



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4662
(360) 337-5777 FAX (360) 337-4415 HOME PAGE - www.kitsapgov.com/dcd/

Larry Keeton, Director

MEMORANDUM

Date: February 7, 2011

To: Members of the Public, Kitsap County
Sent/noticed via web-release and mass stakeholder/consulting firm email distribution

From: Larry Keeton, Director, DCD *lms*

Subj: DCD Guidance on Major and Minor Approved Preliminary Plat Amendment -- *Revision to July 1, 2010 Memo*

Major and Minor Amendments to Approved Preliminary Plats

Currently there is no codified instruction on what is considered a major or minor amendment to an approved preliminary plat. As a result, staff has flexibility in determining the path of review (ie, minor staff review vs major Type II revision vs Type III Hearing Examiner (re-)decision). This results in inconsistent review of amendments and debate with the applicant which in many instances would be unnecessary. The following is the operational guidance the department will use to make a determination regarding major or minor plat amendments. DCD will be considering public comments on the guidance below when it proposes to codify preliminary plat amendment processes in the future.

Proposed Preliminary Plat Amendments-Minor and Major

This section provides the criteria and limitations for amending a preliminary plat, including conditions of plat approval. Where Kitsap County Code speaks to amendment requirements or thresholds, or where there is any conflict from the operational guidance below, such code shall prevail.

- A. Minor Amendment. Minor amendments are classified as Type I applications and shall address those changes to an approved preliminary plat that fall within the scope of the original approval and do not significantly increase impacts to surrounding properties. For these purposes, when quantifiable, 'significant' shall mean a greater than 10% increase; however, other considerations, particularly when not quantifiable, may help to determine a minor (or major) change.

1. General Requirements. Any additions or expansions proposed through minor amendments that exceed the requirements noted herein shall be reviewed as a major amendment and shall be subject to current development regulations.

2. Required Written Findings and Determinations. The Director's written decision on a minor plat amendment shall include findings and conclusions, based on the record, to support the decision. A proposed minor plat amendment shall not be approved unless the Director makes written findings that all of the below are satisfactorily met:

- a. The proposal does not result in a change of use type from what was identified in the original approval;
- b. Proposed changes to conditions of approval shall fall within the scope of the original approval and shall comply with the intent of the conditions originally imposed;
- c. Proposed changes to conditions of approval or the proposal shall not result in significantly increased impacts to the surrounding property owners or modify the intent of the original decision. Impacts may include, but are not limited to, stormwater, traffic, open space, or noise;
- d. The perimeter boundary of the original site is not being increased;
- e. The change does not increase the number of residential lots, residential units, or residential density by greater than 10% from what was approved;
- f. The proposal does not increase the intensity of housing types. An example of an increase would include changing from single-family to duplex;
- g. The proposal does not reduce the designated buffers, recreation or open space unless authorized by the Director;
- h. Access points are not reduced, increased or significantly altered;
- i. The proposal does not reduce required setbacks; and
- j. The proposal does not reduce any street frontage improvements as represented in the application reviewed by the Hearing Examiner and/or as approved by conditions of the Hearing Examiner (eg, sidewalks, curb/gutter, bike lanes).

3. Approvals. The Director has the authority to approve or deny any proposed Minor Amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms to the intent of the Comprehensive Plan, applicable community and subarea plans, design standards/guidelines and other applicable County Codes and state laws. Decisions of the Director are appealed to the Hearing Examiner.

B. Major Amendments.

1. General Requirements. The following is required for all proposed Amendments that exceed the minor amendment criteria noted above. Major

amendments shall be considered Type III applications.

- a. Public Hearing Required. The Department shall set a date for public Hearing before the Hearing Examiner after all requests for additional information or plan correction, as set forth in code, has been satisfied and, if applicable, either a declaration of nonsignificance (DNS or MDNS) (or EIS, FEIS or FSEIS, if required) has been issued. The public hearing shall follow the procedures set forth in KCC Title 21.
- b. Other Land Use Actions. Any amendment that requires a discretionary Permit other than those granted in conjunction with the original preliminary plat application shall require the approval of such permit before or with the decision on the proposed major plat amendment.
- c. Written Findings and Determinations. The Hearing Examiner's written Decision on the major amendment shall include findings and conclusions, based on the record, to support the decision. The Hearing Examiner shall inquire into the public use and interest proposed to be served by the amendment of the subdivision and dedication. A proposed major amendment shall not be approved unless the Hearing Examiner makes written findings supporting such decision.
- d. Approvals. The Hearing Examiner has the authority to approve or deny any proposed major amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community or subarea plans, design standards/guidelines and other applicable County codes and state laws.