



CITY OF PORT ORCHARD
Public Works Department
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF DECISION

Issuance Date: November 3, 2023

Applicant: Wattenbarger Architects
11000 NE 33rd Pl Suite 102
Bellevue, WA 98004

File Number(s): PW22-054, PW22-055, PW21-075

Project Name: Diaz Meadows

Type of Application(s): Major Land Disturbing Activity, Storm Drainage Permits & Concurrency

Assessor Parcel Number(s): 032301-2-044-2009, 032301-2-043-2000, 032301-2-042-2001, 032301-2-025-2002

Site Location: 1369, 1379, 1391 & 1449 SW Old Clifton Rd Port Orchard, WA

PROPOSAL:

Site development and construction of four new apartment buildings and associated clubhouse.

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 December 28, 2022 with comment period running through January 11, 2023. The City received one comment during the comment period, which is included in the permit file and summarized below. Please note, additional comments were received outside of the comment period and during the SEPA comment period that are not included below as part of the Notice of Application comment period.

Comment: Judy Danley, January 6, 2023

Requesting to view the plans.

Response:

The permit clerk reached out to the commentor and provided the link to view the project plans.

FINDINGS MADE BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER

1. Counter complete applications for an LDAP and SDP were submitted on October 17, 2022.
2. Revised documents were submitted on November 30, 2022.
3. The application was determined to be technically complete on December 14, 2022
4. A Notice of Application was issued December 28, 2022, with a two-week comment period that ended January 11, 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. One comment was received in response to the Notice of Application and is included in the permit file and summarized above.
7. The City of Port Orchard issued a Capacity Reservation Certificate for water, sewer, and transportation for the project.
8. The City of Port Orchard's third-party consultant, Grette Associates LLC., reviewed the Wetland and Fish and Wildlife Habitat Assessment, Habitat Management Plan, and Buffer Restoration and Enhancement Plan submitted for the project and found them to be consistent with the requirements listed in the City of Port Orchard Municipal Code.
9. The City of Port Orchard SEPA Responsible Official issued a Mitigated Determination of Nonsignificance on August 24, 2023. The City received three comments in response to the issuance which have been included in the permit file. The issued MDNS was not appealed.
10. The City of Port Orchard approved a Development Agreement on October 13, 2023, for a Water Capital Facility Charge Credit and relief from elements of the Port Orchard Municipal Code development design standards.
11. 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.

Approved Documents:

- Civil Plans, stamped received October 23, 2023
- Geotechnical Report, stamped received July 24, 2023
- Storm Drainage Report, stamped received July 24, 2023
- Wetland and Fish and Wildlife Habitat Assessment, Habitat Management Plan, and Buffer Restoration and Enhancement Plan, stamped received July 24, 2023
- Stream Delineation Map, stamped received July 24, 2023
- Landscape Plan, stamped received July 17, 2023

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. The applicant shall coordinate with Kitsap County for permitting requirements for proposed infrastructure within the Kitsap County Right-of-Way.
8. 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).
9. 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 are evidence that work has commenced and is continuing. The director may grant a one-time extension not to exceed two additional years.
10. 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 of 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.
11. 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.

12. Should the proponent propose phasing of the project, a phasing plan shall be submitted to City Public Works Department for review and approval. The phasing plan shall, as a minimum, address the following items: 1) Timetables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase. 2) The extent of drainage improvements to be installed during the various phases.
13. 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.
14. The contractor is responsible for providing the required temporary traffic control per MUTCD.
15. 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.
16. 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.
17. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide gravel construction entrance mat and other appropriate BMPs as required. Protect all exposed soils. Contact Port Orchard Permit Center to schedule an inspection by calling (360) 874-5533.
18. 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.
19. It is the responsibility of the Contactor to schedule all paving operation inspections for approval.
20. 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).
21. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide appropriate gravel entrance mat. Protection of all exposed

- soil 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.
22. Erosion and Sedimentation Controls are required at this time and must be installed prior to any work commencing on site. Schedule an inspection by calling the Port Orchard Permit Center at (360)874-5533.
 23. 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).
 24. The required drainage facilities must be inspected and approved by the City of Port Orchard Public Works Department prior to the final inspection.
 25. The engineer shall provide certification to the City that the drainage conveyance pipes and structures were installed in compliance with the accepted plans.
 26. The applicant shall submit certification by the Project Engineer that the soil encountered under any infiltration systems is consistent with the design criteria. Certification for Infiltration Soils shall include all testing requirements listed in the Department of Ecology Stormwater Management Manual for Western Washington.
 27. 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.
 28. Submit soil compaction testing reports when complete to the City of Port Orchard Assistant Engineer.
 29. 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 an inspection.
 30. 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.
 31. 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.
 32. 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.
 33. 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.
 34. The required water system must be inspected and approved by the City of Port Orchard Public Works Department prior to the final inspection.

35. 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.
36. Completion, to the satisfaction of City of Port Orchard Public Works Department, of all work indicated on the plans.
37. 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.
38. Applicant shall file a "critical area and buffer notice to title" on a form approved by the city with the Kitsap County auditor for all properties included in land use and development proposals subject to the provisions of this chapter and containing critical areas and/or their buffers. Such notice shall be a covenant that runs with the land in perpetuity and include identification of the boundaries of the critical areas and/or their buffers and any permanent conditions imposed by the city. The covenant shall be recorded prior to the issuance of any permit or at the time a short plat or final plat is recorded. This notice shall serve as an official notice to subsequent landowners that the land owner is responsible for complying with existing conditions for development or use as established by this chapter and any city, state, or federal permits or other approvals, and shall accept sole responsibility for any risk associated with the land's identified critical area.
39. Stream buffer and clearing limits shall be surveyed by a professional land surveyor on site prior to any clearing and shall be marked with high-visibility fencing. Critical area marking and clearing limits delineations will be inspected prior to any land clearing.
40. As specified in the applicant's critical areas report: Buffer enhancement actions will consist of removing non-native invasive species and planting native trees, shrubs, and groundcover. The proposed buffer enhancement actions will improve habitat functions and increase screening for Stream Z from the proposed development. Temporary impacts to 6,727 square feet of the modified buffer associated with Stream Z will be fully restored to ensure no net loss of stream buffer functions. Restoration plantings will be provided at an increased density to improve screening for Stream Z from the proposed development.
41. As stated in the applicant's critical areas report: To ensure success of the enhancement and restoration actions, the proposed project will be monitored for a period of five (5) years with formal inspections by a qualified biologist, in accordance with POMC 20.162.062(5). Following each formal monitoring event, a brief annual monitoring report detailing the current ecological status of the enhancement actions, measurement of performance standards, and management recommendations will be prepared and submitted to the City of Port Orchard by December 31st each year to ensure full compliance with the enhancement and restoration plan.
42. All recommendations in the applicant's Fish and Wildlife Habitat Assessment and Habitat Management Plan shall be followed at all times.
43. As stated in the applicant's critical areas report: The stormwater outfalls within the stream buffer will be installed by taking a mini-track hoe down an approximately 10-foot wide

temporary access road. The track hoe will be used to remove vegetation, and then the rip-rap pads will be installed and the stormwater outfalls will be placed (each stormwater outfall will be approximately 8 feet wide and 20 feet long). Following installation of the outfalls, stormwater lines will be installed and buried within the footprint of the temporary access road and all disturbed soils will be seeded to prevent erosion.

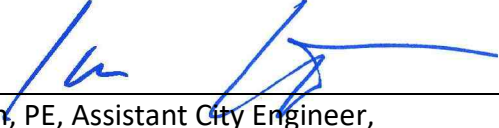
44. The applicant shall perform Pilot Infiltration Tests consistent with the 2019 Department of Ecology Stormwater Management Manual for Western Washington prior to construction of the storm infiltration facilities.
45. The applicant shall demonstrate that adequate water pressure and fire flow are provided for the project consistent with the WAC and currently adopted fire code prior to Certificate of Occupancy of any buildings.
46. SOIL AMENDMENTS: All disturbed areas proposed as landscape or lawn shall install soil amendments per Department of Ecology BMP T5.13 Post-Construction Soil Quality and Depth. Please coordinate soil amendments with Public Works inspector prior to installation.

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 develop the site for an apartment complex, as described and set forth in this report and decision, is hereby approved subject to the conditions of approval listed above.

ORDERED this 3rd day of November, 2023.



Ian Smith, PE, Assistant City Engineer,
On behalf of,
Denis Ryan, Public Works Director

The effective date of approval for this request is November 17, 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: November 17, 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 3rd day of November, 2023 by email and first class mail to:

**Wattenbarger Architects, 11000 NE 33rd Pl, #102, Bellevue, WA 98004,
travism@wattenbarger.com**

Michael Diaz, 1449 Brick Kiln Rd, Fox Island, WA 98333, mdiaz@windermere.com

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

David Bannon, Bannon Engineering, bannoneng1@comcast.net (email)

Judy Danley, judyk41@wavecable.com (email)

Dana Daniels, theDaniels2007@yahoo.com (email)

Regina Borland, reginaborland@msn.com (email)

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

CONTACT INFORMATION

For additional information concerning this permit please contact:

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