, LLC for On-call Engineering Services (Dorsey) Page 63

F. Approval of the September 10, 2019, Council Meeting Minutes Page 71

8. DISCUSSION ITEMS (No Action to be Taken)

A. Public Facilities District Agreement Update (Mayor)

- B. [Initiative Measure No. 976 Regarding Car Tab Fees \(Mayor\)](#) **Page 79**
- C. [Updating the 2019-2021 Legislative Agenda \(Mayor\)](#) **Page 83**

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	Date & Time	Location
Finance	October 8, 2019; 5:00pm	City Hall
Economic Development and Tourism	October 14, 2019; 9:30am	City Hall
Utilities	September 23, 2019; 9:30am	City Hall
Sewer Advisory	November 6, 2019; 6:30pm	City Hall
Land Use	TBD; 9:30am	DCD*
Lodging Tax Advisory	TBD	City Hall
Festival of Chimes & Lights	October 21, 2019; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies

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

CITY COUNCIL GOOD OF THE ORDER

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 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.



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>Consent Agenda 4C</u>	Meeting Date:	<u>September 24, 2019</u>
Subject:	<u>Adoption of a Resolution Confirming the</u>	Prepared by:	<u>Nicholas Bond</u>
	<u>Appointment of Tim Drury as the City's</u>		<u>DCD Director</u>
	<u>Abatement Hearing Officer</u>	Atty Routing No:	<u>045-19</u>
		Atty Review Date:	<u>9/10/19</u>

Summary: Under the municipal code provisions recently adopted by the City Council, the City has need of an abatement hearing officer. POMC 2.08.120 provides for the Mayor to appoint a person, as an employee or under contract, to serve in this capacity, with confirmation by a majority vote of the City Council.

Based on past experience, appeals under POMC 20.212 – Unfit and Dangerous Dwellings, Buildings, and Structures – are expected to be filed approximately 0-3 times per year. Given the very low volume of appeals, the nature of appeal hearings, and the need to keep costs of such appeals low, it is desirable to contract with someone who is local and has experience with judicial or quasi-judicial hearings. The City's Municipal Court Judge, Tim Drury, was approached and has agreed to serve in this capacity.

Relationship to Comprehensive Plan: Not applicable.

Recommendation: Staff recommends that the City Council adopt the proposed resolution confirming the appointment of Tim Drury as the City's abatement hearing officer.

Motion for consideration: "I move to adopt a resolution confirming the appointment of Tim Drury as the City's abatement hearing officer."

Fiscal Impact: \$0 – \$1,500 per year depending on whether any appeals are filed. The City may charge appeal fees to partially offset these costs though the fee resolution will need to be updated.

Alternatives: Decline to confirm the Mayor's appointment.

Attachments: Resolution

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, CONFIRMING THE MAYORAL APPOINTMENT OF TIM DRURY AS THE CITY'S ABATEMENT HEARING OFFICER.

WHEREAS, Port Orchard Municipal Code (POMC) Chapter 20.212 – Unsafe Dwellings, Buildings, and Structures – specifies that appeals of abatement orders be heard by an abatement hearing officer; and

WHEREAS, POMC Chapters 2.08 and 2.82 establish the position of abatement hearing officer and specify the duties thereof; and

WHEREAS, POMC 2.08.120 provides that the Mayor may appoint the abatement hearing officer with confirmation by a majority vote of the City Council; and

WHEREAS, the Mayor has appointed Tim Drury as abatement hearing officer, now, therefore;

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: Tim Drury is hereby appointed to serve as abatement hearing officer, pursuant to POMC 2.08 and 2.82 for a term commencing on September 24, 2019, and ending on December 31, 2020, with the option of two one-year extensions.

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 24th day of September 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

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Agenda Staff Report

Agenda Item No.: Business Item 7A
Subject: Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 20.39 Adopting Regulations Related to Social Services Facilities and Repealing Interim Ordinance No. 015-19

Meeting Date: September 24, 2019
Prepared by: Nick Bond Development Director
Atty Routing No.: 022-19
Atty Review Date: June 4, 2019

Background: On April 9, 2019, the City Council adopted emergency interim zoning Ordinance 015-19 to provide regulations for the siting and development of secured residential facilities for sexually violent predators (“Secured High Risk Social Service Facilities”). Per RCW 36.70A.390, the interim ordinance is effective for six months, until October 9, 2019. In compliance with that statute, the Council was required to hold a public hearing within 60 days of adoption of the interim zoning ordinance, and a public hearing was held on May 14, 2019. Following the public hearing, the Council directed staff to work with the City Attorney to prepare a permanent ordinance. The Planning Commission held a public hearing on the permanent ordinance on June 4, 2019, and recommended approval to the City Council on September 3, 2019. No further changes have been made to the code between the interim and permanent ordinances.

Relationship to Comprehensive Plan: N/A

Recommendation: Staff recommends that City Council approve the ordinance to adopt permanent regulations for the siting and development of secured residential facilities for sexually violent predators.

Motion for Consideration: “I move that the City Council approve the ordinance to adopt permanent regulations for the siting and development of secured residential facilities for sexually violent predators.”

Fiscal Impact: None

Alternatives: Revise the ordinance; do not adopt the ordinance. (Note: If the Council does not adopt a permanent ordinance, the interim ordinance will expire on October 9, 2019 unless further action is taken.)

Attachments: Ordinance, including Use Table

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ORDINANCE NO. _____-19

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING CHAPTER 20.39 OF THE PORT ORCHARD MUNICIPAL CODE TO ADOPT REGULATIONS RELATED TO SOCIAL SERVICES FACILITIES; REPEALING INTERIM ORDINANCE NO. 015-19; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP); and

WHEREAS, certain individuals that are civilly committed as SVPs have fulfilled their sentence, but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility; and

WHEREAS, in 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law; and

WHEREAS, in 1994, the Federal District Court for Western Washington entered an order and injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives; and

WHEREAS, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA; and

WHEREAS, an LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility; and

WHEREAS, Washington State does not regulate the location or land use and life safety impacts of community based LRAs; and

WHEREAS, the City Council of the City of Port Orchard determined that current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities; and

WHEREAS, the Growth Management Act (GMA), Chapter 36.70A RCW, provides that each jurisdiction's comprehensive land use plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, on April 9, 2019, the City Council adopted an interim zoning ordinance (Interim Ordinance No. 015-19) to protect public health and safety pursuant to RCW 36.70A.390; and

WHEREAS, on May 14, 2019, pursuant to RCW 36.70A.390, the City Council held a public hearing, which was within sixty (60) days of the adoption of Interim Ordinance No. 015-19; and

WHEREAS, the City Council took into account the oral testimony and written information provided at the public hearing, if any; and

WHEREAS, the Planning Commission held a public hearing on the proposed permanent ordinance on June 4, 2019; and

WHEREAS, the City Council now desires to enact permanent regulations to protect public health and safety in a way that mitigates land use and life safety impacts without precluding the state-mandated placement of housing for persons that are civilly committed and conditionally released to a less restrictive alternative to total confinement; **NOW, THEREFORE**,

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

SECTION 1. Findings. The City Council adopts all of the "Whereas" sections of this Ordinance as findings in support of this Ordinance.

SECTION 2. Amendments to POMC 20.39.040 Use Table Adopted. Amendments to the Use Table set forth in Section 20.39.040 of the Port Orchard Municipal Code (POMC) are hereby permanently adopted as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

SECTION 3. Amendments to POMC 20.39.120 Adopted. Amendments to the definition of "Social Services" set forth in POMC 20.39.120 are hereby permanently adopted as follows:

20.39.120 Social Services. Defined: A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs. Does not include facilities serving persons who have been civilly committed as Sexually Violent Predators (SVPs) and conditionally released to a less restrictive alternative (LRA) in accordance with Chapter 71.09 RCW. Such facilities are addressed in POMC 20.39.122, below (“Secured High Risk Social Service Facilities”).

SECTION 4. New POMC Section 20.39.122 Adopted. A new POMC Section 20.39.122 is hereby permanently adopted as follows:

20.39.122. Secured High Risk Social Service Facilities. Secured high risk social service facilities are facilities serving one or more persons civilly committed as Sexually Violent Predators (SVPs) and conditionally released to a less restrictive alternative (LRA) in accordance with Chapter 71.09 RCW. An LRA is a facility that provides court-ordered supervision, security, and sex offender treatment services.

(1) Secured high risk social services facilities shall only be permitted in zones where permitted as a conditional use in the land use table in this chapter.

(2) Where indicated as a conditional use in the use table, Section 20.39.040, a secured high risk social services facility is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

(a) The city shall hold a neighborhood meeting prior to a public hearing for the proposed secured high risk social services facility. The project applicant shall cover all meeting costs.

(b) The city shall provide community notification to all landowners within a half-mile radius of the proposed secured high risk social services facility at least two (2) weeks prior to a neighborhood meeting. The project applicant shall cover all community notification costs.

(c) The secured high risk social services facility shall not be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time the secured high risk social services facility is established.

- (i) "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.
- (ii) "Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released to an LRA. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing. For the purposes of this section, "school bus stops" does not include bus stops established primarily for public transit.
- (d) The secured high risk social services facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).
 - (i) Distance shall be measured from all property lines of the social services facility and from all property lines of the facilities and grounds of a public or private school.
- (e) The secured high risk social services facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.
- (f) Principal access to the secured high risk social services facility shall be from a city-maintained right-of-way.
- (g) If a person's liberty is restricted or a person is not capable of self-preservation without physical assistance, the secured high risk social services facility shall be equipped with an automated fire sprinkler system as required by the building code.
- (h) If windows/doors are required to be secured, the secured high risk social services facility shall have a system to automatically release locks, which shall be interlocked with the fire protection system.
- (i) The secured high risk social services facility shall have backup power sufficient to energize the safety and security systems in the event of a power outage.

SECTION 5. Repeal of Interim Ordinance. Interim Ordinance No. 015-19 is hereby repealed in its entirety as of the effective date of this Ordinance.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity

or constitutionality of any other section, sentence, clause or phrase of this Ordinance nor shall the application of the provision to other persons or circumstances be affected.

SECTION 7. Clerical/Typographical Error. Should this Ordinance, upon being enacted by the City Council of the City of Port Orchard, have anything inadvertently left out or in error upon publication, the explicit action of the City Council as discussed and passed shall prevail upon subsequent review and verification by the City Council.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect five (5) days after posting and publication, as required by law. A summary of the Ordinance may be published in lieu of the entire Ordinance, as authorized by State 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 24th day of September 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSOR

Sharon Cates, City Attorney

Bek Ashby, Councilmember

PUBLISHED:

EFFECTIVE DATE:

ATTACHMENTS:

Attachment 1: Amended POMC 20.39.40 Use Table

20.39.040 Use table.

(Gray shading separates categories into Residential, Commercial & Industrial, & Civic/Parks)

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Residential Uses																						
All household living, as listed below:																						
Single-family detached (including new manufactured homes)	P	P	P	--	--	P	P		P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Designated Manufactured Home, Manufactured or Mobile Home (except for new designated manufactured homes)	--	-	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
New Designated Manufactured Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
Two-family	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (2 units)	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (3 or 4 units)	--	P	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Single-family attached (5 or 6 units)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (3 or 4 units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (5 or more units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
Boarding House	--	--	--	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Congregate Living Facilities	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Lodging House	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Group home (up to 8 residents), except as follows:	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Adult Family Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
All group living (9 or more residents)	--	--	--	C	C	--	--	P	C	P	C	--	P	P	--	--	--	--	--	--	--	20.39.610
Social Services Facilities	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P		--	--	--	20.39.615

Use Category	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Secured High Risk Social Services Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	
Public Uses																						
All civic uses, as listed below:																						
Community college, university, trade or technical school (8,000 square feet or less).	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	20.39.240
Community college, university, trade or technical school (more than 8,000 square feet).	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	20.39.240
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.240
Public use	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.240
Museum, library	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	P	20.39.240
Place of worship	C	C	C	C	C	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.240
School (K-12)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	20.39.240
Jail or Detention Center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	20.39.240
Transit park and ride lot	--	-	C	C	C	-	--	C	C	P	C	C	C	P	P	P	P	P	P	--	P	
Transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	20.39.230
Transit bus base	-	-	-	-	-	-	-	-	-	-	-	-	-	-	--	--	P	P	-	-	P	20.39.210
All open space and park uses, as listed below:																						
Cemetery	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	20.39.410
Golf course	C	C	C	--	--	C	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	20.39.410
Park, recreation field	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	20.39.410
Animal shelter or adoption center	--	--	--	--	--	--	--	--	--	--	--	--	--	C-	C	C	C	C	C	--	C-	20.39.200
All utilities, as listed below:																						
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.415
Major utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	20.39.415
Wireless telecommunication facilities, as listed below																						
Amateur radio operator tower	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.270

Use Category	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Small cell wireless telecommunication facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.270
Wireless telecommunication tower (excludes small cell facilities)	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C	20.39.270
Commercial Uses																						
All day care, as listed below:																						
Family day care (6 children or fewer)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.505
Group day care (mini day care) (7 to 12)	C	C	C	--	--	C	C	C	P	P	--	P	P	P	--	--	--	--	--	--	--	20.39.505
Day care center (13 or more)	--	--	--	--	--	--	--	C	C	C	--	P	C	P	P	--	--	--	--	--	--	20.39.505
All indoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	P	C	P	--	P	P	--	--	--	--	C	--	
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	20.39.510
Special event facility	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	C	C	C	20.39.510
Commercial Entertainment, except as follows:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	
Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	20.39.515
All outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	C-	C	P	--	P	P	--	--	--	--	C	C	
Campground, travel trailer park, RV park (does not include mobile home park)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Horse stable, riding academy, equestrian center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	20.39.530
Marina (upland areas)	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	C	C	C	C	C	20.39.575
All overnight lodging, as listed below:																						
Level 1: Vacation rentals or similar short-term house/room rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	20.39.535

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Level 2: Bed and breakfast (up to 7 rooms)	C	C	C	--	--	C	C	--	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.535
Level 3: Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.535
Level 4: Hotel	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--	20.39.535
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	--	--	--	--	P	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	C	20.39.520
All office, except as listed below:	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	--	--	--	--	
Bail bonds	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	--	--	--	--	--	--	20.39.525
Surface parking: commercial parking, commuter lease parking or park and ride, remote parking	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	--	P	--	C	20.39.540
Commercial parking garage – standalone	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--	--	--	C	20.39.540
Electric vehicle charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.12
All personal service, except as listed below:	--	--	--	--	--	--	--	C	C	P	C	P	P	P	P	C	--	--	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	--	--	--	--	--	--	20.39.545
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	20.39.545
Indoor animal care	--	--	--	--	--	--	--	--	C	P	--	P	--	P	P	P	--	--	--	--	--	20.39.550
Outdoor animal care	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	20.39.555
Business services	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	--	--	C	--	--	20.39.570
Conference center	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	C	-	C	20.39.310
All restaurants except as listed below:	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	
Food truck	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	20.39.562
All retail sales, as listed below:																						
Retail establishment (up to 5,000 gross floor area)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	20.39.565

Use Category	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Retail establishment (5,001 - 15,000 gross floor area)	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	--	--	--	--	--	20.39.565
Retail establishment (15,001 - 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	20.39.565
Retail establishment over (50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	20.39.565
Fireworks sales in accordance with POMC 5.60.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	
Recreational marijuana sales	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	20.64
Convenience store with fuel pumps	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	20.39.565
Convenience store without fuel pumps	--	--	--	--	--	--	--	--	C	C	C	--	--	P	P	P	--	--	--	--	--	20.39.565
Fuel station, including fuel pumps and fuel sales, without convenience store	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	
Automobile service station.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	20.39.300
All vehicle and tool/construction equipment sales and rental, as listed below:																						
Light vehicle and light tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.565
Heavy vehicle and heavy tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.565
All vehicle service and repair, as listed below:																						
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	20.39.625
Vehicle service and repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	20.39.640
Vehicle service and repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.645

Use Category	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Vehicle service and repair, commercial vehicle	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.650
Industrial Uses																						
All heavy industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.605
All light manufacturing, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Commercial laundry, dry cleaning or carpet cleaning facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.610
Brewery, Distillery under 5,000 square feet	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	
Brewery, Distillery 5,001-15,000 square feet	--	--	--	--	--	--	--	--	--	--	C	C	--	C	P	P	--	--	--	--	--	
Brewery, Distillery over 15,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Craft shop	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.610
Food and beverage processing, boutique (area used for processing less than 3,000 SF)	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.610
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.610
Recreational marijuana production	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
All research and development	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.615
Resource extraction – mining, dredging, raw mineral processing, except:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.620
Timber harvesting in the absence of concurrent development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Sand and Gravel Mining	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Stockpiling of sand, gravel or other aggregate materials	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	P	20.39.620
Sheet metal, welding, machine shop, tool and equipment manufacturing, vehicle painting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	P	20.39.610

Use Category	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
All warehouse, storage and distribution, as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	
Enclosed storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.655
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	C	--	--	--	--	--	20.39.655
Storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P			P	20.39.470
All waste-related service, including wastewater treatment facilities, decant facilities and recycling centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	20.39.660
Recreational marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
Agricultural Uses																						
All agriculture, as listed below:																						
Agricultural processing, excluding marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	20.39.705
Community garden	P	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	--	--	--	P	P	20.39.705
Nursery	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	--	--	20.39.705
Winery	--	--	--	--	--	--	C	--	--	C	C	C	--	P	P	P	P	--	--	--	--	20.39.705
Accessory uses not otherwise listed below, as determined by the [Administrator]:																						
Accessory dwelling units, as listed below:																						
Accessory apartment (attached dwelling)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.68, 20.39.805
Backyard cottage dwelling	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.805
Drive-thru facility	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	P	P	--	--	--	--	20.39.870
Home occupation	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.830

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Home business	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.835
Livestock keeping	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.845
Outdoor display	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	20.39.850
Outdoor storage as listed below:																						
Low-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	20.39.855
High-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.855
Self-Storage as accessory use to Apartment Building	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.860
Vehicle service and repair, accessory to a residential use	P	P	--	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.900
Park as accessory use to residential development	P	P	P	P	P	P	--	P	P	P	P	P	P	--	--	--	--	--	--	--	--	
Medical marijuana cooperative	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	Ch. 20.64

Key: P = Permitted Use C = Conditional Use -- = Use Not Permitted

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City of Port Orchard

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

Agenda Staff Report

Agenda Item No.: Business Item 7B
Subject: Adoption of an Ordinance Amending
Port Orchard Municipal Code Section
20.200.012 Tenant Occupancy Permit

Meeting Date: September 24, 2019
Prepared by: Nick Bond
Development Director
Atty Routing No.: 066-19
Atty Review Date: September 9, 2019

Summary: The City issues Tenant Certificate of Occupancy (C of O) permits when a new tenant occupies a building or suite within a building. We have relied on the International Building Code (IBC) Section 111 Certificate of Occupancy, 111.1 Use and Occupancy: *A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein.* Other jurisdictions which issue C of O permits, including Kitsap County, have amended their local code to add specificity to what is a general statement in the IBC. This code amendment is intended to provide clarity to the business community for the process.

The Tenant C of O permit provides the opportunity for the jurisdiction to review for allowable uses in zoning districts, to inspect for potential fire hazards and or structural deficiencies, and to assure compliance with City utility billing for water and sewer services. The City also coordinates this process with Kitsap Public Health District (KPHD) in situations requiring food handling safety. A tenancy occupancy permit review and inspection process screens for all of these potential deficiencies and ensures correction prior to receiving a certificate of occupancy for new tenants, while protecting the public health, safety and welfare.

Relationship to Comprehensive Plan: N/A

Recommendation: Staff recommends that City Council approve an ordinance amending Section 20.200.012 POMC to adopt certificate of occupancy review and inspection requirements for certain new tenants and tenant changes of use.

Motion for Consideration: "I move that the City Council approve an ordinance amending Section 20.200.012 POMC to adopt certificate of occupancy review and inspection requirements for certain new tenants and tenant changes of use."

Fiscal Impact: None

Alternatives: Revise the ordinance; do not adopt the ordinance.

Attachments: Ordinance and redline

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING BUILDING CODE REQUIREMENTS FOR CONSISTENCY WITH THE STATE BUILDING CODE; AMENDING SECTION 20.200.012 OF THE PORT ORCHARD MUNICIPAL CODE; ADDRESSING CERTIFICATE OF OCCUPANCY REQUIREMENTS FOR NEW TENANTS IN EXISTING BUILDINGS AND CHANGES IN EXISTING TENANCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Building Code Council (Code Council) periodically adopts uniform codes of statewide applicability, collectively referred to as the state building code; and

WHEREAS, on June 28, 2016, the Code Council voted to adopt the 2015 Edition of the International Building Codes, and the effective date of the 2015 edition of the codes is July 1, 2016; and

WHEREAS, RCW 19.27.042 provides that each county or city in the state of Washington is authorized to amend the state building code as it applies within the jurisdiction of the county or city; and

WHEREAS, the purpose of a tenant occupancy permit is to reduce potential hazards caused by fire or structural deficiencies in structures where there are employees or the public enters; and,

WHEREAS, a tenant occupancy permit is reviewed for compliance with the city of Port Orchard's zoning requirements in POMC Chapter 20; and,

WHEREAS, a tenant occupancy permit inspection determines, to the extent possible, that previous tenants have not changed the original structure in violation of the building code; and,

WHEREAS, a tenant occupancy permit inspection is necessary to determine that means of egress, fire safety systems, and emergency response access are maintained; and

WHEREAS, the tenant occupancy permit inspection verifies fixture count and utility service for purposes of billing for water and sewer services as required by POMC Chapter 13.04; and,

WHEREAS, the City Council finds that the public health, safety, and welfare will be served by adopting a Certificate of Occupancy permit process for new tenants; now, therefore,

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

SECTION 1. POMC 20.200.012 - Amended. Port Orchard Municipal Code Section 20.200.012 is hereby amended to add a new subsection (4) as follows:

20.200.012 Local amendments of International Building Code.

The International Building Code adopted by reference in this chapter is hereby amended as follows:

(1) IBC Section 105.2, entitled "Work exempt from permit," subsection "building:" is hereby amended to read as follows:

Building:

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m2).
- (2) Fences not over 6 feet high.
- (3) Oil derricks.
- (4) Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- (6) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (7) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (8) Temporary motion picture, television and theater stage sets and scenery.
- (9) Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
- (10) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

- (11) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (12) Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
- (13) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

(2) IBC Subsection 105.5, entitled "Expiration," is hereby amended to read as follows:

105.5 Expiration.

- A. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- B. Notwithstanding the above, if the City has issued a Stormwater Management Permit (or site development activity permit (SDAP) under Chapter 20.150 POMC) and building permit for water, wastewater, stormwater, or street improvement structures or fixtures, then the building permit shall expire concurrent with and under the same terms as set forth in Chapter 20.150 POMC as the issued Stormwater Management Permit.

(3) IBC Section 109, entitled "Fees," is hereby amended to add the following new subsection 109.7 as follows:

The Building Official is authorized to waive the Permit Fee and Plan Review specified in the International Building Code and in the Uniform Plumbing Code upon satisfaction of the following conditions:

- (1) The permit is for a residential unit of an owner/occupier who is 60 years or older with a maximum annual income, together with all persons in the household, below the poverty line as established by the Office of Management and Budget in Washington D.C.

(2) The work is for essential repairs and improvements, such as insulation, weatherization, roof repairs, structural repairs or essential plumbing repairs.

(3) The owner/occupant of the home completes a form supplied by the Building Official requesting exception from the Building Permit Fees.

(4) IBC Subsection 111.1, entitled "Use and Occupancy," is hereby amended to read as follows:

111.1 Use and Occupancy

A. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2

B. When a building is constructed with future tenant spaces to be finished or occupied at a later date, a shell only certificate of occupancy shall be issued. A separate tenant improvement permit is required for each tenant space prior to any tenant occupancy.

C. A certificate of occupancy shall be required prior to occupancy when there is a change in tenant whether or not construction or alterations are performed or proposed and regardless of the use or occupancy classification.

Exceptions:

1. R-3 occupancies.

2. Group U occupancies.

3. Individual dwelling units of R-1 and R-2 occupancies.

4. Individual rental units of mini-storage buildings with S occupancy classification.

5. A second business in the same location as another tenant with the same use classification which already has a Certificate of Occupancy for the space.

6. Individual business license holders within a space with a current Certificate of Occupancy.

7. A business that changes ownership but does not change location, business name, use, or make any structural changes. The new owner is required to provide ownership and business license information to the Department of Community Development Permit Center. An updated certificate will be issued to the new owner.

8. A business that changes its name but does not change location, ownership, use, or make any structural changes. The owner is required to provide updated business license information showing the name change to the Department of Community Development Permit Center. An updated certificate will be issued with the new business name.

D. When a Certificate of Occupancy is required, or a business's ownership or name is changed, an application shall be submitted to the Department of Community Development Permit Center using the applicable city form, along with supporting documentation as required. The fee shall be as adopted under the city's current fee schedule resolution.

SECTION 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of the Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3. Effective Date. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State 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 24th day of September 2019.

Rob Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

Scott Diener, Councilmember

PUBLISHED:
EFFECTIVE DATE:

POMC 20.200.012

20.200.012 Local amendments of International Building Code.

(4) IBC Subsection 111.1, entitled "Use and Occupancy," is hereby amended to read as follows:

111.1 Use and Occupancy

A. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2

B. When a building is constructed with future tenant spaces to be finished or occupied at a later date, a shell only certificate of occupancy shall be issued. A separate tenant improvement permit is required for each tenant space prior to any tenant occupancy.

C. A certificate of occupancy shall be required prior to occupancy when there is a change in tenant whether or not construction or alterations are performed or proposed and regardless of the use or occupancy classification.

Exceptions:

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4. Individual rental units of mini-storage buildings with S occupancy classification.

5. A second business in the same location as another tenant with the same use classification which already has a Certificate of Occupancy for the space.

6. Individual business license holders within a space with a current Certificate of Occupancy.

7. A business that changes ownership but does not change location, business name, use, or make any structural changes. The new owner is required to provide ownership and business license information to the Department of Community Development Permit Center. An updated certificate will be issued to the new owner.

8. A business that changes its name but does not change location, ownership, use, or make any structural changes. The owner is required to provide updated business license information showing the name change to the Department of Community Development Permit Center. An updated certificate will be issued with the new business name.



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 7C</u>	Meeting Date:	<u>September 24, 2019</u>
Subject:	<u>Adopt of a Resolution Amending</u>	Prepared by:	<u>Nicholas Bond, AICP</u>
	<u>Resolution No. 1946 Updating Speed</u>		<u>DCD Director</u>
	<u>Limits on Certain Roads within the</u>	Atty Routing No.:	<u>030-19</u>
	<u>City of Port Orchard (POMC 10.08)</u>	Atty Review Date:	<u>June 19, 2019</u>

Summary: Pursuant to Port Orchard Municipal Code Chapter 10.08, and in accordance with RCW 46.61.415, speed limits in Port Orchard are set by resolution. The City’s current speed limit Resolution 1946 was adopted on August 27, 2001. Since that time, the City has completed numerous annexations and has experienced significant population growth, which requires that the City review and update Resolution 1946. The City’s transportation engineering consultant, TSI, Inc. conducted a speed limit study to evaluate possible reductions on 4 city roads, Sindy Road SW, Old Clifton Road, SW Sedgwick Road, and Glenwood Road SW. Based on the recommendations found in this study, the City proposes four changes in speed limits from those that are indicated on existing speed limit signs as follows:

1. Old Clifton Road from Anderson Hill Road to West City Boundary. This stretch of Old Clifton Road was annexed about 10 years ago. The area is signed with 45 MPH speed limit signage that preceded annexation. Recently, the City completed the McCormick Village Park Project and has seen several hundred new homes added to the area since annexation. Additional homes are under development and a future school site is also located in the corridor. Due to these changing conditions, a speed limit reduction is recommended in this corridor from 45 MPH to 35 MPH.
2. Glenwood Road/Sedgwick Road from West City Boundary to Sidney Ave SW. This stretch of Glenwood and Sedgwick is now developing with Stetson Heights 300+ new single-family homes and has seen 200+ apartments constructed near Sedgwick and Sidney. Due to the increased growth and traffic, the City Engineer recommends that the speed limit in this corridor be reduced from 40 MPH to 35 MPH.
3. Sidney Road SW. Due to the planned growth center in this area along with the recent construction of apartments at Sidney and Sedgwick, the City Engineer recommends lower speed limit from 35 MPH to 30 MPH.

The draft resolution also establishes speed limits reflecting a handful of existing signs that deviate from the standard 25 MPH limit, but which were annexed and thus had not been captured in the City Resolution 1946.

Relationship to Comprehensive Plan: The implementation status chart provides information on the City’s ongoing actions to implement the Comprehensive Plan goals. Note that RCW 46.61.415 allows the City Council to amend speed limits only when such a change is supported by an engineering and traffic study.

Recommendation: Staff recommends that the City Council adopt the proposed resolution amending Chapter 10.08 POMC to update speed limits within the City of Port Orchard.

Motion for consideration: “I move that that the City Council adopt the proposed resolution amending Resolution No. 1946 within Chapter 10.08 POMC to update speed limits within the City of Port Orchard.”

Fiscal Impact: The City will need to purchase some new signage from its annual sign replacement budget.

Alternatives: Revise the resolution; do not amend existing speed limits.

Attachments: Resolution; Resolution 1946; and Speed Study

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD,
WASHINGTON, AMENDING RESOLUTION NO. 1946
ESTABLISHING INCREASES AND/OR DECREASES OF SPEED
LIMITS ON CITY STREETS AND INTERSECTIONS.**

WHEREAS, RCW 46.61.415, as adopted by Ordinance No. 1479, sets forth the procedure for a municipality such as the City of Port Orchard to alter the maximum speed permitted by state law on city arterials, streets, and other rights-of-way, and allows such to be done by resolution after an engineering and traffic investigation by the traffic engineer; and

WHEREAS, the City has annexed large areas into the City limits where speed limits had been previously established by Kitsap County; and

WHEREAS, the City has discovered several instances in which speed limit signage was previously posted, but that signage was not listed in previous speed limit resolutions; and

WHEREAS, the default speed limit established in RCW 46.61.400 for city streets is 25 MPH; and

WHEREAS, pursuant to RCW 46.61.415(1), a city may raise or lower the maximum speed limit on city streets on the basis of an engineering and traffic investigation, within certain established limits; and

WHEREAS, the City completed a speed limit study on August 19, 2019 that included recommendations to reduce speed limits on Old Clifton Road, Sidney Road SW, SW Sedgwick Road, and Glenwood Road SW, which reductions are within the limits established by RCW 46.61.415(1); and

WHEREAS, the City Council of the City of Port Orchard finds that it is necessary and appropriate to alter the vehicular speeds permitted by state law on certain designated streets in the city by resolution and the posting of appropriate signs;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DOES HEREBY RESOLVE THAT RESOLUTION NO. 1946 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1. DECREASE OF SPEED LIMIT. When signs are erected by the City Engineer giving notice thereof, the speed permitted by state law within those streets and intersections described in this section should be decreased during the times specified:

- (A) Dwight Street from Seattle Avenue to Harrison Avenue, twenty miles per hour at all times;
- (B) DeKalb Street from Seattle Avenue to Harrison Avenue, twenty miles per hour at all times;
- (C) Pottery Avenue from State Highway 16 to a point 300 feet north of the intersection of Lippert Drive, twenty miles per hour, when the beacon is flashing;
- (D) Lippert Drive/West Lippert Drive from a point 300 feet west of Pottery Avenue to a point 300 feet east of Pottery Avenue, twenty miles per hour at all times;
- (E) Mitchell Avenue from a point 300 feet south of Wolves Ln Pvt. to a point 300 feet north of DeKalb Street, twenty miles per hour, when the beacon is flashing;
- (F) Sidney Road SW from a point 300 feet north of SW Birch Road to a point 80 feet south of Glenwood Road, twenty miles per hour, when the beacon is flashing;
- (G) Lawrence Street from Tracy Avenue N to Perry Avenue N, twenty miles per hour at all times;
- (H) Perry Avenue N from Guy Wetzel Street to Lawrence Street, twenty miles per hour at all times;
- (I) Sprague Street, entire length, twenty miles per hour at all times;
- (J) Alleys and other narrow roads not otherwise listed, entire length, ten miles per hour at all times.

Section 2. INCREASE OF SPEED LIMIT. When signs are erected by the City Engineer giving notice thereof, the speed permitted by state law within those streets and intersections described in this section should be increased during the times specified:

- (A) Tremont Street, entire length, thirty-five miles per hour at all times;
- (B) Sidney Avenue from Tremont Street to primary State Highway 16, thirty miles per hour at all times;

- (C) Port Orchard Boulevard, on all that portion five hundred feet from its intersection with primary State Highway 166 to its intersection with Tremont Street, thirty-five miles per hour at all times;
- (D) Pottery Avenue from its intersection with Tremont Street to Sidney Road SW, thirty miles per hour at all times, excluding the school zone when the beacon is flashing;
- (E) On Bay Street (State Highway 166), beginning at the west city limits, easterly to a point 1.4 miles east of the west city limits, fifty miles per hour at all times;
- (F) On Bay Street (State Highway 166), beginning at a point 1.4 miles east of the west city limits, to a point 0.29 miles west of the intersection of West Avenue and Bay Street (State Highway 166), thirty-five miles per hour at all times;
- (G) Old Clifton Road, entire length, thirty-five miles per hour at all times;
- (H) On Mile Hill Drive (State Highway 166), beginning at the east city limits, westerly to the intersection of Bethel Avenue, thirty-five miles per hour at all times;
- (I) Bethel Avenue/Road, beginning at the south city limits to a point 600 feet south of the intersection of Bay Street (State Highway 166), thirty-five miles per hour at all times;
- (J) Olney Avenue, from the Beach Drive E to its intersection with Mile Hill Drive (State Highway 166), thirty miles per hour at all times;
- (K) Sidney Road SW from Pottery Avenue to the south city limits, thirty miles per hour at all times, excluding the school zone when the beacon is flashing;
- (L) SW Sedgwick Road from the east city limit to Sidney Road SW, thirty-five miles per hour at all times;
- (M) SW Sedgwick Road from Sidney Road SW to Glenwood Road SW, thirty-five miles per hour at all times;
- (N) Glenwood Road SW from the west city limit to SW Sedgwick Road, thirty-five miles per hour at all times;

- (O) SE Salmonberry Road from Bethel Road SE to east city limit, thirty miles per hour at all times;
- (P) Lund Avenue, entire length, thirty-five miles per hour at all times;
- (Q) Anderson Hill Road SW from SW Old Clifton Road to north city limit, thirty-five miles per hour at all times;
- (R) Feigley Road SW from SW Old Clifton Road to north city limit, thirty miles per hour at all times;
- (S) Mitchell Road SE from Bethel Road SE to Melcher Street, thirty miles per hour at all times; and
- (T) McCormick Woods Drive SW from Glenwood Road SW to SW Dunraven Place, thirty miles per hour at all times.

Section 3. EFFECTIVE DATE. Pursuant to RCW 46.61.415(5), the altered speed limits set forth in this Resolution shall take effect when appropriate signs giving notice thereof are erected.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 24th day of September 2019.

Robert Putansuu, Mayor

ATTEST:

Brandy Rinearson, City Clerk, MMC



8250 - 165th Avenue NE
Suite 100
Redmond, WA 98052-6628
T 425-883-4134
F 425-867-0898
www.tsinw.com

August 19, 2019

TO: Nicholas M. Bond, AICP
Development Director, City of Port Orchard

FROM: Andrew L. Bratlien, PE

SUBJECT: Port Orchard 2019 Speed Limit Study

This memorandum describes the analysis, findings, and recommendations associated with the speed study for four roadway segments in Port Orchard:

- SW Old Clifton Rd from the western city limit (700 feet west of Our Pl SW) to SR 16 WB ramp
- Sidney Rd SW from Pottery Ave (1,200 ft north of SR 16) to southern city limit (1,350 feet south of SW Sedgwick Rd)
- SW Sedgwick Rd from Sidney Rd SW to Glenwood Rd SW
- Glenwood Rd SW from Glenwood Rd SW to 1,400 ft west of Glenwood Rd SW

STUDY AREA

SW Old Clifton Rd

Old Clifton Rd is a two-lane collector roadway which runs generally east-west from the western city limit to Anderson Hill Rd before turning to run southwest-to-northeast from Anderson Hill Rd to the SR 16 / Tremont St interchange. It provides a connection between SR 3 to the west and SR 16 and the Tremont St corridor to the northwest, as well as providing access to local streets which serve major residential development including the McCormick Woods Urban Village. The study segment includes segments of City of Port Orchard roadway as well as Kitsap County roadway. A vicinity map is shown in **Figure 1**.

Old Clifton Rd consists of two 11-foot travel lanes with unpaved shoulders for the majority of the study segment. Posted speeds along the 3.31-mile study segment are:

- 45 mph from the west city limit to Berry Lake Rd,
- 40 mph from Berry Lake Rd to 300 ft north of Chawla Ct, and
- 35 mph from 300 ft north of Chawla Ct to SR 16 WB ramps

Old Clifton Rd currently includes two advisory speeds zones:

- 35 mph: horizontal curve between Anderson Hill Rd and Berry Lake Rd (westbound only)
- 30 mph: horizontal curve near Lloyd Pwky (both directions)

The roadway also provides direct access to the recently-opened McCormick Village Park, located on the north side of Old Clifton Rd between Campus Pkwy and Chanting Cir SW. Park visitors have been observed to park along both shoulders of Old Clifton Rd when the McCormick Village Park parking lot is full.

South Kitsap School District has identified a future high school site at the northwest corner of Old Clifton Rd and Feigley Rd. The 240,000 square foot school will serve approximately 1,500 students.

The Port Orchard Six-Year Transportation Improvement Program for 2019-2024 identifies a future roundabout project (TIP #1.4) at the intersection of Old Clifton Rd and Anderson Hill Rd. Construction is planned for year 2020.

Future roadway improvements identified in the McCormick Woods Urban Village Transportation Plan include:

- Old Clifton Rd and Feigley Rd (TIP #1.5B)
- Old Clifton Rd and Campus Pkwy (TIP #1.5C)
- Old Clifton Rd and McCormick Woods Dr (TIP #2.11)
- Shoulder and pedestrian improvements from SR 16 overpass to western city limits (TIP #2.10)

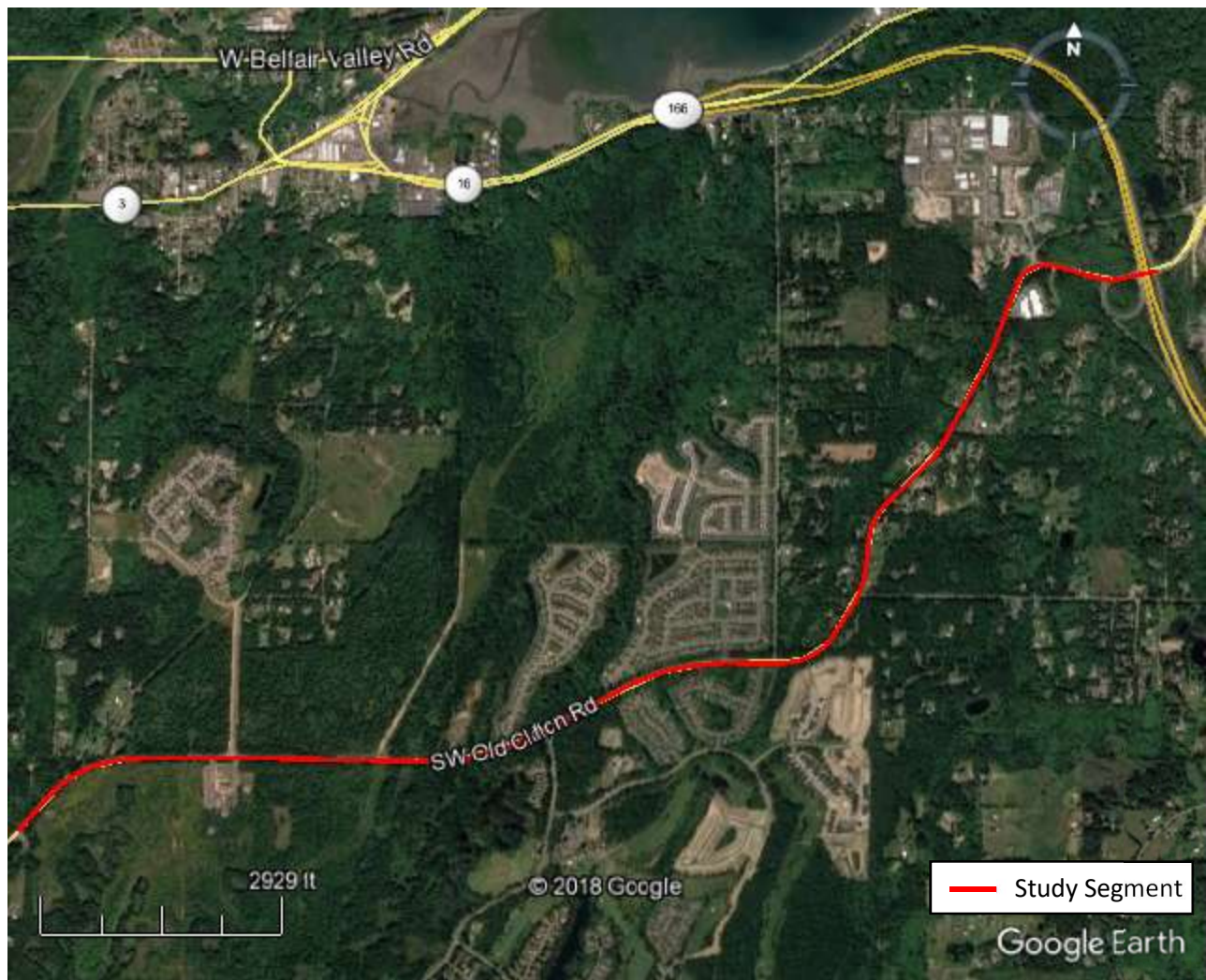


Figure 1. Old Clifton Rd Study Area

Sidney Rd SW

Sidney Rd is a north-south minor arterial roadway which connects Pottery Ave and Tremont St to the north with Sedgwick Rd to the south. Sidney Rd consists of two 12-foot travel lanes with paved shoulders on both sides. Off-street nonmotorized facilities currently exist along Sidney Rd:

- Along the west side from SR 16 to Birch Rd,
- Along the west side from 600 ft north of Sedgwick Rd to Sedgwick Rd,
- Along both sides from Sedgwick Rd to 600 ft south of Sedgwick Rd, and
- Along the west side from 600 ft south of Sedgwick Rd to the south city limit.

A vicinity map is shown in **Figure 2**. Posted speeds on the 1.26-mile study segment are currently 30 mph from Pottery Ave to Hovde Rd, and 35 mph from Hovde Rd to southern city limit. Pottery Ave to the north includes a posted speed of 30 mph and a school zone with a 20 mph speed limit during pick-up and drop-off hours on school days.

Sidney Glen Elementary School is located on the west side of Sidney Rd between Birch Rd and Glenwood Rd. A school zone restricts speeds to 20 mph in the vicinity of the school during pick-up and drop-off hours. Recent development activity along the corridor includes more than 200 new multifamily units near the Sedgwick Rd intersection.

The Port Orchard 2025-2038 TIP identifies a future widening project (TIP #2.8) which includes a center two-way left-turn lane, bikes lanes, sidewalks, and traffic calming from the SR 16 crossing to Sedgwick Rd.

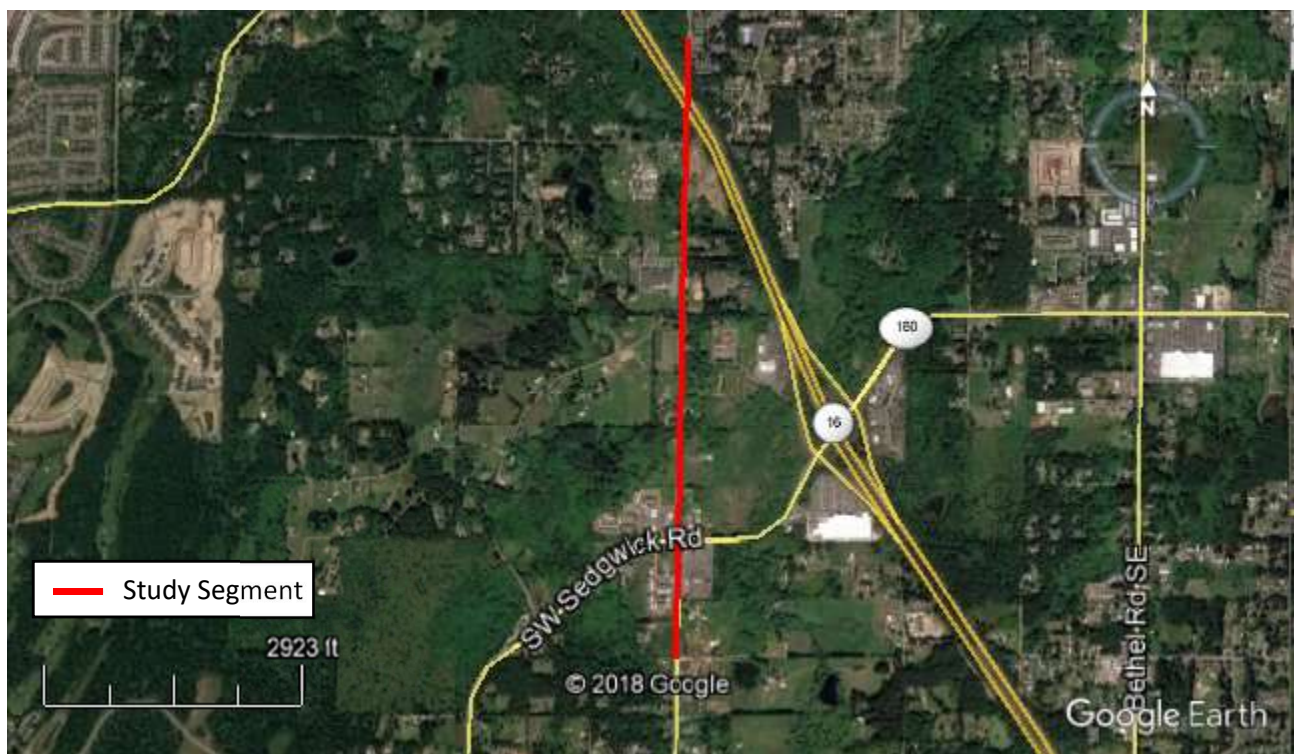


Figure 2. Sidney Rd SW Study Area

SW Sedgwick Rd

Sedgwick Rd is a two-lane east-west principal arterial roadway connecting the SR 16 interchange and SR 160 to the east with Glenwood Rd to the west. It consists of two 12-foot travel lanes with paved shoulders on both sides. From Sidney Rd to 75 feet west of Hepburn Way, Sedgwick Rd includes a 6-foot concrete sidewalk along the south side. A vicinity map is shown in **Figure 3**. Posted speeds along the 0.37-mile study segment are 35 mph from Sidney Rd to Hepburn Way and 40 mph from Hepburn Way to Glenwood Rd. Posted speed limit on Sedgwick Rd east of Sidney Rd is 35 mph.

Sedgwick Rd provides access to commercial properties near Sidney Rd and provides a through route for major residential development to the southwest, including Stetson Heights and the McCormick Urban Village. The Stetson Heights development will be constructing pedestrian improvements along the north side of the segment. No landscaping buffer will be provided.

The Port Orchard 2025-2038 TIP identifies a planned complete street improvement project (TIP #3.4) on Sedgwick Rd from SR 16 to Glenwood Rd

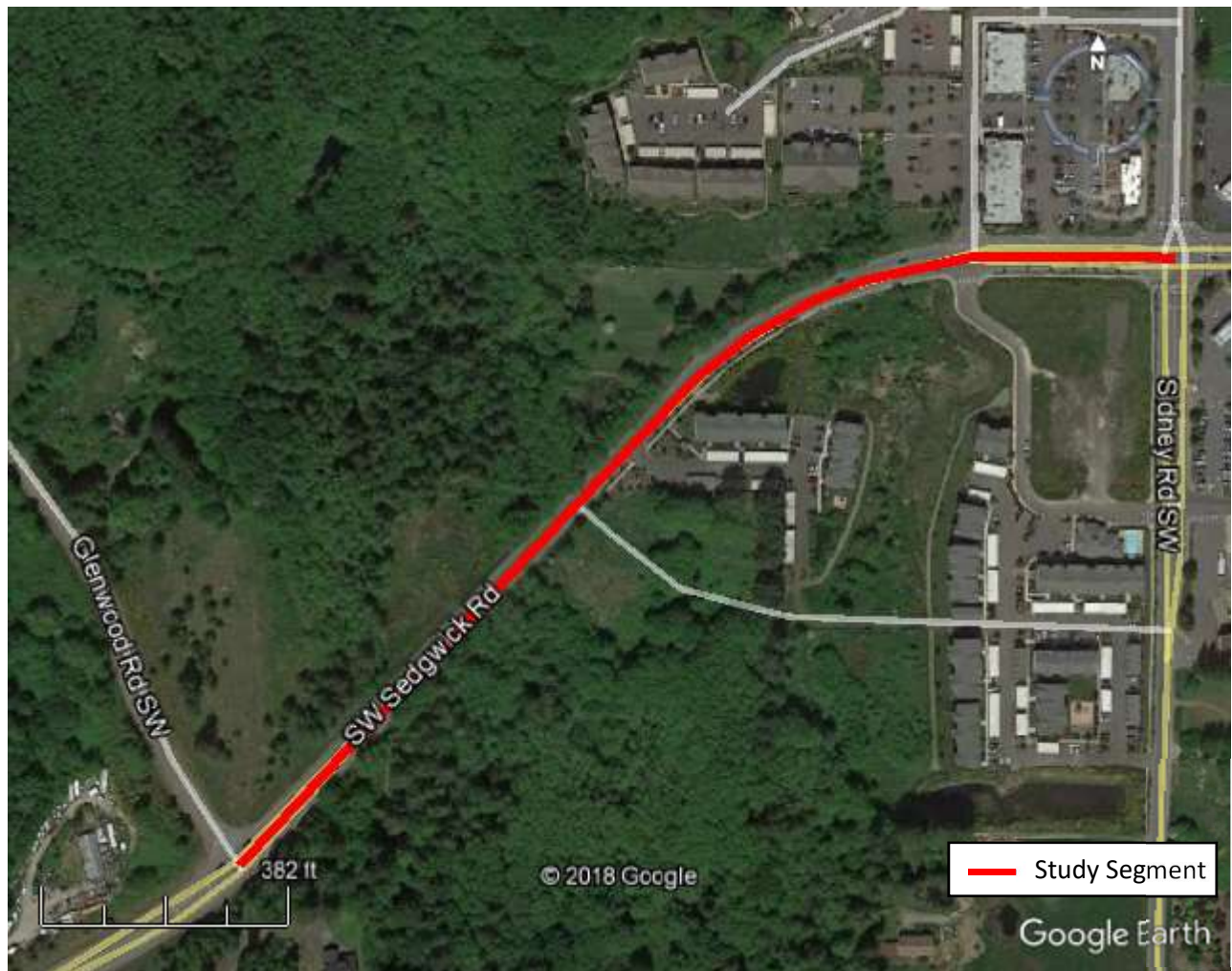


Figure 3. SW Sedgwick Rd Study Area

Glenwood Rd SW

Glenwood Rd is a two-lane principal arterial roadway connecting Sedgwick Rd to the northeast with Lake Flora Rd to the southwest. A vicinity map is shown in **Figure 4**. The 0.27-mile study segment includes approximately 600 feet of City of Port Orchard roadway and 800 feet of Kitsap County roadway. Paved shoulders exist on both sides of Glenwood Rd in the study area. Posted speed limit is 40 mph.

Similar to SW Sedgwick Rd, Glenwood Rd provides through access from major residential developments Stetson Heights and McCormick Urban Village to SR 16 and SR 160 to the northeast. The Stetson Heights development will be constructing pedestrian improvements along the north side of the segment. No landscaping buffer will be provided.



Figure 4. Glenwood Rd SW Study Area

DATA COLLECTION

Existing traffic volume, speed, and vehicle classification data were collected at the following locations during the 3-day period of July 23-25, 2019:

- Old Clifton Rd west of Feigley Rd
- Old Clifton Rd east of McCormick Woods Dr
- Old Clifton Rd west of Lloyd Parkway
- Sidney Rd south of Berry Lake Rd
- Sedgwick Rd west of Glenwood Rd

Existing traffic volumes and speeds are summarized in **Table 1**.

Table 1. 2019 Traffic Volumes and Speeds

Location	2019 ADT ¹	Posted Speed, mph	50 th Percentile Speed ² , mph (+/- posted)	85 th Percentile Speed ³ , mph (+/- posted)
Old Clifton Rd w/o Feigley Rd	2,315	45	47 (+2)	53 (+8)
Old Clifton Rd e/o McCormick Woods Dr	6,625	45	45 (0)	51 (+6)
Old Clifton Rd w/o Lloyd Pkwy	5,675	35	40 (+5)	45 (+10)
Sidney Rd s/o Berry Lake Rd	8,560	30	33 (+3)	38 (+8)
Sedgwick Rd w/o Glenwood Rd	8,320	40	44 (+4)	49 (+9)

¹Average Daily Traffic volume (3-day average); ²50th percentile speed; ³85th percentile speed

Median (50th percentile) speeds were observed to be at or above the posted speed at each data collection site. 85th percentile speeds were observed to be between 6 and 10 mph higher than the posted speed at each site.

CRASH HISTORY

Crash records were reviewed for each segment for the five-year period from 2014 through 2018. For the crash history analysis, the Sedgwick Rd and Glenwood Rd study segments were combined into a single study corridor. Crash history is summarized below and in **Table 2**.

Table 2. 2014-2018 Crashes by Type

Location	Crashes	Fixed Object	Entering/ Left-Turn	Rear-End	Side-swipe	Ped/Bike	Other	Total
Old Clifton Rd (West CL to SR 16 WB)	w/Injury	10	9	6	1	1	3	30
	Total	24	23	22	3	1	10	83
Sidney Rd (SR 16 overpass to south CL)	w/Injury	1	3	1	0	0	0	5
	Total	7	12	4	2	0	0	25
Sedgwick Rd / Glenwood Rd (Sidney Rd to 1,400 ft w/o Glenwood Rd)	w/Injury	2	1	0	0	0	1	4
	Total	9	7	3	1	0	2	22

A total of 83 crashes were reported on Old Clifton Rd, of which 30 (36%) were injury crashes. Predominant crash types include fixed object (29%), entering and left-turn type (28%), and rear-end crashes (27%). Three serious injury and one fatality crash were reported and are described below:

- 6/19/2015 (10:49 PM): Roadway departure. Alcohol cited. Serious injury.
- 8/16/2016 (3:13 PM): Roadway departure. Speed cited. Fatal crash.
- 9/1/2016 (7:30 AM): Eastbound left-turning vehicle failed to grant ROW to oncoming westbound vehicle at Old Clifton Rd and SR 16 WB ramp intersection. Serious injury
- 4/7/2017 (11:36 AM): Westbound vehicle struck sign post. Defective equipment cited. Serious injury.

Sidney Rd included a total of 25 crashes from 2014 through 2018, of which 5 (20%) were injury crashes. No serious injury or fatality crashes were reported. The predominant crash type on Sidney Rd is entering/left-turn crashes (48%).

The combined segment consisting of Sedgwick Rd and Glenwood Rd included 22 crashes, of which 4 (18%) were injury crashes. No serious injury or fatality crashes were reported. Predominant crash types on the Sedgwick Rd/Glenwood Rd corridor include fixed object (41%) and entering/left-turn (32%) crashes.

Crash rates were analyzed for each study segment based on 2019 traffic counts and 2014-2018 crash reports. Crash rates, expressed in crashes per 100 million vehicle miles traveled (100M VMT), were calculated and compared against the Kitsap County average crash rate of 175.4 crashes per 100M VMT, as indicated in the Washington State Department of Transportation (WSDOT) 2015 Annual Collision Summary. Crash rates on Old Clifton Rd and Sedgwick Rd/Glenwood Rd are 17% and 29% higher than the countywide average. Sidney Rd crash rate is 32% lower than the countywide average. Crash rates are summarized in **Table 3**.

Table 3. 2014-2018 Crash Rates

Location	2019 ADT ¹	Total Crashes ²	Crash Rate (/100M VMT) ³	% Difference from County Average
Old Clifton Rd (West CL to SR 16 WB)	6,625	83	205.0	+17%
Sidney Rd (SR 16 overpass to south CL)	8,560	25	118.5	-32%
Sedgwick Rd / Glenwood Rd (Sidney Rd to 1,400 ft west of Glenwood Rd)	8,320	22	226.4	+29%

¹Average Daily Traffic volume (3-day average); ²Source: WSDOT; ³Crash rate per Million Entering Vehicles

SPEED LIMIT ANALYSIS

A speed limit analysis was developed for each segment. Each analysis considered existing traffic volumes, anticipated traffic volume growth, crash history, observed speeds, likelihood for nonmotorized activity, roadway functional classification, number of access points, and area character. Each analysis also identified recommendations for advisory speed zones and school zones.

The speed limit analysis considered recommendations generated by USLIMITS2 software. USLIMITS2 is a web-based tool developed by the Federal Highway Administration (FHWA) to help practitioners identify credible and enforceable speed limits given a variety of roadway characteristics. USLIMITS2 utilizes a decision algorithm based on published research, practitioner surveys, roadway experts, and based on lessons learned from a previous knowledge-based decision algorithm. USLIMITS2 analysis results were found to be driven primarily by observed 50th and 85th percentile speeds, which are generally higher than posted speeds for each segment. Operating speeds are likely to contribute to the higher-than-average crash

rates along the Old Clifton Rd and Sedgwick Rd/Glenwood Rd corridors. Therefore, the USLIMITS2 software recommendations were not applied.

SW Old Clifton Rd

Observed 85th percentile speeds range between 45 mph and 53 mph along the corridor, with 50th percentile speeds matching or exceeding the posted speed limit at each of the three observed sites. However, a lower speed limit and speed countermeasures are supported by the following factors:

- Crash rates:
 - Crash rate is 17% higher than Kitsap County average.
 - Injury crash rate is 26% higher than Kitsap County average, suggesting crashes are more likely to be severe in nature.
 - Predominant crash types are fixed object/roadway departure (29%) and rear-end (27%). These are generally consistent with high speed corridors
- Roadway character and development activity:
 - Pipeline development along the corridor, including the full buildout of McCormick Urban Village, will increase average daily traffic volume (ADT) from 6,625 vehicles per day (vpd) to approximately 13,400 vpd by 2025.
 - Ongoing residential development is likely to result in higher pedestrian and bicycle demand along the corridor, which does not currently include separated nonmotorized facilities
- Roadway improvements
 - New roundabouts at Anderson Hill Rd, McCormick Woods Dr, Feigley Rd, and Campus Pkwy
 - Shoulder and pedestrian improvements which will facilitate nonmotorized activity

Based on the factors identified above, a uniform 35 mph speed limit is justified through the study segment. Assuming an existing 85th percentile speed of 45 mph through the segment, the new speed limit will result in a travel time increase of approximately 1 minute for the length of the study corridor.

Ongoing development and roundabout improvements along Old Clifton Rd are likely to reduce corridor speeds, however the new speed limit should also be accompanied by engineering countermeasures which will improve safety and/or reduce travel speeds. These may include:

- Longitudinal rumble strips on roadway shoulders to reduce roadway departure crashes
- Speed feedback signs to reduce speeds, specifically near McCormick Woods Park
- Pedestrian crossing with Rapid Rectangular Flashing Beacon (RRFB) at McCormick Village Park to increase nonmotorized safety

Upon construction of the new high school at the corner of Old Clifton Rd and Feigley Rd, a time-restricted 25 mph speed limit is recommended. The school zone should indicate reduced speeds only on school days during pick-up and drop-off times.

Advisory speeds through horizontal curves along Old Clifton Rd were verified in the field using the ball-bank indicator method. The ball-bank indicator method, described in *Procedures for Setting Advisory Speeds on Curves* (FHWA 2011), determines advisory speeds in the field using a ball-bank indicator device or similar smartphone application. The method consists of recording degree of deflection at a given speed through a curve. The test measures the combined effects of superelevation, lateral acceleration, and vehicle body roll. The Manual on Uniform Traffic Control Devices (MUTCD) 2009 edition establishes guidelines for setting advisory speeds through horizontal curves using the ball-bank indicator method, including:

- 16 degrees of deflection for speeds of 20 mph or less
- 14 degrees of deflection for speeds of 25 to 30 mph, and
- 12 degrees of deflection for speeds of 35 mph and higher.

Ball-bank deflection was measured throughout the Old Clifton Rd study corridor using the Curveware smartphone application. The app was used on a smartphone mounted to a passenger vehicle and was calibrated on a level driving surface before each test. The findings of the ball-bank indicator study and the recommended advisory speeds according to MUTCD 2009 criteria are summarized in **Table 4**.

Table 4. Old Clifton Rd Ball-Bank Indicator Summary

Location	Direction	Degrees of Ball-Bank	Speed (mph)	Recommended Advisory Speed (mph)
Anderson Hill Rd to Berry Lake Rd	EB	11°	40	-
	WB	12°	35	35
At Lloyd Pkwy	EB	13°	30	30
	WB	14°	35	30

The existing 30 mph advisory speed should be maintained on both directions of Old Clifton Rd in the vicinity of Lloyd Pkwy.

Sidney Rd SW

The existing corridor includes a 30 mph posted speed limit from Pottery Ave to Hovde Rd and a 35 mph posted speed limit from Hovde Rd to the southern city limit. The higher speed limit on the south end of the corridor is inconsistent with ongoing commercial and residential development activity in the vicinity of Sedgwick Rd. Ongoing development in the vicinity of Sidney Rd, including the buildout of the Stetson Heights and McCormick Urban Village developments, is expected to result in a 20 percent increase in travel demand by 2025.

It is recommended that the posted speed limit be reduced from 35 mph to 30 mph from Hovde Rd to the southern city limits. The updated speed limit will provide consistency through the Sidney Rd corridor and will improve safety near the Sedgwick commercial and multifamily residential development. The reduced speed limit will also support the developed character of Sidney Rd near Sedgwick Rd, and will be supported by the planned Sidney Rd widening, landscaping, nonmotorized improvements, and traffic calming identified in the Port Orchard 2025-2038 TIP.

SW Sedgwick Rd / Glenwood Rd SW

Based on guidance identified in *Methods and Practices for Setting Speed Limits: An Informational Report* (FHWA 2012), the minimum length of road for speed limits on low-speed urban arterial routes is between 0.3 miles and 0.6 miles. For the purposes of this analysis, the 0.37-mile Sedgwick Rd segment was combined with the 0.27-mile study segment of Glenwood Rd.

The study segment represents a transition between rural arterial roadway to the southwest and the developing urban arterial corridor to the northeast. The corridor currently includes a 35 mph posted speed from Sidney Rd to Hovde, and a 40 mph posted speed from Hovde to the southwest end of the study segment.

A ball-bank field study, as described above, indicated that no advisory speed signage is necessary on the horizontal curves between McCormick Woods Dr and Glenwood Rd.

A speed limit revision is supported by the following factors:

- Crash rates
 - Crash rate is 29% higher than Kitsap County average.
 - Injury crash rate is 23% higher than Kitsap County average, suggesting crashes are more likely to be severe in nature.
 - Predominant crash types are fixed object/roadway departure (41%), which may be caused by excessive travel speeds, and entering/left-turn (32%), which are typical for unsignalized accesses along high-volume/high-speed arterial roadways.
- Roadway character and development activity
 - Pipeline development along the corridor, including the full buildout of Stetson Heights and McCormick Urban Village, will increase average daily traffic volume (ADT) from 8,320 vehicles per day (vpd) to approximately 13,600 vpd by 2025.
 - Ongoing residential development is likely to result in higher pedestrian and bicycle demand along the corridor, which does not currently include separated nonmotorized facilities
 - Future nonmotorized facilities will include sidewalk with no buffer to travel lanes.

Based on the above factors, a speed limit of 35 mph is recommended through the Sedgwick Rd/Glenwood Rd study corridor. This will provide consistency in speed limits through the study corridor and with the 35-mph posted speed on Sedgwick Rd to the east of the study corridor.

Engineering countermeasures may be used to reduce operating speeds and/or improve safety along the corridor. These may include:

- Longitudinal rumble strips on roadway shoulders to reduce roadway departure crashes
- Restriping lanes to 11-foot width to reduce speeds and increase nonmotorized safety
- Speed feedback signs to reduce speeds

RECOMMENDATIONS

Recommendations for each study segment are summarized below. The engineering countermeasures identified for each segment will support the recommended speed limits.

In addition to the identified engineering countermeasures, speed limit changes should be accompanied by a public education effort to inform local residents of the changes. Speed limit enforcement will also be an important component of achieving compliance with reduced speed limits.

SW Old Clifton Rd

- 35 mph speed limit through study corridor
- Engineering countermeasures may include:
 - Longitudinal rumble strips on roadway shoulders to reduce roadway departure crashes
 - Speed feedback signs near McCormick Village Park to reduce speeds
 - Pedestrian crossing with RRFB at McCormick Village Park to increase pedestrian safety
- Future 25 mph school zone upon construction of Feigley Rd high school
- Marked pedestrian crossing and RRFB at McCormick Village Park
- Maintain 30 mph advisory speed signage on horizontal curve in vicinity of Llyod Pkwy

Sidney Rd SW

- 30 mph speed limit through corridor
- Engineering countermeasures as part of Sidney Rd widening project (TIP #2.8) to include lane narrowing, median islands, landscaping strips, or other traffic calming measures

SW Sedgwick Rd / Glenwood Rd SW

- 35 mph speed limit from Sidney Rd to 1,400 ft west of Glenwood Rd
- Engineering countermeasures to include:
 - Longitudinal rumble strips on roadway shoulders to reduce roadway departure crashes
 - Restriping lanes to 11-foot width to reduce speeds and increase nonmotorized safety
 - Speed feedback signs to reduce speeds

Roadway speeds and crash history should be monitored as each study corridor continues to develop and travel demand continues to grow.

RESOLUTION NO. 1946

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON AMENDING RESOLUTION NO. 1805 ESTABLISHING INCREASE AND/OR DECREASE OF SPEED LIMIT ON CITY STREETS OR INTERSECTIONS.

WHEREAS, RCW 46.61.415 as adopted by Ordinance No. 1479 authorized the City to alter maximum speed permitted by state law on City streets or intersections; and

WHEREAS, the City of Port Orchard desires to alter speed permitted by state law on city streets or intersections by resolution and posting of appropriate signs, now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD DOES HEREBY RESOLVE THAT RESOLUTION NO. 1805 IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1: DECREASE OF SPEED LIMIT. When signs are erected by the City Engineer giving notice thereof, the speed permitted by state law within those streets and intersections described in this section should be decreased during the times specified:

(A) Dwight Street from Seattle Avenue to Harrison Avenue, twenty miles per hour, on days school is in session and when children are present;

(B) DeKalb Street from Seattle Avenue to Harrison Avenue, twenty miles per hour, on days school is in session and when children are present;

(C) Pottery Avenue from State Highway 16 to Lippert Drive, twenty miles per hour, on days school is in session and when children are present;

(D) Mitchell Avenue from Plisko Lane to DeKalb Street, twenty miles per hour, on days school is in session and when children are present;

(E) Sidney Avenue from Fireweed Street to one thousand feet north of Fireweed Street, twenty miles per hour, on days when school is in session and when children are present;

(F) Alleys and other narrow roads, ten miles per hour.

SECTION 2: INCREASE OF SPEED LIMIT. When signs are erected by the City Engineer giving notice thereof, the speed permitted by state law within those streets and intersections described in this section should be increased during the times specified:

(A) Tremont Street from its intersection with Old Clifton Road to the east city limits, thirty-five miles per hour at all times;

(B) Sidney Avenue from Tremont Street to primary State Highway 16, thirty miles per hour at all times, except during school hours;

(C) Port Orchard Boulevard, on all that portion five hundred feet from its intersection with primary State Highway No. 166 to five hundred feet from its intersection with Tremont Street thirty-five miles per hour at all times;

(D) Sedgwick Road from the west city limits to the east city limits, forty miles per hour at all times;

(E) Pottery Avenue from its intersection with Tremont Street to the south city limits, thirty miles per hour at all times except during school hours;

(F) On Bay Street (State Highway 166), beginning at the west city limits, easterly to a point 1.4 miles east of the west city limits, fifty miles per hour at all times;

(G) On Bay Street (State Highway 166), beginning at a point 1.4 miles east of the west city limits, to a point 0.29 miles west of the intersection of West Avenue and Bay Street (State Highway 166), thirty-five miles per hour at all times;

(H) Old Clifton Road from the westerly city limits to its intersection with Tremont Street, thirty-five miles per hour at all times;

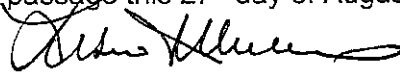
(I) On Mile Hill Drive (State Highway 166), beginning at the east city limits, westerly to the intersection of Bethel Avenue, thirty-five miles per hour at all times;

(J) Bethel Avenue, beginning at the southerly city limits to point 600 feet south of the intersection of Bay Street, thirty-five miles per hour at all times;

(K) Olney Avenue, from the north city limits to its intersection with Mile Hill Drive, thirty miles per hour at all times;

(L) Sidney Road, from 250 feet north of the Sedgwick intersection to 400 feet south of the Sedgwick intersection, thirty-five miles per hour at all times.

PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the Clerk in authentication of such passage this 27th day of August 2001.



LESLIE J. WEATHERILL, MAYOR

ATTEST:



Patricia Parks, City Clerk

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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 7D</u>	Meeting Date:	<u>September 24, 2019</u>
Subject:	<u>Approval of Amendment No. 1 to Contract</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>No. C025-17 with BHC Consultants, LLC</u>		<u>Public Works Director</u>
	<u>for the 2017 Water System Plan Update</u>	Atty Routing No:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

Summary: On July 11, 2017, the Port Orchard City Council approved Contract No. C025-17 with BHC Consultants, LLC for the 2017 Water System Plan Update in an amount not to exceed \$134,007.00. During the development of the Plan, significant gaps within the water system model were discovered. Additional data was collected, and additional time was required for the continued model development. During this process, a shortage in both storage and source was discovered within the McCormick Water System’s 580/660 Zone. Due to these findings, additional scope and budget was needed, including coordinating efforts with other agencies. It has also been determined that an amended financial GAP analysis is now necessary, whereby a financial consultant needs to be added to the Contract to assess both CIP funding needs and potential changes to the CFC’s. An additional \$94,490.00 along with a time extension to December 31, 2020 is needed for this Contract Amendment.

Relationship to Comprehensive Plan: This is the State mandated process for documenting the changes included within the Water System Plan, and relating directly to Well #11, Well #12, and Well #13.

Recommendation: Staff recommends that the City Council authorize the Mayor to execute Amendment #1 to Contract No. C025-17 with BHC Consultants, LLC in an amount not to exceed \$94,490.00, thereby bringing the new Contract total to \$228,497.00 and extending the Contract term to December 31, 2020.

Motion for Consideration: I move to authorize the Mayor to execute Amendment #1 to Contract No. C025-17 with BHC Consultants LLC, in an amount not to exceed \$94,490.00, thereby bringing the new Contract total to \$228,497.00 and extending the Contract term to December 31, 2020.

Fiscal Impact: It is proposed to utilize \$94,490.00 from the Water Capital Fund 413 (413.5.594.34.60) in the adopted 2019/2020 Biennial Budget.

Alternatives: None

Attachments: C025-17 Amendment No. 1

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Amendment No. 1 to Contract No. 025-17
CITY OF PORT ORCHARD PROFESSIONAL SERVICES AGREEMENT
WITH
BHC CONSULTANTS, LLC

THIS AMENDMENT to Contract No. 025-17 (“Amendment”) is made effective as of the 10th day of September, 2019, by and between the City of Port Orchard (“City”), a municipal corporation, organized under the laws of the State of Washington, and BHC Consultants, LLC (“Consultant”), a company organized under the laws of the State of Washington, located and doing business at 1601 Fifth Avenue, Suite 500, Seattle WA 98101.

WHEREAS, on July 11, 2017, the City executed a Professional Services Agreement with Consultant for the 2017 Water System Plan Update (“Underlying Agreement”); and

WHEREAS, the Underlying Agreement’s expiration date was May 15, 2018; and

WHEREAS, Section 3 of the Underlying Agreement (“Terms”) reserved to the City the right to offer two (2) one-year extensions prior to contract expiration to retain Consultant’s services, and such extensions were agreed upon by the parties via change orders dated March 13, 2018 and September 24, 2018, to extend the Underlying Agreement’s expiration date to December 31, 2019; and

WHEREAS, the parties have determined that additional work is needed to complete the Water System Plan Update project, and additional time and funding are needed to perform such work; and

WHEREAS, Section 17.B. of the Underlying Agreement provides for the amendment thereof by a written instrument properly signed by both parties; and

WHEREAS, Section 4 of the Underlying Agreement (“Compensation”) sets a “not to exceed” contract amount of One Hundred Thirty-Four Thousand and Seven Dollars (\$134,007.00) based on the Scope of Work and Budget Spreadsheet attached to the Underlying Agreement at Exhibits A & B; and

WHEREAS, the parties have agreed that it is in the interests of both to increase the “not to exceed” contract amount set forth in Section 4 of the Underlying Agreement by Ninety-Four Thousand Four Hundred and Ninety Dollars (\$94,490.00) and to update the Scope of Work and Budget Spreadsheet related thereto; and to further extend the expiration date to December 31, 2020; and

WHEREAS, the parties wish to memorialize their agreement to so increase the contract amount set forth in the Underlying Agreement and to update the Scope of Work and Budget Spreadsheet related thereto; and to extend the expiration date thereof; NOW, THEREFORE,

In consideration of the mutual benefits accruing, it is agreed by and between the parties thereto as follows:

1. The Underlying Agreement of July 11, 2017 between the parties, as extended by change orders dated March 13, 2018 and September 24, 2018, all of which are incorporated by this reference as fully as if herein set forth, is amended in, but only in, the following respects:

A. Section 3 is hereby amended to read as follows:

3. Terms.

This Agreement shall commence on July 11, 2017 (“Commencement Date”) and shall terminate on December 31, 2020 unless extended or terminated in writing as provided herein.

B. Section 4 is hereby amended to read as follows:

4. Compensation.

TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed \$228,497.00 without written authorization and will be based on the list of billing rates and reimbursable expenses attached hereto as Exhibit “B” .

C. The Scope of Work and Budget Spreadsheet attached to the Underlying Agreement at Exhibits A & B are hereby replaced with the Scope of Work and Budget Spreadsheet attached hereto as Exhibits A & B.

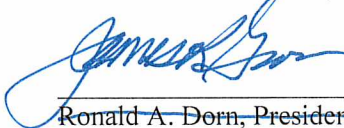
2. In all other respects, the Underlying Agreement between the parties shall remain in full force and effect, amended as set forth herein, but only as set forth herein.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year set forth above.

CITY OF PORT ORCHARD,
WASHINGTON

Robert Putaansuu, Mayor

BHC CONSULTANTS, LLC



Ronald A. Dorn, President *RD*
**JAMES GROSS, EXECUTIVE VICE
PRESIDENT** 9/13/19

ATTEST/AUTHENTICATED:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney



BHC Consultants, LLC
1601 Fifth Avenue, Suite 500
Seattle, WA 98101

206 . 505.3400
206 . 505.3406 (fax)
www.bhcconsultants.com

August 26, 2019

Mark Dorsey, PE
Public Works Director/City Engineer
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

EXHIBIT A

Re: *Water System Plan Update*
City of Port Orchard Contract/Job No. C025-17
BHC Project No. 17-10527.00
Change Order No. 3 Request

Dear Mark:

The contract for the Water System Plan Update, Contract/Job No C025-17, was approved by the City of Port Orchard (City) in July 2017. Change Order Numbers 1 and 2 were for time extensions only. This Change Order No. 3 request is for out-of-scope services requested by the City related to detailed 580 Zone and future 660 Zone analyses, PRV location analyses, and other additional efforts related to the water moratorium. We kindly request your consideration of this change order request.

Out-of-Scope Services

The out-of-scope items generally include engineering efforts that were in greater detail than would normally be found in a Water System Plan. The original intent of the Water System Plan Update was to take the approved plan (the "2009 Plan") and the previously completed draft plan ("2016 Draft") and use/transfer this information into the new DOH preferred plan format. Additional modeling was also included in the original scope of work.

The out-of-scope efforts have included and will include the following:

- Detailed analysis of 580 Zone capacity, including meetings with the City and City of Bremerton, and 580 Zone technical memos to support the water moratorium. It is expected that coordination on the moratorium, future source and storage planning, and coordination with McCormick Communities and HDR will continue.
- Detailed analysis of the future 660 reservoir size to provide information to the City and developers.
- Analysis of specific PRV locations and rezone boundaries within the City. These efforts were not anticipated in the original scope.
- Changes in the approach to water sources. During the course of the Plan Update, the City has revised their approach to water source planning. The City plans to retire virtually all of their well sources and replace these with new sources (Wells 11, 12, and 13) over the 20-year planning horizon. These changes were not addressed in the original scope. The timeline for these new wells has varied over the course of the planning effort.

- Addressing missing/incorrect data for existing facilities in the City's GIS database, which has impacted our scoped modeling efforts. The missing/incorrect data has resulted in additional data requests which, in turn, take additional time for the City to fulfill.
- Additional model calibration efforts associated with the City requesting ten flow test locations (original scope had six) and troubleshooting the flow test results. The flow test results were inconsistent with the hydraulic model, which prevented a reasonable calibration. Some of the inconsistencies were due to closed valves in the system and presumably inaccurate GIS data. After considerable effort, a reasonable calibration was achieved. The original scope excluded efforts to "investigate and resolve significantly inconsistent field flow, pressure or telemetry data," which ultimately needed to be performed.
- Multiple revisions to population projections to reflect changes in anticipated developments. This was also done for the 660 reservoir sizing due to the sensitivity of developers to the exact number of assumed units.
- Additional meetings to address the above issues and the water moratorium.
- The 2016 Draft was primarily a copy of the 2009 Plan, not an update, and included significant amounts of incorrect/incomplete information.
- A new financial analysis has recently been requested by the City. The intent in the original scope was to reference the existing financial analysis.
- The above activities have increased the duration of the project, resulting in additional project management time and effort.

Additional Budget Request

Please see the attached change order budget request.

Thank you for your consideration of this request. Please let me know if you have any questions.

Sincerely,
BHC Consultants



Jim Gross, P.E.
Project Manager

EXHIBIT B

BUDGET SPREADSHEET

City of Port Orchard - Water System Plan Update

Change Order No.3

August 27, 2019

Task Description	QA/QC	PM	Sr. Modeling	Proj. Engr	Planner	GIS/CAD	Proj Admin	Clerical/WP	BHC Total Labor		BHC Expenses	Subconsultant Fees (with BHC 10% Markup)	TOTAL COST
	<i>Dorn</i>	<i>Gross</i>	<i>Harms</i>	<i>Miller</i>	<i>Tittelfitz</i>	<i>Tolentino/ Simon</i>	<i>Pierson</i>	<i>Sifferman</i>	Hours	Cost			
Hourly Billing Rate:	\$220	\$220	\$200	\$110	\$105	\$115	\$105	\$85					
580 Zone Analysis	2	16	1	32		8		2	61	\$8,770			\$8,770
660 Reservoir Analysis	2	10	1	24				2	39	\$5,650			\$5,650
PRV Analysis	1	10	2	32		4		2	51	\$6,970			\$6,970
Water Source Changes	2	10	2	24		4			42	\$6,140			\$6,140
GIS & Model Troubleshooting		4	2	32					38	\$4,800			\$4,800
Model Calibration Efforts	1	4	4	24					33	\$4,540			\$4,540
Population Projection Revisions	2	8		24	6				40	\$5,470			\$5,470
Additional Meetings		40		20					60	\$11,000	\$200		\$11,200
Additional Edits to 2016 Draft	2	8		32				6	48	\$6,230			\$6,230
Financial Analysis	1	8		4			8	4	25	\$3,600		\$27,500	\$31,100
Project Management	1	12					4	4	21	\$3,620			\$3,620
TOTAL	14	130	12	248	6	16	12	20	458	\$66,790	\$200	\$27,500	\$94,490

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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 7E</u>	Meeting Date:	<u>September 24, 2019</u>
Subject:	<u>Approval of Amendment No. 1 to Contract</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>No. C049-17 with BHC Consultants, LLC</u>		<u>Public Works Director</u>
	<u>for the 2017 Water and Wastewater On-</u>	Atty Routing No:	<u>N/A</u>
	<u>Call Engineering Services</u>	Atty Review Date:	<u>N/A</u>

Summary: On July 11, 2017, the Port Orchard City Council approved Contract No. C049-17 with BHC Consultants, LLC. for On-Call for Water and Wastewater Engineering Services in an amount not to exceed \$140,000.00. As current and projected development within the City has continued to increase, the authorized tasks required by the Consultant has exceeded the current Contract total. An additional \$25,000.00 is anticipated to be invoiced during the remainder of the Contract period (expiring on December 31, 2019).

Relationship to Comprehensive Plan: Chapter 7 - Utilities

Recommendation: Staff recommends that the City Council authorize the Mayor to execute Amendment #1 to Contract No. C049-17 with BHC Consultants, in an amount not to exceed \$25,000.00, thereby bringing the new Contract total to \$165,000.00.

Motion for Consideration: I move to authorize the Mayor to execute Amendment #1 to Contract No. C049-17 with BHC Consultants, in an amount not to exceed \$25,000.00, thereby bringing the new Contract total to \$165,000.00.

Fiscal Impact: Pursuant to Ordinance 018-17 Amending POMC 13.04 passed on June 2, 2017, a 10% fee shall be included on a pass-through review cost to cover City Staff time and coordination with the Developer. All cost incurred will be a pass-through to the developer.

Alternatives: None

Attachments: C049-17 Amendment No. 1

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Amendment No. 1 to Contract No. 049-17
CITY OF PORT ORCHARD PROFESSIONAL SERVICES AGREEMENT
WITH
BHC CONSULTANTS, LLC

THIS AMENDMENT to Contract No. 049-17 (“Amendment”) is made effective as of the 10th day of September, 2019, by and between the City of Port Orchard (“City), a municipal corporation, organized under the laws of the State of Washington, and BHC Consultants, LLC, a company organized under the laws of the State of Washington, located and doing business at 1601 Fifth Avenue, Suite 500, Seattle WA 98101 (“Consultant”).

WHEREAS, on July 11, 2017, the City executed a Professional Services Agreement with Consultant for On-Call Water and Wastewater Engineering Services (“Underlying Agreement”); and

WHEREAS, the Underlying Agreement’s expiration date was December 31, 2017; and

WHEREAS, Section 3 of the Underlying Agreement (“Terms”) reserved to the City the right to offer two (2) one-year extensions prior to contract expiration to retain Consultant’s services, and such extensions were agreed upon by the parties via extension letters dated December 13, 2017 and December 13, 2018, to extend the Underlying Agreement’s expiration date to December 31, 2019; and

WHEREAS, Section 4 of the Underlying Agreement (“Compensation”) sets a “not to exceed” contract amount of One Hundred Forty Thousand Dollars (\$140,000.00) based on the list of billing rates and reimbursable expenses attached to the Underlying Agreement at Exhibits B & C; and

WHEREAS, Section 17.B. of the Underlying Agreement provides for the amendment thereof by a written instrument properly signed by both parties; and

WHEREAS, the parties have agreed that it is in the interests of both to increase the “not to exceed” contract amount set forth in Section 4 of the Underlying Agreement by Twenty-Five Thousand Dollars (\$25,000.00) and to update the schedules of charges related thereto; and

WHEREAS, the parties wish to memorialize their agreement to so increase the contract amount set forth in the Underlying Agreement and to update the schedules of charges; NOW, THEREFORE,

In consideration of the mutual benefits accruing, it is agreed by and between the parties thereto as follows:

1. The Underlying Agreement of July 11, 2017 between the parties, as extended by extension letters dated December 13, 2017 and December 13, 2018, all of which are incorporated by this reference as fully as if herein set forth, is amended in, but only in, the following respects:

A. Section 4 is hereby amended to read as follows:

4. Compensation.

TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed **\$165,000.00** without written authorization and will be based on the list of billing rates and reimbursable expenses attached hereto as Exhibits "B & C".

B. Exhibits B & C, setting forth Consultant's Schedule of Charges and Schedule of Non-Labor Charges, respectively, are hereby replaced with the updated Exhibits B & C attached hereto.

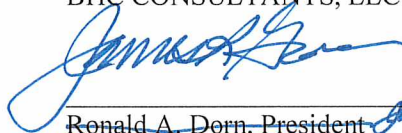
2. In all other respects, the Underlying Agreement between the parties shall remain in full force and effect, amended as set forth herein, but only as set forth herein.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year set forth above.

CITY OF PORT ORCHARD,
WASHINGTON

Robert Putaansuu, Mayor

BHC CONSULTANTS, LLC

 9/13/19

Ronald A. Dorn, President ~~JAG~~
JAMES GROSS, EXECUTIVE VICE
PRESIDENT

ATTEST/AUTHENTICATED:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

Exhibit A**Scope of Work****City of Port Orchard
Water Supply and Wastewater Collection Facilities
Professional Engineering Services On-Call****Statement of Understanding**

This Contract for on-call Professional Engineering Services is to supplement the capabilities of City of Port Orchard staff by providing engineering services related to the City's water supply and wastewater collection facilities.

Specific work under this Contract will be performed by BHC Consultants, LLC on an individual task order basis. A specific scope, budget, and schedule will be provided for each requested task order. The Consultant is expected to respond promptly to task order requests.

The Schedule of Charges is included as Exhibit B. The Schedule of Non-Labor Charges is included as Exhibit C.

BUDGET

The total Project Budget is \$140,000. The Client agrees to allow the Consultant to adjust rates on an annual basis in January of each year.

PROJECT SCHEDULE

To be determined on a task order basis.

Attachments

- Exhibit B – 2017 Schedule of Charges
- Exhibit C – Schedule of Non-Labor Charges

Exhibit B – 2018 Schedule of Charges

Billing Title	Hourly Billing Rates
Principal Engineer	\$220 - \$255
Senior Structural Engineer	\$160 - \$220
Senior Electrical Engineer	\$160 - \$220
Senior Engineer	\$160 - \$220
Project Engineer	\$120 - \$160
Staff Engineer	\$100 - \$120
Engineering Technician*	\$75 - \$100
Planning Manager	\$165 - \$220
Senior Planner	\$125 - \$165
Planner	\$100 - \$125
GIS Specialist*	\$100 - \$110
Sr. Field Inspector*	\$120- \$160
Field Inspector & Building Inspectors*	\$90 - \$120
Building Code Compliance Review	\$90 - \$230
CAD Manager*	\$140 - \$165
Draftsperson*	\$100 - \$120
Project Administrator*	\$90 - \$120
Project Assistant/Word Processor*	\$90 - \$120

Professional Reimbursement:

The hourly billing rates include the cost of salaries of the BHC employees, plus paid sick and safe leave, vacation, holiday, other fringe benefits, indirect overhead and fee. All employees classified as “non-exempt” (billing category denoted with *) by the U.S. Department of Labor will be compensated at 1-1/2 times salary for overtime hours, as per State and Federal wage and hour laws. Billing rates will be calculated accordingly for these overtime hours.

Communication Fee:

Project Labor times 3.0% which includes telecommunications, faxes, standard U.S. Mail, mobile phones, and internet access.

Direct Expenses:

Reimbursement for direct expenses incurred in connection with the work, will be at cost plus ten percent. See **Schedule of Non-Labor Charges** for detail.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective January 1, 2018 through December 31, 2018, and will be adjusted thereafter.

Exhibit C – Schedule of Non-Labor Charges

January 1, 2018

Non-Labor Charges	Description	Fee
Reproduction		
<i>In-House Reproduction</i>		
<i>B&W Print</i>	8.5" x 11"	\$0.15/Copy
<i>B&W Print</i>	11" x 17"	\$0.30/Copy
<i>B&W Plot (Line Drawings)</i>	up to 6 sq. ft.	\$2.00/Copy
<i>B&W Plot (Line Drawings)</i>	Large Format Plot (> 6 sq. ft.)	\$0.33/Sq. Ft.
<i>B&W Mylar</i>	up to 6 sq. ft.	\$14.00/Copy
<i>Color Plot (Color Graphics)</i>	up to 6 sq. ft.	\$12.00/Copy
<i>Color Plot (Color Graphics)</i>	Large Format Plot (> 6 sq. ft.)	\$2.00/Sq. Ft.
<i>Color Print</i>	8.5" x 11"	\$1.00/Copy
<i>Color Print</i>	11" x 17"	\$2.00/Copy
<i>External Reproductions</i>		Cost + 10%
Subconsultants & Contractors		Cost + 10%
Transportation & Travel		
<i>Airfare</i>		Cost
<i>Lodging</i>		Cost
<i>Meals</i>		Cost
<i>Vehicle Rental & Gas</i>		Cost
<i>Public Transportation & Taxis</i>		Cost
<i>Parking</i>		Cost
<i>Mileage</i>		IRS Rate
Telecommunication, Faxes, Standard U.S. Mail, Mobile Phones, Internet Access and Hardware		Cost + 10%
Express Mail & Courier		Cost + 10%
Special Fees, Insurance, Permits, and Licenses		Cost + 10%
Software & Equipment		Cost + 10%

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**City of Port Orchard
Council Meeting Minutes
Regular Meeting of September 10, 2019**

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	Absent
Councilmember Cucciardi	Present
Councilmember Diener	Absent
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Finance Director Crocker, Code Enforcement Officer Price, City Attorney Cates, Police Chief Brown, City Clerk Rinearson, and Deputy City Clerk Floyd.

A. PLEDGE OF ALLEGIANCE

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

2. APPROVAL OF AGENDA

MOTION: By Councilmember Cucciardi, seconded by Councilmember Lucarelli, to excuse Councilmember Diener for personal reasons and also excuse Councilmember Ashby for personal reasons. There is a good chance she will be here tonight, perhaps a little late.

The motion carried.

MOTION: By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to approve the agenda, as amended.

The motion carried.

3. CITIZENS COMMENTS

Eric Campbell, McCormick Communities, spoke to progress made with the City and the City of Bremerton on the water moratorium and agreement. He hopes this will come back within two weeks.

4. CONSENT AGENDA

- A.** Approval of Voucher Nos. 77440 through 77538, and 77543 through 77613 including bank drafts in the amount of \$1,055,950.35 and Electronic Payments in the amount of \$68,890.20 totaling \$1,124,840.55.
- B.** Approval of Payroll Check Nos. 77429 through 77439, and 77539 through 77542, including bank drafts and EFT's in the amount of \$414,660.80; and Direct Deposits in the amount of \$376,966.52 totaling \$791,627.32.
- C.** Adoption of a Resolution Adopting the Final Plat of Plat of Sherman Ridge (**Resolution No. 027-19**)
- D.** Adoption of a Resolution Confirming Mayoral Appointment to the Lodging Tax Advisory Committee (**Resolution No. 028-19**)
- E.** Approval of a Contract with the Washington State Department of Natural Resources for the Renewal of the Dekalb Street Waterway Permit No. 20-B12074 (**Contract No. 067-19**)
- F.** Excusal of Councilmember Clauson Due to Business Obligations
- G.** Added Item: Excusal of Councilmember Diener for Personal Reasons and Councilmember Ashby for Personal Reasons

MOTION: By Councilmember Lucarelli, seconded by Councilmember Cucciardi, to approve the consent agenda, as amended.

The motion carried.

5. PRESENTATION

A. Oath of Office: Police Officer Austin Culbert

Police Chief Brown gave thanks for letting him administer the Oath of Office, publicly and in front of Council. He then read the Law Enforcement Code of Ethics into the record.

Chief Brown administered the oath of office to Police Officer Austin Culbert and then Mrs. Culbert pinned Police Officer Culbert's badge to his uniform.

Councilmember Ashby joined the meeting at 6:43 p.m.

6. PUBLIC HEARING

There were no public hearings.

7. BUSINESS ITEMS

- A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 2.08 Appointive Officers and Creating a New Chapter 2.82 Abatement Hearing Officer**

MOTION: By Councilmember Lucarelli, seconded by Councilmember Rosapepe, to adopt an ordinance amending Port Orchard Municipal Code Chapter 2.08 and creating a new Chapter 2.82 as presented.

**The motion carried.
(Ordinance No. 035-19)**

B. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 20.212 Dangerous and Unfit Dwellings, Buildings and Structures

MOTION: By Councilmember Chang, seconded by Councilmember Cucciardi, to adopt an Ordinance amending POMC Chapter 20.212 as presented.

**The motion carried.
(Ordinance No. 036-19)**

C. Adoption of a Resolution Approving a Contract with Robinson Noble, Inc. for the 2019-2020 ESSB 6091 Foster Pilot Project Services and Documenting Procurement Procedures

MOTION: By Councilmember Lucarelli, seconded by Councilmember Cucciardi, to adopt a resolution thereby approving a contract with Robinson Noble, Inc. for the 2019-2020 ESSB 6091 Foster Pilot Project Streamflow Augmentation/Restoration, Net Ecological Benefits and Hydrogeological Services in an amount not to exceed \$324,900.

**The motion carried.
(Resolution No. 022-19)**

D. Adoption of a Resolution Approving a Contract with Ventilation Power Cleaning, Inc., for the 2019 Stormwater Catch Basin and Pipe Maintenance

MOTION: By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to adopt a resolution, thereby approving a contract with Ventilation Power Cleaning, Inc. for the 2019 Stormwater Catch Basin & Pipe Maintenance Contract in the amount not to exceed \$81,325.

**The motion carried.
(Resolution No. 026-19)**

E. Adoption of a Resolution Approving a Contract with the Law Office of Thomas M. Pors for the 2019-2020 Water Rights-Legal Services

MOTION: By Councilmember Lucarelli, seconded by Councilmember Ashby, to adopt a resolution, thereby approving a contract with the Law Office of Thomas M. Pors in the amount not to exceed \$137,500 for the 2019-2020 water rights related activities.

**The motion carried.
(Resolution No. 021-19)**

F. Adoption of a Resolution Approving the Purchase of Vehicles for the Equipment Rental Revolving Fund 500

MOTION: By Councilmember Rosapepe, seconded by Councilmember Ashby, 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.

**The motion carried.
(Resolution No. 029-19)**

G. Approval of Amendment No. 1 to Contract No. 052-18 with Northwest Urban Law, PLLC for Special Projects and Land Use Attorney Services

MOTION: By Councilmember Ashby, seconded by Councilmember Lucarelli, to approve Amendment No. 1 to Contract No. 052-18, with Northwest Urban Law, PLLC for special projects and land use attorney services, as presented.

The motion carried.

H. Approval of Amendment No. 2 to Contract No. 029-11 with Key Bank National Assoc. to Lease Right-of-Way Adjacent to 1301 Bay Street

MOTION: By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to approve Amendment No. 2 to Contract No. 029-11, with KeyBank National Association to lease City right-of-way adjacent to 1301 Bay Street, as presented.

The motion carried.

I. Approval of Special Event Application: Kitsap County Sherriff's Office Open House

MOTION: By Councilmember Rosapepe, seconded by Councilmember Lucarelli, to approve the special event application for Kitsap County Sheriff's Office to hold their event and allow for a street closure, as presented.

The motion carried.

J. Approval of the August 13, 2019, Council Meeting Minutes

MOTION: By Councilmember Chang, seconded by Councilmember Cucciardi, to approve the August 13, 2019, regular Council meeting minutes.

The motion carried.

K. Approval of the August 20, 2019, Council Meeting Minutes

MOTION: By Councilmember Chang, seconded by Councilmember Rosapepe, to approve the Council meeting minutes of August 20, 2019.

The motion carried.

8. DISCUSSION ITEMS (No Action to be Taken)

A. Update on Water Systems Improvements and Agreements for the 580 Zone

Mayor Putaansuu stated the City is making progress on negotiations with McCormick Communities, the City of Bremerton, and South Kitsap Fire and Rescue in an effort to make it possible to lift the building permit moratorium for the 580/660 zones. On August 13, 2019, the City of Port Orchard made a formal request to the City of Bremerton seeking an increase in water supply from 350 gallons per minute to 792.3 gallons per minute. On August 29, 2019, the City of Port Orchard received a response from the City of Bremerton which indicated that they could support a temporary increase in water supply to Port Orchard under certain conditions. On September 3, 2019, McCormick Communities provided a letter to the City of Port Orchard which indicated that they were willing to make certain improvements to both the City of Port Orchard and City of Bremerton water systems and to seek to have the moratorium lifted.

Council and the Mayor discussed the current progress; improvements; agreement; 580 and 660 water zones; and thanked staff, and the other agencies, for their work on this issue.

In response to Councilmember Ashby, Mayor Putaansuu said we do not have the water to provide until the agreements are in place.

B. City of Port Orchard Promotional Videos

Three economic development and tourism videos were shown. After watching the videos, Mayor Putaansuu asked, with Council's confirmation, to post them on our website and share with local organizations. Staff was directed to place them on the City's website.

C. Draft Interlocal Agreement with the Public Facilities District for a Joint Community Center Funding

Mayor Putaansuu said he took this item to the Economic Development and Tourism committee yesterday and the draft agreement has not changed since yesterday morning. He has two weeks from tonight before he will be before the PFD. He does intend to send the draft agreement to the PFD attorney. The agreement is asking for a phased approach. Additionally, on Task 6 on attachment B for financing alternative, the City is proposing the PFD pledge their cash flow to put more money to work and take advantage of the City's or the County's bonding capabilities.

Council and Mayor continued to discuss the agreement including increasing the time from 30 days to 60 or 90 days as this may not be enough time to wrap this up; and commitment from the PFD to the bank and feasibility study.

Mayor Putaansuu mentioned the PDF is scheduled to meet September 23rd and he invited Council to attend.

9. REPORTS OF COUNCIL COMMITTEES

Mayor Putaansuu reported the Finance Committee is scheduled to meet October 8th.

Councilmember Ashby reported on the September 9th Economic Development and Tourism committee meeting. The next meeting is scheduled for the second Monday in October [October 14th].

Councilmember Lucarelli reported the Utilities Committee is scheduled to meet September 23rd. The Sewer Advisory Committee is scheduled to meet November 6th. The Chimes and Lights Committee is scheduled to meet next Monday [September 23rd].

Councilmember Cucciardi reported the Land Use Committee met on August 26th. The next meeting is scheduled for September 23rd.

Mayor Putaansuu and Councilmember Ashby reported on the KRCC [Kitsap Regional Coordinating Council] including the Legislative Reception and Retreat.

Councilmember Ashby reported on the PSRC [Puget Sound Regional Council] TransPOL.

10. REPORT OF MAYOR

The Mayor reported on the following:

- September 17th work study topics;
- Recognition for Finance Director Crocker;
- Chimes and creating an ad-hoc committee for chimes songs;
- Public works and concrete panels;
- Initiative 976; and
- November 14th KRCC Legislative Reception.

11. REPORT OF DEPARTMENT HEADS

Finance Director Crocker reported on accounts payable process; mid-biennial review process; and monthly budget reports.

City Clerk Rinearson reminded Council to reach out to the Clerk's if they are attending the Legislative Reception; Kitsap Humane Society contract renewal; and will staff the Chimes ad-hoc committee.

12. CITIZEN COMMENTS

Randy Jones, Dorothy Ackels, Kathleen Fritch, Rob Reynolds, Robert McGee, Chuck Huck, Gerry Harmon, and Ms. Rubish, spoke to the Bay Street Pedestrian Pathway/Bike Path, discussing imminent domain; mitigation; effects on neighbors, businesses and jobs of the pathway decision in Annapolis; Whiskey Gulch accomplishments; marked walking trail options; working together with the community and more community outreach; financial status of project; recreation in Port Orchard; dedicated shuttle between ferry terminals; listening to the people in Annapolis; formal proposal to meet with Mayor and Council; 2014 vote on pathway; asking Council to put the community first; lack of transparency; change from walking path to bike path; and fighting to keep business, beautiful homes and trying to promote growth within Annapolis.

Councilmember Ashby asked the City Clerk to find if the City Council has ever taken a vote on imminent domain.

13. EXECUTIVE SESSION

There was no executive session.

14. ADJOURNMENT

The meeting adjourned at 8:25 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON,
OPPOSING INITIATIVE MEASURE NO. 976**

WHEREAS, Initiative 976 seeks to cut transportation funding for projects across Washington state, eliminating the resources needed to fix dangerous highways, retrofit bridges and overpasses for earthquake safety, fund transit, expand light rail, maintain ferries, build voter-approved projects, improve freight corridors, invest in basic street maintenance and maintain funding for the Washington State Patrol; and

WHEREAS Washington state residents already spend hundreds of hours and thousands of dollars stuck in traffic every year, which would worsen if I-976 were to pass and cut funding for traffic improvement projects; and

WHEREAS our entire state's economy depends on safe and reliable transportation corridors to move goods and provide services, including agricultural, aerospace, manufacturing, technology, retail and trade; and

WHEREAS cities of all sizes, in all parts of our state, currently use locally approved vehicle fees to fund road resurfacing, street maintenance, transit and other transportation projects; and

WHEREAS Initiative 976 would eliminate funding for multi-county and local transportation-improvement projects that have already been approved by local voters and are already in progress; and

WHEREAS state transportation funding also supports essential services for seniors, veterans, children and disabled residents, as well as funding for the Washington State Patrol; and

WHEREAS, the City of Port Orchard relies on the \$20 car tab fee to provide funding for the City's transportation needs and I-976 would put that funding at risk; and

WHEREAS, passage of Initiative 976 would result in reduction of transportation improvements to the citizens of City of Port Orchard, now, therefore;

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES
AS FOLLOWS:**

THAT: The City of Port Orchard opposes Initiative Measure No. 976.

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 _____ day of _____ 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

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CITY OF PORT ORCHARD

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • Fax: (360) 895-9029
cityhall@cityofportorchard.us
www.cityofportorchard.us

2019-21 Legislative Priorities

South Kitsap Community Events Center

The City of Port Orchard joins the Port of Bremerton and Kitsap County in strong support for planning and design funding for the South Kitsap Community Events Center (CEC). The City of Port Orchard and the South Kitsap community have been lacking a central gathering place and has been in need of a community events center venue for decades. A regional development team has created a master plan for the redevelopment of an area of downtown Port Orchard that will include a community events and activity center, shoreline restoration, parking, retail, office and residential development. This project would result in an investment of more than \$100 million into Port Orchard's downtown, including a corporate headquarters for Kitsap Bank. The surrounding master plan project and Kitsap Bank corporate headquarters (dependent upon the construction and operations of a Community Events Center) would create hundreds of jobs, retail activity, shoreline restoration, public spaces and result in Kitsap Bank remaining in the community of its founding for many decades to come. The investment in this area of downtown will increase the assessed valuation of these parcels from \$3.95 million to \$120 million, resulting in a net increase in annual post-development property tax revenue to various agencies. The City has agreed to join the Port of Bremerton as a public partner in this project to assist with the effort to identify and secure funding for the CEC project, including local, state and federal grant sources, private benefactors and other appropriate sources for the funding of the project. The City is requesting \$xxxx Capital Budget funding for planning and design of phase one of this project.

State Investment in State Routes

Like many cities, Port Orchard faces challenges in maintaining and improving the City's transportation system. State routes – Sedgwick Road (State Route 160) and State Route 16 – traverse through the City and serve as both regional and local thoroughfares. Because these are state routes, the state is responsible for maintaining and improving them to accommodate the region's growing population. The City is seeking \$6 million in transportation funding for two compact roundabouts at the SR-16 and SR-160 interchanges in order to help mitigate congestion along these state routes.

Economic Development Tools

The City of Port Orchard supports economic development tools that benefit the development of the City's downtown area. The City supports the Association of Washington Cities increment financing proposal to support economic development in areas like the City of Port Orchard.

Foster Pilot Program

The City of Port Orchard was chosen by the State for a water resource mitigation pilot project, which will inform a legislative task force on options for how to respond to the Foster decision. The outcomes of this pilot project, and ultimately the recommendations of the legislative task force are of critical importance for the City and the state. The City seeks ongoing legislative support for these issues as the pilot program and task force continue.

The City of Port Orchard supports the Association of Washington Cities' legislative agenda.

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