



CITY OF PORT ORCHARD
Public Works Department

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

NOTICE OF DECISION

Issuance Date: March 8, 2023

Applicant: Washington State Department of Transportation
8293 Spring Creek Road
Port Orchard, W 98367

File Number(s): PW23-004, PW23-005

Project Name: SR 166 Bethel, Bay & Maple Intersection Improvements

Type of Application(s): Minor Land Disturbing Activity Permit, Stormwater Drainage Permit (Type II)

Assessor Parcel Number(s): Public Right-of-Way adjacent to 252401-2-011-2001, 252401-2-039-2009

Site Location: Bethel Rd (SR 166), Bay St (SR 166), & Maple Ave Intersection

PROPOSAL:

Construct modern roundabout intersection, sidewalk construction, & roadway surfacing. The existing intersection traffic signal is at the end of its useful life and the proposed intersection improvement will maintain the existing level of service of the intersection and will be constructed wholly within the existing intersection footprint.

DETERMINATION OF CONSISTENCY 20.24.100

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, and the City's Design Standards.

PUBLIC COMMENT AND RESPONSE:

Notice of Application was issued February 3, 2023, with comment period running through February 17, 2023. The City received five (5) comments during the comment period, which are on-file in permit number PW23-004.

Comment: Roderick Malcom, The Suquamish Tribe (February 16, 2023)

Applicant Response:

The mentioned Silver Creek runs through Inlets 6 and 7 as identified in the Hydraulic Report, Page 24 and is identified as a stormwater conveyance. These inlets and its connected system will not be modified by the project, as stated on Pages 10-11 of the Hydraulic Report. A

Hydraulic Project Approval was secured as part of project development, under file number 2022-9-7+01. We will revise the Hydraulic Report and revise the designation from “storm water lines” to “Silver Creek” via Errata.

The Blackjack Creek Bridge is not on the WSDOT Fish Passage Inventory, which is based on the Federal Injunction. We will relay this concern to our Fish Passage Program Director.

City Response:

The City agrees that Silver Creek is located within the project extents and also determined, during review, that no modifications to the stream structure itself was proposed. The City has determined that the project is exempt from the Critical Areas Regulations outlined in the Port Orchard Municipal Code as described in the Findings section below.

Comment: Coreen Haydock, Waterman Mitigation Partners (February 17, 2023); Steve Sego, Waterman Mitigation Partners (February 17, 2023); Gary Anderson, G. Anderson Group, LLC (February 17, 2023)

Applicant Response:

The Pre-Design study was performed in order to assess the public needs and feasibility of the project in the area. Any design concepts or visualizations shown are for illustrative purposes only, and serve as a starting point for Roadway Design under the supervision of a Licensed Engineer. Changes made to the preferred alternative were done after thorough engineering analysis by a team of WSDOT and City of Port Orchard Engineers, which prioritized the safety and operations of the roundabout based on present conditions. Any additional traffic demand shown in the Traffic Impact Analysis should be coordinated with the Olympic Region Development Services office to ensure and coordinate compliance with the Washington Growth Management Act.

City Response:

The City’s permit approval is based solely on project compliance with the Port Orchard Municipal Code (POMC), specifically for land disturbing activities outlined in POMC Title 20. As described in the Findings section below, the project was found to be exempt from the City’s Critical Areas Regulations.

Comment: Washington Department of Fish and Wildlife (February 17, 2023)

Applicant Response:

SEPA was completed on 8/28/2020 (CE determination)

NEPA completed 7/6/2022

HPA (permit 2022-9-9+01) issued on 8/1/2022 and valid through 7/31/2027

City Response:

The City agrees that Silver Creek is located within the project extents and also determined, during review, that no modifications to the stream structure itself was proposed. The applicant shall coordinate with WDFW if any modifications to the current HPA is required.

FINDINGS MADE BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER

1. Counter complete applications for an LDAP and SDP were submitted on January 17, 2023.
2. The application was determined to be technically complete on January 27, 2023.
3. A Notice of Application was issued February 3, 2023, with a two-week comment period that ended February 17, 2023.
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. Five comments were received in response to the Notice of Application and are included in the permit file.
6. The project is Categorical Exempt from SEPA per WAC 468-12-800(1)(u).
7. The intersection improvement is categorized as repair and maintenance. The project is a programmatic upgrade of an existing intersection control device which is at the end of its useful life.
8. The project extents stay within the existing improved right-of-way and does not increase the total impervious area.
9. The project is exempt from the Port Orchard Municipal Code Critical Area Regulations under the exemption POMC 20.162.032(1)(e), "Existing Infrastructure Maintenance and Repair. Maintenance and repair of legally existing roads, utilities, infrastructure, and associated facilities."
10. The application is consistent with the Comprehensive Plan, the provisions of Title 20, and the City's Design Standards. The application is consistent with the criteria of approval as identified in this report.

Approved Documents:

- Civil Plans, stamped received February 24, 2023
- Storm Drainage Report (Hydraulic Report), stamped received January 17, 2023
- Geotechnical Report, stamped received January 17, 2023

CONDITIONS OF APPROVAL

1. The decision set forth herein is based upon representations made and information, 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 contractor is responsible to provide the required temporary traffic control per the MUTCD.
11. 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 to retain the maximum vegetation possible. Please call the Planning Department to schedule your inspection at (360)874-5533.
12. 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.


13. 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.
14. 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 are required prior to any work commencing on-site. The contractor is responsible for continued maintenance during and after construction.
15. 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.
16. Completion, to the satisfaction of City of Port Orchard Public Works Department, of all work indicated on the plans.
17. The Contractor must keep track of any field changes which will be turned over to the engineer of record to use in preparation of the as-built drawings for the project. The owner must submit the as-built plan set drawings to the Permit Center for the City's review and approval prior to submitting the final copies. Once approved, submit as-built plans to the Permit Center consisting of one paper copy and an electronic copy of both DWG and vector-converted PDF digital drawings.

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 construct a modern roundabout, as described and set forth in this report and decision, is hereby approved subject to the conditions of approval listed above.

ORDERED this 8th day of March, 2023.



Ian Smith, PE, Assistant City Engineer
On behalf of,
Tony Lang, Public Works Director

The effective date of approval for this request is March 22, 2023, 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: March 22, 2023 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 8th day of March, 2023 by email and first class mail to:

Washington State Department of Transportation, 8293 Spring Creek Road, Port Orchard, W 98367,
cornwek@wsdot.wa.gov

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

The Suquamish Tribe, Rod Malcom, rmalcom@suquamish.nsn.us (email)

WDFW, 450 Port Orchard Blvd, #290, Port Orchard, WA, 98366, R6CSplanning@dfw.wa.gov (email)

Coreen Haydock, coreen@watermanmp.com (email)

Steve Segó, steve@watermanmp.com (email)

Gary Anderson, P.O. Box 635, Port Orchard, WA, 98366, garee1776@aol.com (email)

CONTACT INFORMATION

For additional information concerning this permit please contact:

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