



North Kitsap United

**Compliance with Kitsap County Land-Use Regulations
and
The Washington State Growth Management Act**

October 20, 2023

Preamble

In 1990 the Washington State legislature passed the Growth Management Act (“GMA”). The Washington State legislature’s purpose in passing the GMA was to plan for growth and to ensure it happens in a thoughtful, orderly manner.

The GMA requires that certain cities and counties in the State of Washington, including Kitsap County, develop comprehensive plans. Kitsap County’s Comprehensive Plan is a policy document—a blueprint—that guides the County’s development of regulations (such as zoning and critical area ordinances) that mandate that development of higher residential densities, and large-scale commercial be directed to urban areas while preferring that rural areas be utilized for rural residential densities, open space, recreational activities, and the conservation of natural resources.

The GMA does not prohibit all development in rural areas. To the contrary, the GMA encourages cities and counties to use rural areas to provide recreational facilities and encourage the development of small businesses that provide employment opportunities for those living in the state’s rural areas. Per [*Futurewise \(A Beginner’s Guide to Growth Management, 2-3\)*](#), counties and cities are required to identify lands useful for public purposes and open space corridors. Open space corridors link together fish and wildlife habitats, parks, and open spaces into connected local and regional networks of green spaces.

Kitsap County implements the plans and policies in its Comprehensive Plan through the Kitsap County Code (“Code”). The Code controls the use and development of land within the County. Unless Comprehensive Plan policies or Code regulations are timely challenged after adoption, the Comprehensive Plan and Code are binding law within the County and any uses permitted by Code either outright or conditionally may be developed subject to certain application/approval processes. If a particular proposed use is not permitted either outright or conditionally, a project proponent may request that the County amend its Comprehensive Plan or Code to allow for such use, and the Board of County Commissioners may accommodate such request so long as it accords with the GMA.

1. **Purpose** The purpose of this white paper is to demonstrate that the proposed North Kitsap United project concept (“NKU”) is compliant and consistent with the Washington State GMA, the Kitsap County’s Comprehensive Plan, and the County’s regulations.
2. **Executive Summary** The Comprehensive Plan and its implementing land use regulations (“Zoning Code”) have been brought before the Growth Management Hearings Board (“Board”) several times since the state adopted the GMA to challenge their compliance with the GMA. The current Plan and Zoning Code are GMA compliant. Therefore, if a proposed land use is compliant with the Zoning Code, it is compliant under the GMA.

There are 5 primary elements (land use types) within the proposed NKU Project concept as currently conceived. Three of the five are compliant with the current Comprehensive Plan and Zoning Code. Two elements, related to commercial services and residential uses, will require a Comprehensive Plan and a Zoning Code amendment.

3. Proposed NKU Project Primary Elements

The proposed NKU Project concept includes 5 primary elements:

1. A comprehensive sports and recreation complex

2. A YMCA to service North Kitsap County residents
3. Unimproved open space to serve as trail and wildlife corridors and areas of native vegetation
4. 3 to 5 acres of commercial services (primarily to develop a restaurant site to serve the YMCA, sports, and recreation activities)
5. Approximately 80 single family residential lots

This paper will demonstrate that:

- Elements 1, 2 and 3 are already either allowed outright or allowed with a conditional use permit under the current Zoning Code.
- Elements 4 and 5 require amendments to the Comprehensive Plan and the Zoning Code before development.

Elements 1, 2, and 3

Currently the NKU property is designated and zoned Rural Wooded (“RW”). Raydient has requested the designation to be changed to Rural Residential (“RR”). Elements 1, 2, and 3 are allowed either outright or through a conditional use under both designations. (See excerpts taken from the use tables in the Zoning Code). No change to the designation or zoning is required.

When the legislature adopted the GMA, it did not mandate that such uses are exclusive to urban areas.

An RW property owner can make an application for these uses today and, if properly mitigated, can expect County approval.

Element 4

Raydient has applied to redesignate and rezone 3 to 5 acres of its property from RW to Rural Commercial (“RC”). The goal is to establish a restaurant and uses that support the Heritage Park, and the proposed YMCA, recreation, and sports facilities.

This will create advantages commonly associated with “mixed use” projects. The inclusion of some commercial uses will help mitigate traffic impacts; visitors won’t need to leave the area or make special trips before, between, or after their games and activities. Further, the services will provide a common meeting ground for citizens from all parts of North Kitsap County and enhance the overall user experience.

Element 5

Raydient has applied for a change from RW to RR to allow for an increase in residential lot density. This will allow a density of 1 residential lot per 5 acres. According to the County’s Performance Based Development provisions, lots can be made smaller (or clustered) such that the residential footprint is reduced and open space can be created.

The goal of the proposed NKU Project is to find community uses for the property’s open space.

This requested amendment reflects the reality of current conditions in North Kitsap County and is GMA compliant.

A. GMA Compliance

*“Kitsap County has approximately 256,661 upland acres. Approximately 34% of the County is zoned Rural Residential at **86,544** upland acres.”* (See Kitsap County Zoning Code at <https://storymaps.arcgis.com/stories/731881f1c32e4128b94704252dbb6077>)

There is more Rural Residential land in Kitsap County than *all other rural designations combined* inclusive of Local Area of More Intense Rural Developments (LAMIRDS). (See Exhibit A). Redesignation and rezoning of Raydient’s property will align with the County’s common practice of designating its rural lands for residential uses.

B. Changed Conditions and the RW Designation

The RW zone was created early in the Comprehensive Plan after the county determined that there were virtually no areas in the county that were appropriate for long-term timberland management or designation as “resource” lands. (The resource designation is different than rural or urban). The purpose of the RW designation was to help preserve long-term timberland management for as long as possible in Kitsap County.

To quote The Plan:

*“This zone is intended to encourage the preservation of forest uses and agricultural activities, retain an area’s rural character and conserve the natural resources while providing for some rural residential use. **This zone is further intended to discourage activities and facilities that can be considered detrimental to the maintenance of timber production.** Residents of rural wooded (RW) residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels.”*

The vast majority of the RW lands lie in Southwest Kitsap County (see Exhibit C). If one drives that area it is easy to see how its character is dramatically different than North Kitsap County. There is very little population density and commercial forest management is commonplace. Large areas are devoid of any meaningful commercial services.

However, the conditions in North Kitsap have changed dramatically from the days when timberland management was commonplace. The viability of commercial timber production has been greatly reduced, to the point that it may not be profitable anymore. A large majority of its rural lands are zoned for RR (see Exhibit A). Currently, only a few large tracts remain zoned RW. These tracts are primarily owned by Rayonier’s subsidiaries, the Port Gamble S’Klallam Tribe, and the Washington State Department of Natural Resources (DNR). DNR has applied to remove their property from timberland production as “economically under-performing state trust lands...” (See Exhibit B).

The proposed NKU Project property was once part of a 4,000-acre tree farm but is now a fraction of that. Also, the creation of the Port Gamble Forest Heritage Park adjacent to land currently zoned RW is not compatible with timber production over the long-term.

Looked at through a slightly different lens, it is easy to see that if the proposed NKU Project property was sold today, *it is highly unlikely that it would be purchased by an entity interested in commercial timberland management.*

4. Conclusion

The Washington State Legislature intended for Comprehensive Plans to be living, breathing planning documents that evolve to reflect the changing realities of conditions in the state and in cities and counties. That's why GMA mandates local governments to regularly review and revise them.

Conditions are changing rapidly in North Kitsap. The shortage of housing (of all types, affordability levels, and locations), and sports and recreation facilities is real. The supply of such facilities has not kept pace with past population growth, a situation that will get worse without proactive efforts.

Finally, all the elements of the proposed NKU Project concept comply with the Growth Management Act, the Kitsap County Comprehensive Plan, the Zoning Code, and the changing conditions in North Kitsap County.

Summary of Elements, Zones, and Allowed Uses			
Element	Rural Wooded (current zoning)	Rural Residential	Rural Commercial
1. Sports and Recreation	P if non-commercial C if commercial	P if non-commercial ACUP if commercial	
2. YMCA	P if non-commercial C if commercial	P if non-commercial C if commercial	
3. Open Space	P	P	
4. Commercial	X	X	P
5. Residential Density 1 residential lot per 5 acres	X	P PBD if clustered	

Key	
P	Permitted outright in the zone
C	Permitted with conditional use permit
ACUP	Permitted with administrative conditional use
X	Not permitted
PBD	Performance Based Design

Note: ALL uses must undergo review under the State Environmental Policy Act

Note

The requirement for ACUP and Conditional Use permits are very similar for low, medium, and high-density residential zones inside Urban Growth Areas.

See tables on following pages.

Helpful links from Chapter 17 of Kitsap County Land-use Regulations

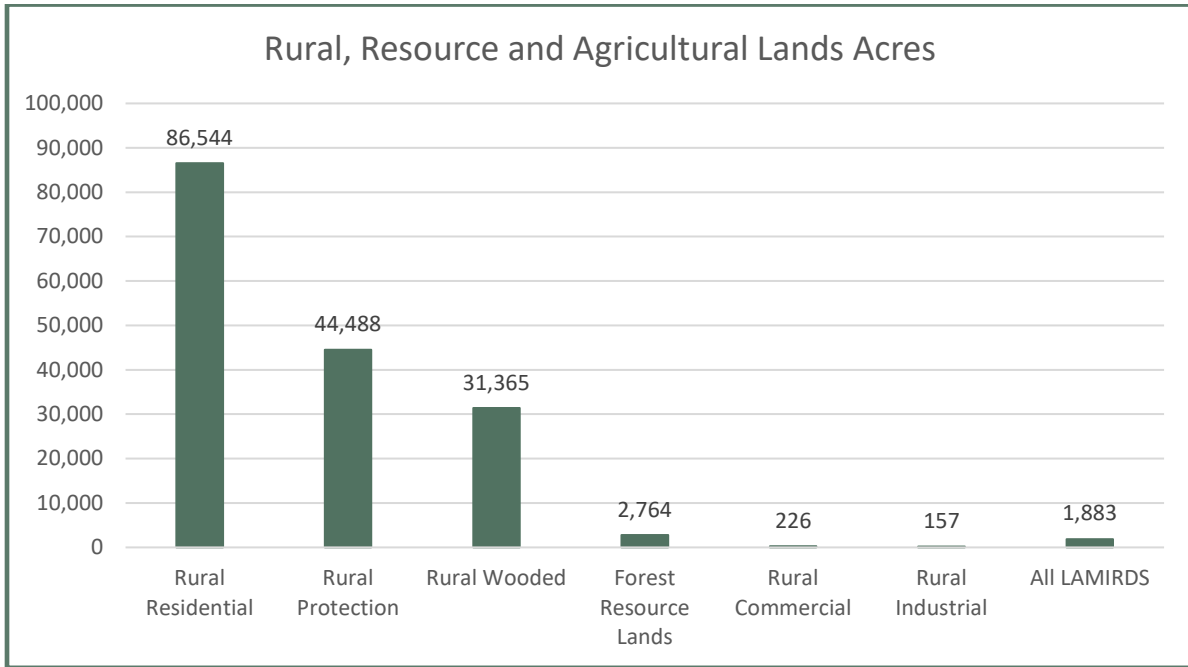
1. [Chapter 17.150](#) [Rural wooded zone](#)
2. [Chapter 17.130](#) [Rural residential zone](#)
3. [Chapter 17.290](#) [Rural commercial zone](#)
4. [Chapter 17.410](#) [Allowed uses](#)
5. [Chapter 17.110](#) [Definition open space](#)
6. [Chapter 17.110.647](#) [Definition Recreational facility, indoor](#)
7. [Chapter 17.110.648](#) [Definition Recreational facility, outdoor](#)
8. [Chapter 17.110.325](#) [Hearing examiner use](#)
9. [Chapter 17.450](#) [Performance Based Development](#)

Exhibits

- | | |
|-----------|---|
| Exhibit A | Percentage of Rural Lands by Comprehensive Plan Designation |
| Exhibit B | Trust Land Transfer Revitalization Pilot Project |
| Exhibit C | Location of Rural Wooded Zoned Lands |

Exhibit A

Percentage of Rural Lands by Comprehensive Plan Designation



	Percent*	Acres
Rural Residential	34%	86,544
Rural Protection	12%	44,488
Rural Wooded	17%	31,365
Forest Resource Lands	1%	2,764
Rural Commercial	<< 1%	226
Rural Industrial	<< 1%	157
All LAMIRDS**	< 1%	1,883
		167,427
* Kitsap County contains 256,660 acres of uplands		
** Local Areas of More Intense Rural Development		
Source: Kitsap County Zoning Code		

Exhibit B

Trust Land Transfer Revitalization Pilot Project

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Trust Land Transfer Revitalization
Pilot Project

Eglon Packet

July 2022



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

Exhibit B (cont.)

Trust Land Transfer Revitalization Pilot Project

TRUST LAND TRANSFER APPLICATION

(This application is available electronically.)
 Submit by 4:00 PM on June 16, 2022 for consideration for the next funding cycle

Trust Land Transfer is an innovative tool for the Washington State Legislature, through the Department of Natural Resources, to address several land management needs. Specifically, this tool enables DNR to achieve the following:

- Transfer out of economically under-performing state trust lands and acquire funds to purchase replacement lands with higher long-term income producing potential
- Conserve lands that have high ecological values or public benefits

Applicant Information

DNR Staff contact (if different)

Applicant's name:	_____	Staff name:	Brandon Mohler
Address:	_____	Address:	950 Farman Ave N
City, State, Zip:	_____	City, State, Zip:	Enumclaw, WA 98022
Phone:	_____	Phone:	360.918.1115
E-mail:	_____	E-mail:	Brandon.mohler@dnr.wa.gov
Parcel name/moniker:	<u>Eglon</u>		

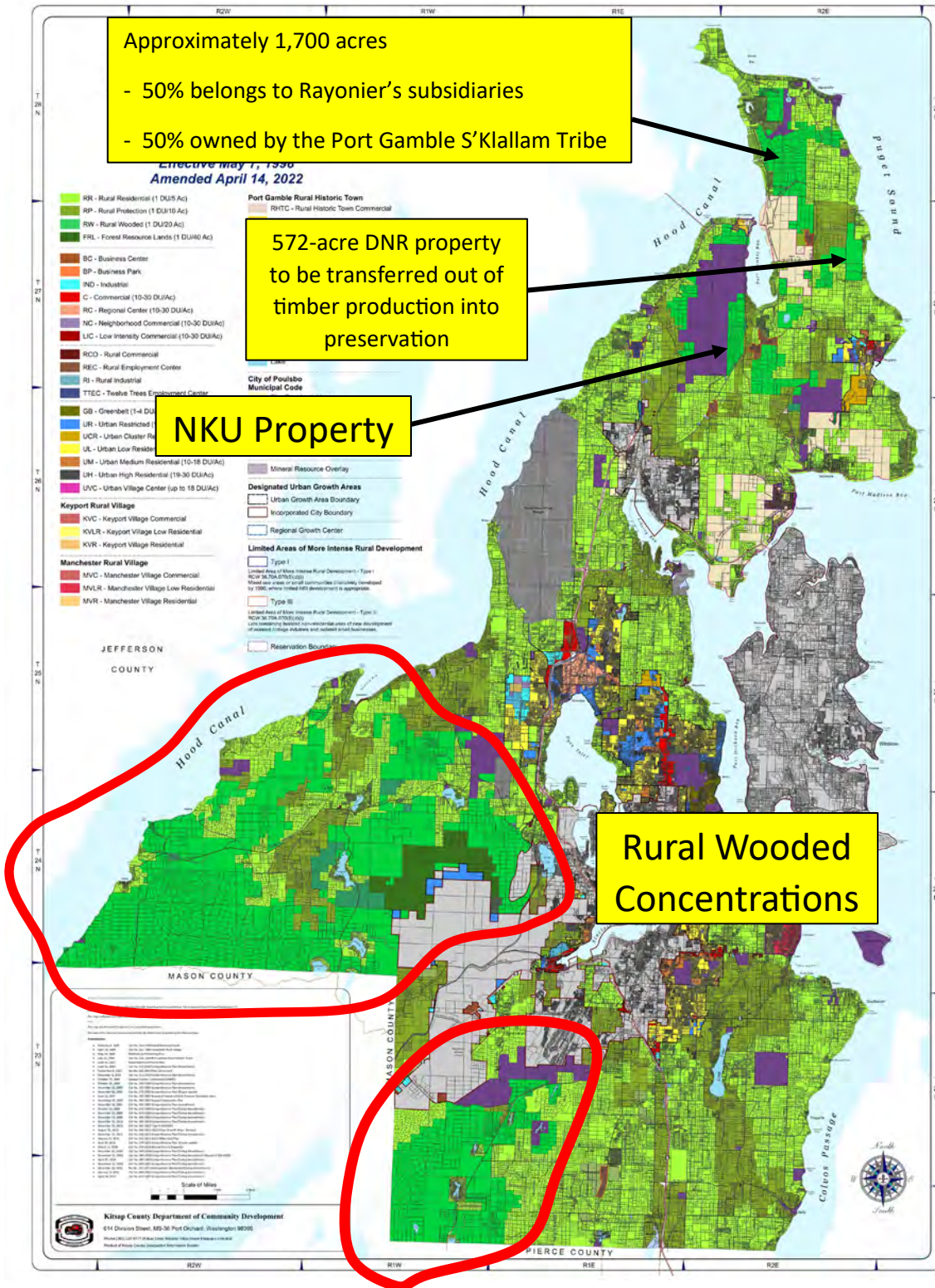
Property Information

For proposals with more than one trust ownership, or in more than one county, describe parcels separately:

1.	County:	Kitsap	Section:	Portions of 2, 10, 11, 14 & 22	Township:	27 N	Range:	2 E	B&M	Parcel#:	022702-3-035-2004, 112702-2-003-2003 & 142702-2-002-2001 102702-4-001-2002 & 222702-1-002-2003
	County:	Kitsap	Section:	Portions	Township:		Range:		B&M	Parcel#:	
	County:		Section:		Township:		Range:		B&M	Parcel#:	
2.	What is the land currently zoned as?				RW – Rural Wooded (main parcel) and Rural Residential (small parcel)						
3.	What is the current land type/land cover?				Wetlands and forest						
4.	What are the current uses of the property?				State trust land						
5.	Total project acres:				707	Total acres forest:		707			
6.	Proposed receiving agency. Kitsap County										
7.	What trust(s) does this property currently belong to? 03 & 11										
Trust #1	Common School (Trust 03)				Acres	226					
Trust #2	University Original (Trust 11)				Acres	481					
Trust #3					Acres						

Exhibit C

Location of Rural Wooded Zone Lands



Kitsap County Chapter 17.410

Rural Allowed Recreational/Cultural Uses

Comprehensive Plan Land Use Designation	Rural Residential	Rural Protection	Rural Wooded	Forest Resource Lands	Mineral Resource Overlay	Urban Low Density Residential				Urban Medium Density Residential	Urban High Density Residential	Definition I	Categorical Use Standards I
	RR (2) 17.130	RP 17.140	RW (2) 17.150	FRL 17.160	MRO 17.170	UR (5) 17.180	GB (5) 17.190	UL (5) 17.200	UCR (5) 17.210	UM (5) 17.220	UH (5) 17.230		
300 Arboreta, botanical garden	--	--	--	--	--	C	C	--	--	--	--	17.110.086 , Aquarium, arboretum, botanical garden, zoo.	17.415.050 , Arboreta, botanical gardens
302 Campground	C	C	C	--	--	C	C	C	C	--	--	17.110.147 , Campground.	17.415.090 , Campground
304 Club	ACUP	C	--	--	--	C	C	C	C	ACUP	ACUP	17.110.165 , Club.	17.415.115 , Club.
306 Entertainment facility, indoor	--	--	--	--	--	--	--	--	--	ACUP	ACUP	17.110.261 , Entertainment facility, indoor.	17.415.165 , Entertainment facility, indoor.
308 Entertainment facility, outdoor	--	--	--	--	--	--	--	--	--	--	C	17.110.262 , Entertainment facility, outdoor.	17.415.170 , Entertainment facility, outdoor.
310 Golf courses	C	C	--	--	--	--	C	C	C	--	--	17.110.303 , Golf course.	17.415.240 , Golf courses.
312 Marinas	--	--	--	--	--	--	C	C	C	C	C	17.110.480 , Marina.	17.415.350 , Marinas.
314 Marina support services	--	--	--	--	--	--	--	--	--	--	--	17.110.482 , Marina support services.	17.415.355 , Marina support services.
316 Parks and open space	P	P	P	P	--	P	P	P	P	P	P	17.110.535 , Open space.	
318 Racetrack	--	--	C	C	--	--	--	--	--	--	--	17.110.644 , Racetrack.	17.415.405 , Racetrack.
320 Recreational facilities, indoor	C	C	C	--	--	C	C	ACUP	ACUP	ACUP	ACUP	17.110.647 , Recreational facility, indoor.	17.415.410 , Recreational facilities, indoor.
322 Recreational facilities, outdoor	ACUP	ACUP	C	--	--	C	C	C	C	C	C	17.110.648 , Recreational facility, outdoor.	17.415.415 , Recreational facilities, outdoor.
324 Shooting/gun facility, indoor	C	C	C	--	--	--	--	--	--	--	--	17.110.678 , Shooting/gun facility, indoor.	17.415.485 , Shooting/gun facility, indoor.
326 Shooting/gun facility, outdoor	C	C	C	--	--	--	--	--	--	--	--	17.110.679 , Shooting/gun facility, outdoor.	17.415.490 , Shooting/gun facility, outdoor.
328 Zoo, aquarium	--	--	--	--	--	--	--	--	--	--	--	17.110.086 , Aquarium, arboretum, botanical garden, zoo.	17.415.595 , Zoo, aquarium.

Kitsap County Chapter 17.410

Rural Commercial Allowed Uses

Comprehensive Plan Land Use Designation →	Urban High Intensity Commercial			Urban Low Intensity Commercial		Rural Commercial	Urban Industrial			Rural Industrial	Public Facilities	Definition ↓	Categorical Use Standards ↓	
	C	RC	LIC	UVC	NC	RCO	BC	BP	IND	RI	P			
Zoning Classification (1)(3)(4) →	17.240	17.250	17.280	17.260	17.270	17.290	17.300	17.310	17.320	17.330	17.340			
Categorical Use (1)(3)(4)(5) ↓														
COMMERCIAL USES														
Hotels or Hospitality														
200	Adult entertainment	C	C	--	--	--	--	C	--	C	--	--	17.110.043 , Adult entertainment.	17.415.025 , Adult entertainment.
202	Conference center	P	P	P	P	--	--	--	--	--	--	ACUP	17.110.177 , Conference center.	17.415.125 , Conference center.
204	Drinking establishments	P	P	P	ACUP	P	ACUP	--	--	--	--	--	17.110.229 , Drinking establishments.	17.415.155 , Drinking establishments.
206	Espresso stands	P	P	P	P	P	ACUP	P	P	P	ACUP	--	17.110.267 , Espresso stands.	17.415.190 , Espresso stands.
208	Event facility	ACUP	ACUP	ACUP	ACUP	ACUP	--	--	--	--	--	ACUP	17.110.269 , Event facility.	17.415.195 , Event facility.
210	Hotel/motel	P	P	ACUP	ACUP	C	--	--	--	--	--	--	17.110.361 , Hotel/motel.	17.415.285 , Hotel/motel.
212	Resort	ACUP	ACUP	ACUP	ACUP	--	--	--	--	--	--	ACUP	17.110.661 , Resort.	17.415.440 , Resort.
214	Restaurants, with drive-through service	P	P	C	ACUP	C	--	P	P	P	--	--	17.110.662 , Restaurant, with drive-through service.	17.415.445 , Restaurant, with drive-through service.
216	Restaurants, without drive-through service	P	P	P	P	P	P	P	P	P	--	--	17.110.663 , Restaurant, without drive-through service.	17.415.450 , Restaurants, without drive-through service.

Definition: Open Space

17.110.535 Open space.

"Open space" shall mean land used for outdoor active or passive recreational purposes or for critical area or resource land protection, including structures incidental to these open space uses, including associated critical area buffers, but excluding land occupied by dwellings or hard surfaces not related to the open space uses and yards required by this title for such dwellings or hard surfaces. Open space may be used for native vegetation, drought-tolerant vegetation, and vegetated LID facilities. "Open space" is further divided into the following categories:

A. "Common open space" shall mean space that may be used by all occupants of a development complex or, if publicly dedicated, by the general public;

B. "Active recreational open space" shall mean space that is intended to create opportunities for recreational activity. Active recreational open space may be occupied by recreational facilities such as ball fields, playground equipment, trails (pedestrian, bicycle, equestrian or multi-modal), swimming pools, and game courts or sculptures, fountains, pools, benches or other outdoor furnishings;

C. "Passive open space" shall mean all common open space not meeting the definition of active recreational open space, including, but not limited to, critical areas and their associated buffers;

D. "Permanent open space" means an area that is permanently reserved as open space and remains in native vegetation unless approved for forestry, passive recreational or access uses; and

E. "Recreational open space" means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreational open space. Examples of usable recreational space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

(Ord. 540 (2016) § 28, 2016; Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

Definition: Recreation Facility

17.110.647 Recreational facility, indoor.

"Recreational facility, indoor" means a commercial recreational land use conducted entirely within a building. Examples include, but are not limited to, amusement centers, arcades, arenas, bowling alleys, gymnasiums, pool or billiard halls, skating rinks, and tennis courts.

(Ord. 611 (2022) § 106, 2022; Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

17.110.648 Recreational facility, outdoor.

"Recreational facility, outdoor" means a commercial recreational land use conducted in open or partially enclosed facilities. Examples include, but are not limited to, amusement centers, miniature golf, swimming pools, tennis courts, basketball courts, outdoor racquetball courts, skateboard parks, and batting cages.

(Ord. 611 (2022) § 107, 2022)

Administrative Conditional Use Permit

Chapter 17.420

ADMINISTRATIVE CONDITIONAL USE PERMIT

Sections:

- 17.420.010 Purpose and applicability.
- 17.420.020 Administrative conditional use permit procedure.
- 17.420.030 Previous use approval.
- 17.420.035 Third party review.
- 17.420.040 Decision criteria – Administrative conditional use permit.
- 17.420.050 Revision of administrative conditional use permit.
- 17.420.060 (Repealed)
- 17.420.070 (Repealed)
- 17.420.080 Transfer of ownership.
- 17.420.090 Land use permit binder required.
- 17.420.100 Effect.

17.420.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedure and decision criteria for administrative conditional use permits. An administrative conditional use permit is a mechanism by which the county may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties and achieves the intent of the Comprehensive Plan. This chapter applies to each application for an administrative conditional use and to uses formerly permitted after site plan review.

(Ord. 367 (2006) § 110 (part), 2006)

17.420.020 Administrative conditional use permit procedure.

A. The department may approve, approve with conditions, or deny an administrative conditional use permit through a Type II process as set forth in Title 21 of this code.

Administrative Conditional Use Permit (cont.)

B. Applications for an administrative conditional use permit shall contain the information required by the submittal requirements checklist established by the department as set forth in Section 21.04.045.

C. When an application is submitted together with another project permit application, the administrative conditional use permit shall be processed as set forth in Section 21.04.035.

D. Upon a determination of a complete application, the director shall have fourteen calendar days to notify the applicant whether the application shall be reviewed administratively or by the hearing examiner at a scheduled public hearing. A public hearing will be required when a component of development located within a commercial zone involves the conversion of previously undeveloped land which abuts a residential zone. Further, the director may refer any proposal under this section to the hearing examiner for review and decision.

(Ord. 367 (2006) § 110 (part), 2006)

17.420.030 Previous use approval.

Where, prior to December 11, 2006, approval was granted for establishing or conducting a particular use on a particular site through a site plan review process, such previous review and use approvals are by this section declared to be continued as an administrative conditional use permit.

(Ord. 367 (2006) § 110 (part), 2006)

17.420.035 Third party review.

The director may require a third-party review from a technical expert to provide information necessary to support an administrative decision. The expert will be chosen from a list of prequalified experts prepared and kept current by an annual solicitation by the department. The applicant shall select the expert from a list of three names selected by the director from the larger pre-qualified list. The expert will be contracted to the county and report their findings to the director and the applicant. The cost of such report will be the responsibility of the applicant.

(Ord. 415 (2008) § 186, 2008)

17.420.040 Decision criteria – Administrative conditional use permits.

A. The department may approve, approve with conditions, or deny an administrative conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements for the use set forth in this code;
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity; and

Administrative Conditional Use Permit (cont.)

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.
- B. The department may impose conditions to ensure the approval criteria are met.
- C. If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the administrative conditional use permit shall be denied.

(Ord. 415 (2008) § 187, 2008; Ord. 367 (2006) § 110 (part), 2006)

17.420.050 Revision of administrative conditional use permits.

- A. Revision of an administrative conditional use permit or of conditions of permit approval is permitted as follows:
1. Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application; and
 2. Major revisions, including any requested change in permit conditions, shall be processed as a Type II application;
- B. Minor and major revisions are defined as follows:
1. A “minor” revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval, including increases in gross floor area of no more than ten percent; and
 2. A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or increased, including increases in trip generation of more than ten percent, or the site plan design is substantially altered.
 3. Any increase in vehicle trip generation shall be reviewed to determine whether the revision is major or minor. The traffic analysis shall be filed by the applicant at the same time as the request for revision. The traffic analysis will follow Traffic Impact Analysis guidelines as set forth in Chapter 20.04.

(Ord. 367 (2006) § 110 (part), 2006)

Hearing Examiner Conditional Use

17.110.325 Hearing examiner.

“Hearing examiner” means a person appointed to hear or review certain land use applications and appeals pursuant to Title 21, Land Use and Development Procedures.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

Performance Based Development

(Excerpt from Chapter 17.450)

Chapter 17.450

PERFORMANCE BASED DEVELOPMENT

Sections:

- 17.450.010 Purpose.
- 17.450.020 Authority.
- 17.450.030 Uses permitted.
- 17.450.040 Standards and requirements – Residential.
- 17.450.045 Standards and requirements – Commercial, industrial and institutional.
- 17.450.050 Decision findings.
- 17.450.060 Application.
- 17.450.070 Public hearing and notice.
- 17.450.100 Effect.
- 17.450.110 Revision of performance based development.
- 17.450.120 Revocation of permit.
- 17.450.130 Land use permit binder required.

17.450.010 Purpose.

To allow flexibility in design and creative site planning, while providing for the orderly development of the county. A performance based development (PBD) is to allow for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-impact development techniques and other creative designs for the development of land.

Standard regulations that may be modified through the use of a PBD include:

- A. Lot size.
- B. Lot width and depth.
- C. Structure height (only within designated urban growth areas).
- D. Setbacks (front, side and rear yards).

Minimum and maximum densities and allowed uses authorized by the zone shall not be subject to modification through the use of a PBD.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

END