



**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: July 19, 2023

Applicant: Paul Berg
M&P Builders
10813 32nd St Ct NW
Gig Harbor, WA 98335

File Number(s): PW23-007 & PW23-008

Project Name: Windward Estates

Type of Application(s): Major Land Disturbing Activity & Storm Drainage Permit

Assessor Parcel Number(s): 022301-2-059-2002

Site Location: 1912 Sidney Ave

PROPOSAL:

Construction 18 lot residential subdivision with open space, and associated landscaping, streets, and utilities

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.

APPLICABLE CODE CRITERIA AND STANDARDS AND OTHER APPLICABLE LAW:

POMC Title 20. Unified Land Use and Development Regulations	
Land Disturbing 20.140.030 - 110	Storm Drainage 20.150. and 20.150.110
Concurrency 20.180	Critical Areas 20.162
Landscaping 20.128	Parking and Circulation 20.124
Design Standards 20.127	Fire Code 20.204
Public Works Engineering Standards and Specifications	

PUBLIC COMMENT AND RESPONSE:

Notice of Application was issued April 19, 2023 with comment period running through May 3, 2023. The City received [Zero] comments during the comment period.

FINDINGS MADE BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER

1. A counter complete application for Major Land disturbing Activity & Stormwater Drainage Permit was submitted on February 6, 2023.
2. Revised documents were submitted on March 22, 2023.
3. The application was determined to be technically complete on April 5, 2023.
4. A Notice of Application was issued April 19, 2023 as part of a Land Use approval, File no. [LU21-Plat Prelim – 02 Windward Estates], with a two-week comment period that ended May 3, 2023.
5. The Notice of Application was properly noticed by mailing to surrounding property owners, publishing in the newspaper of record, and posting on the site.
6. [Zero comments] were received in response to the Notice of Application.
7. The City of Port Orchard issued a Capacity Reservation Certificate for water, sewer and transportation for the [project] on [February 9, 2022].
8. List any other findings.
9. 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):

- 1) Civil Plans C1–C22 (Including TESC), June 14, 2023
- 2) Landscape Plans, L0–L4, June 8, 2023
- 3) Utility Report (including Geotechnical Report), Dated December 9, 2022

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. A copy of the recorded utility easement for stormwater and sewer conveyances shall be provided prior to permit issuance.
 6. 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.
 7. The land disturbing permit application expires as specified in POMC 20.140.090(4).
 8. Developer shall pay the City for fabrication of all street signage that may be required. Installation of street signage may be provided by the Developer or by City Staff. If City Staff installs the signage reimbursement will be required from the Developer for all time and materials for installation.
 9. A separate Right-of-Way (Street Excavation) permit is required when working in the City's Right-of-Way. Contact Port Orchard Permits Center at (360) 874-5533 for further information.
 10. Per POMC 20.140.090(4), an issued stormwater drainage permit shall expire three years from the date of issuance if the permitted work has not yet commenced.
 11. *Developer shall pay the City for fabrication of all street signage required. Installation of the signage may be provided by the Developer or by City Staff. If City Staff installs the signage reimbursement will required from the Developer for all time and materials for installation.*
 12. *A Separate Right-of -Way (Street Excavation) permit is required when working in the City's Right-of-Way. Contact Port Orchard Permit Center at (360) 874-5533 for further information.*
 13. *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).*
14. *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.

15. *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.*

16. *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.*

17. *The extent of drainage improvements to be installed during the various phases.*

18. *Water service is billed at the construction rate beginning when the water meter is dropped. When the Certificate of Occupancy is issued, water, sewer and storm will be billed at the current non-construction rate.*

19. *The contractor is responsible to provide the required temporary traffic control per the MUTCD.*

20. *A homeowner's association and/or covenants and conditions shall be established prior to recording of the plat that insures the perpetual maintenance of private roads, utilities, recreational facilities and common open space. Provide a copy of the recorded document in PDF on a CD to the City.*

21. *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.*

22. *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.*

23. *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.*

24. *Cover and properly locate stockpiles.(1) Earth stockpiles should be set back at least 50 feet from downslope drainage features (eg. 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.

25. 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.

26. It is the responsibility of the Contactor to schedule all paving operation inspections for approval.

27. 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).

28. 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.

29. 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).

30. This project meets the definition of a major development per the City of Port Orchard Municipal Code Title 15.32.020 #38. . Major developments require a preliminary and final drainage plan and analysis prepared by a licensed civil engineer. Please submit a design that includes all elements indicated on the attached preliminary drainage checklist.

"Major development" means any new development or any redevelopment activity that:

(a) includes the creation or cumulative addition of five thousand square feet or greater of impervious surface area from the pre-development conditions(Sept 1987); or

(b) includes land disturbing activity of one acre or greater; or

(c) includes grading involving the movement of five thousand cubic yards or more of material.

Should you alter your project in such a way as to no longer meet this definition, please submit a new site plan so we may update this memorandum.

31. *The required drainage facilities must be inspected and approved by the City of Port Orchard Public Works Department prior to the final inspection.*

32. *The engineer shall provide certification to the City that the drainage conveyance pipes and structures were installed in compliance with the accepted plans.*

33. *Certification, by the Project Engineer that the soils encountered under any infiltration systems is consistent with the design criteria. Certification for Infiltration Soils*

34. *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.*

35. *Certification, by the Project Engineer, of the as-built live and dead storage volumes.*

36. *Submit soil compaction testing reports when complete to the City of Port Orchard Assistant Engineer.*

37. *WITHIN 5 FEET OF BUILDING STRUCTURE: The required sanitary sewer system must be inspected and approved by the City of Port Orchard Building Inspector prior to backfilling the trench and the final inspection. Call (360)874-5533 to set up inspection.*

38. *5 FEET OUTSIDE OF BUILDING STRUCTURE: The required sanitary sewer system must be inspected and approved by the City of Port Orchard Public Works Department prior to backfilling the trench and prior to final inspection. Call (360)876-4991 to set up inspection.*

39. *Sewer Manholes shall be vacuum tested prior to final inspection. If contractor is testing the manholes, the City Inspector shall be present for all testing, if a third party performs the testing a report shall be submitted to the City.*

40. *Inspection shall occur for every fitting, restraint (including, but not limited to Field-Lok Gaskets, Tiebacks, etc.), service line, and pipe every 100 feet for both the water and sewer installations.*

41. *LANDSCAPE INSPECTION: The contractor must schedule a landscape inspection for compliance with the approved landscape plan. This inspection must be approved prior to Final Inspection. Schedule the inspection by calling the Permit Center at (360)874-5533 or by emailing inspections@cityofportorchard.us.*

42. *The required water system must be inspected and approved by the City of Port Orchard Public Works Department prior to the final inspection.*

43. *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.*

44. *Completion, to the satisfaction of City of Port Orchard Public Works Department, of all work indicated on the plans.*

For additional information concerning this permit please contact:

K. Chris Hammer, PE, PMP – City Engineer
Public Works Department
216 Prospect Street
Port Orchard, WA 98366
360-876-4991

45. 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 construction 18 lot residential subdivision with open space, and associated landscaping, streets, and utilities, as described and set forth in this report and decision, is hereby approved subject to the conditions of approval listed above.

ORDERED this 19 day of July, 2023.



Jacki Brown
Acting Public Works Director

The effective date of approval for this request is August 2, 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: August 2, 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 19 day of July, 2022 by email and first class mail to:

M&P Builders, Paul Berg, 10813 32nd Ct., NW Gig Harbor, WA 98335.

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

M&P Builders, mpbergs@comcast.net

Seabold Engineering, LLC, kelsey@seaboldeng.com

CONTACT INFORMATION