ORDINANCE NO. 001-14

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE CHAPTER 16.72 BY ADDING A NEW SECTION TO ALLOW FOR ADMINISTRATIVE APPROVAL OF MINOR PRELIMINARY PLAT AMENDMENTS

WHEREAS, the Port Orchard Municipal Code does not currently allow for preliminary plat amendments, which means that developers must submit a revised preliminary plat application for review by the hearing examiner, no matter how small or slight the amendment may be; and

WHEREAS, submitting a revised preliminary plat application in order to address small amendments is costly and time consuming for developers and property owners; and

WHEREAS, the current lack of a process for dealing with minor preliminary plat amendments places an undue burden on developers, property owners, and the City’s limited staff resources; and

WHEREAS, other municipalities, similar in size and geographic make-up to Port Orchard, have implemented a process that allows for minor preliminary plat amendments to be handled administratively; and

WHEREAS, it is anticipated that the demand for minor preliminary plat amendments will increase due to changing market conditions, consumer demands; and

WHEREAS, an administrative process for minor preliminary plat amendments would provide developers and property owners with the flexibility to accommodate unforeseen minor site development challenges, while still requiring that major amendments be subject to public hearing before the hearing examiner; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 16.72 of the Port Orchard Municipal Code is hereby amended by adding a new section 16.72.205 to read as follows:
16.72.205 Amendments to an approved preliminary plat.

Plat amendments are amendments to an approved preliminary plat and are classified as either minor amendments or major amendments.

(1) Minor amendments are those modifications that may alter dimensions of lots, location of lots and infrastructure, alignment of roads, and other similar modifications that do not affect the overall character of the development. Minor modifications shall be processed as an administrative decision by the Community Development Director. Before approving the amendment, the Director shall make a written determination that all of the following criteria have been met:

(a) The revision will not be inconsistent or cause the subdivision to be inconsistent with the findings, conclusions, or decision of the hearing examiner or City Council;

(b) The revision will not cause the subdivision to violate any applicable city policy or regulation;

(c) The revision will not alter the intent of the original conditions of preliminary plat approval;

(d) The revision doesn't increase or decrease the total number of lot's within the subdivision by more than 5 percent or 5 lots (whichever is less);

(e) The revision does not alter the perimeter boundary of the subdivision; and

(f) The revision would not reduce transportation levels of service below the city's minimum adopted standards.

(2) Revisions which are not classified as minor amendments in subsection (1) are major amendments and shall be processed in the same manner as a new preliminary plat application pursuant to POMC 16.72.010 through POMC 16.72.240.

(3) An application for a plat amendment may be made at any time until a preliminary plat or approval has expired under POMC 16.72.240.

(4) An amended plat proposal shall be submitted on an application as required by the Community Development Director together with the
(4) An amended plat proposal shall be submitted on an application as required by the Community Development Director together with the applicable fee as set forth in the City’s fee schedule. The Community Development Director shall have the discretion to determine whether a new SEPA checklist application need be submitted and whether stormwater, transportation, geotechnical and other studies need to be revised or updated. A revised plat shall be submitted showing the location of lots, tracts, blocks, streets of the previous plat in dotted lines, and the proposed revisions in solid lines.

(5) An approval for a plat amendment shall expire at the same time as the original preliminary plat approval, unless the expiration date is extended pursuant to POMC 16.72.240.

SECTION 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. This ordinance shall be in full force and effect on March 24, 2014 and after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 11th day of March, 2014.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

Sponsored by:

Jeff Cartwright, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held March 11, 2014.

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Copies of Ordinance No. 001-14 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 001-14 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
March 21, 2014