



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

Permit Center  
216 Prospect Street, Port Orchard, WA 98366  
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

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**NOTICE OF DECISION**

**Issuance Date:** August 20, 2020

**Applicant:** Amherst Holdings  
805 Kirkland Ave, Suite 200  
Kirkland, WA 98033

**File Number(s):** PW20-025 and PW20-026

**Project Name:** McCormick Woods Parcel A Initial Site Development

**Type of Application(s):** Major Land Disturbing Activity; Stormwater Drainage

**Assessor Parcel Number(s):** 042301-3-010-2006

**Site Location:** Intersection of SW Old Clifton Rd and McCormick Woods Dr SW

**PROPOSAL:**

Initial clearing and grading of the site including TESC measures and walls associated with the overall grading plan of the proposed plat.

**DETERMINATION OF CONSISTENCY 20.24.090**

Administrative applications are reviewed by the City to determine consistency between the proposed project and the applicable regulations and the Comprehensive Plan provisions. A determination of consistency shall consider the type of land use, the level of development, availability of infrastructure, and the character of development. The application shall be found to be consistent with the Comprehensive Plan, the provisions of Title 20, the Washington State Environmental Policy Act (SEPA), and the City's Design Standards.

**PUBLIC COMMENT AND RESPONSE:**

Notice of Application was issued July 3, 2020 with comment period running through July 17, 2020. The City received two comments during the comment period that are summarized below.

**Barbara James Comment:** Requested that the owner reconsider developing this specific property when there are other properties to be developed in order to preserve the forested entry to McCormick Woods.

**Response:** The City cannot prohibit an owner from developing private property if the development is consistent with applicable local and state codes. The applicant has submitted the required documents and obtained the required permits in compliance with local and state codes to proceed with the project as proposed.

**Michelle Miranda Comment:** The local residences have expressed their concern about the proposed development and how it could impact the neighborhood and environment throughout the permitting process [SEPA and Preliminary Plat applications]. Specific points of

concern: 1) The developer and builder do not care about the environmental damage and do not have pride of ownership or regard of what they leave behind. 2) The developer recklessly addresses poor planning and engages in fast cover ups rather than addressing the real issues. 3) Existing homeowners are losing views and effected by loss forested areas adjacent to their property. 4) Concerns of Old Clifton corridor being inadequate for additional development. 5) Loss of significant trees and how that impact wildlife on the property proposed to be developed. 6) Removal of significant trees and how that impacts the environment. Ending with a request to develop on other properties already planned to be developed and not this specific property.

Response: The applicant has completed the required environmental/engineering studies and submitted plans for the proposed development reviewed to be in compliance with local and state codes. The City and McCormick Woods LLC has Transportation Development Agreements in place to address Old Clifton Corridor improvements and the City has multiple improvements scheduled to be completed consistent with the City's 6-year Transportation Improvement Plan. The City cannot prohibit an owner from developing private property if the development is consistent with applicable local and state codes. The applicant has submitted the required documents and obtained the required permits in compliance with local and state codes to proceed with the project as proposed.

#### **FINDINGS MADE BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER**

1. Counter complete applications for LDAP and SDP were submitted on June 1, 2020.
2. The application was determined to be technically complete on June 29, 2020.
3. A Notice of Application was issued July 3, 2020 with a two-week comment period that ended July 17, 2020.
4. The Notice of Application was properly noticed by mailing to surrounding property owners, publishing in the newspaper of record, and posting on the site.
5. Two comments were received in response to the Notice of Application and are summarized above.
6. The City of Port Orchard issued a Capacity Reservation Certificate for water, sewer and transportation for McCormick Woods Parcel A on July 10, 2020.
7. The application is consistent with the Comprehensive Plan, the provisions of Title 20, the Washington State Environmental Policy Act (SEPA), and the City's Design Standards. The application is consistent with the criteria of approval as identified in this report.

Approved Documents; Exhibit Number(s):

- Civil Plans, stamped received 07/24/2020
- Geotechnical Report, stamped received 07/01/2020
- Storm Drainage Report, stamped received 7/24/2020

#### **CONDITIONS OF APPROVAL**

1. The decision set forth herein is based upon representations made and information submitted, including development plans and proposals, submitted to the Director. Any substantial change(s) or deviation(s) in such development plans, proposals, or conditions of

approval imposed shall be subject to the approval of the Director, and may require additional permitting, public notification and comment.

2. The authorization(s) granted herein is/are subject to all applicable federal, state and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances are conditions precedent to the approvals granted and are continuing requirements of such approvals. By accepting this/these approvals, the applicant represents that the development and activity allowed will comply with such laws, regulations and ordinances. If, during the term of the approvals granted, the developments and activities permitted do not comply with such laws, regulations or ordinances, the applicant agrees to promptly bring such developments or activities into compliance.
3. Upon approval of the application and issuance of the land disturbing activity permit, no work shall be done that is not provided for in the permit.
4. Applicable fees shall be paid prior to permit issuance.
5. The approved permit must be picked up within sixty (60) days of notification. If the permit is not picked up within 60 days of notification, it may be canceled by the director and become null and void. If the permit is canceled, the director shall notify the applicant by mail. Permit review fees are not refundable for a permit that is canceled due to a failure to pick up.
6. The land disturbing permit application expires as specified in POMC 20.140.090(4).
7. Per POMC 20.140.090(4), an issued land disturbing activity permit shall automatically expire or be extended when the building permit expires or is extended; or, if a building permit is not issued for the same site, the LDAP shall expire if the authorized work has not begun within 180 days from the date of permit issuance, or if work is abandoned for over 60 consecutive days, unless an extension has been granted. The applicant shall be responsible for notifying the director, in writing, if delays or unforeseen circumstances are impacting the start or continuation of the work. If the authorized work is continually performed, the permit shall expire one year from the date of issuance, unless a different time frame is specified on the permit or an extension is granted. Up to two one-year extensions may be granted by the director for a land disturbing activity permit, provided the request is in compliance with provisions found in POMC 20.140.090(5).
8. Per POMC 20.150.150, an issued stormwater drainage permit shall expire three years from the date of issuance if the permitted work has not yet commenced. If construction has begun and is continuing, the property owner or permit applicant may request an extension in writing to the director prior to expiration. Inspections performed and approved within every 360 days is evidence that work has commenced and is continuing. The director may grant a one-time extension not to exceed two additional years.
9. Engineering or Architecture: Any changes in proposed construction shall be reviewed by the engineer or architect of record and submitted in writing to the City of Port Orchard Public Works Department prior to any revised construction. All engineering and/or architectural documents are a part of the approved set of plans, shall remain attached thereto, and become a part of the public record at the City. If documents are removed, or changes are made without approval from the architect or engineer and the Public Works Department, approval and occupancy will not be granted.

10. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/sea/pac/index.html> or by calling the Assistant City Engineer at (360) 876-4991. This permit is required prior to issuance of any construction permits.
11. The contractor is responsible to provide the required temporary traffic control per the MUTCD.
12. Submittal and approval, by the Project Engineer, of the Operation and Maintenance Manual for privately maintained and/or non-standard stormwater facilities prior to issuance of the Certificate of Occupancy.
13. Clearing limits shall be marked on-site prior to any land clearing. Clearing limits shall be the minimum necessary to construct and install all facilities. Every effort shall be made to disturb as little of the existing natural vegetation in order to retain the maximum vegetation possible. Please call the Planning Department to schedule your inspection at (360)874-5533.
14. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide gravel construction entrance mat and other appropriate BMP's as required. Protect all exposed soils. Contact Port Orchard Permit Center to schedule an inspection by calling (360) 874-5533.
15. Cover and properly locate stockpiles. (1) Earth stockpiles should be set back at least 50 feet from downslope drainage features (e.g. channels, catch basins, detention ponds, pavement, stream banks, critical drainage areas); (2) Stockpiles should be located on the uphill side of the excavated area wherever possible so that they can act as diversions; (3) Earth stockpiles should not be placed on pavement without implementation of a procedure to prevent sediment transport; (4) Earth stockpiles should be completely covered or otherwise stabilized with an appropriate BMP on a daily basis during winter months and within 30 days during dry seasons; (5) The bottom of the stockpile should be circled with an interceptor swale and/or Filter Fabric Fence to catch sediment-laden runoff from the stockpile.
16. Any work within the City right-of-way will require an application to perform work on City right-of-way and possibly a maintenance or performance bond. The need for and scope of bonding will be determined at that time.
17. Submittal of a recorded (with the Kitsap County Auditor) Maintenance Covenant for maintenance of erosion and sedimentation control facilities located on the project site which gives the City of Port Orchard the right to inspect the facilities and guarantees the City that the facilities will be properly maintained (enclosed).
18. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide appropriate gravel entrance mat. Protection of all exposed soils is required. Installation and inspection is required prior to any work commencing on-site. The contractor is responsible for continued maintenance during and after construction.
19. Submittal of a recorded (with the Kitsap County Auditor) Maintenance Covenant for maintenance of private storm drainage facilities located on the project site which gives the

City of Port Orchard the right to inspect the facilities and guarantees the City that the facilities will be properly maintained (enclosed).

20. The required drainage facilities must be inspected and approved by the City of Port Orchard Public Works Department prior to the final inspection.
21. The engineer shall provide certification to the City that the drainage conveyance pipes and structures were installed in compliance with the accepted plans.
22. The owner/applicant shall provide certification to the City of Port Orchard that the drainage conveyance pipes and structures were cleaned prior to final site inspection.
23. Certification, by the Project Engineer, of the as-built live and dead storage volumes.
24. Submit soil compaction testing reports when complete to the City of Port Orchard Assistant Engineer.
25. Permanent stabilization and restoration of the project site. Final replanting may be delayed to the appropriate season, provided that temporary soil stabilization measures are in place and financial security is provided to assure the completion of work.
26. Completion, to the satisfaction of City of Port Orchard Public Works Department, of all work indicated on the plans.

## **DECISION**

A Type II permit action is reviewed and considered in accordance with the procedures for such actions as set forth in Subtitle II of POMC Title 20 and applicable chapters.

The request to complete initial clearing and grading activities for plat construction, as described and set forth in this report and decision, is hereby approved subject to the conditions of approval listed above.

ORDERED this 20 day of August, 2020.

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

The effective date of approval for this request is Aug 20, 2020, provided no appeal is filed.

### **APPEAL PROCEDURES**

PLEASE NOTE: This approval is subject to a 14-day appeal period per POMC Chapter 20.22.040.

APPEAL PERIOD CLOSES: September 3, 2020 at 4:00 PM.

APPEAL TO HEARING EXAMINER: Pursuant to Section 20.22.040 of the *Port Orchard Municipal Code*, a party of record may file an appeal within fourteen (14) days after the issuance of the Notice of Decision.

### **DISTRIBUTION**

Full Decision transmitted this 20 day of August, 2020 by email and first-class mail to:

Amherst Holdings LLC, 805 Kirkland Ave, Suite 200, Kirkland, WA 98033, greg@cordillerainc.com  
Contour Engineering LLC, PO Box 949, Gig Harbor, WA 98335, mike.g@contourengineeringllc.com

Full Decision transmitted to Parties of Record by either email or first-class mail as noted:

Barbara James, 6989 Marymac Dr SW, Port Orchard, WA 98367 (mail)  
Michelle Miranda, michelle.koehn@gmail.com (email)

### **CONTACT INFORMATION**

For additional information concerning this permit please contact:

Ian Smith, PE, Civil Engineer Public Works  
Public Works Department  
216 Prospect Street  
Port Orchard, WA 98366  
360-876-4991