

## INCREMENTAL GROWTH PROVISIONS (SENARIO PLANNING & PHASING)

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### Growth Management Act Requirements for Urban Growth Areas.

Freeland has been designated as an Urban Growth Area under the Growth Management Act GMA (RCW 36.70A.110, RCW 36.70A.115, WAC 365-196-310(2)(c)), inside of which growth shall be encouraged. The GMA requires that the County shall ensure that there is a sufficient capacity of land suitable for development to accommodate the allocated housing and employment growth (RCW 36.70A.115 & WAC 365-196-325).

#### Why are we planning for sewers in Freeland?

The Washington State Growth Management Act (GMA) requires that sewer be provided to all urban areas that are already developed but which do not currently have sewer service (WAC 365-196-320(1)(e)). Sewer planning must be consistent with the adopted Plan (not vice-versa).

Pursuant to the GMA, the obligation to provide sewer service is not limited to new Urban Growth Areas. Sewer must be provided to all urban areas, including areas, such as Freeland, that are already developed but which do not currently have sewer service (WAC 365-196-320(1)(e)). In addition, capital facility plans (including sewer plans), must be consistent with adopted land use plans (RCW 36.70A.070 & WAC 365-196-320(1)(d)). Washington State law and Island County Planning policies require that comprehensive plans cover a twenty year period, so sewer planning must show how sewer will be implemented during the planning period.

### Freeland Development Regulations.

Until sewer is provided, however, a phased approach to development shall occur in Freeland. This section outlines the phasing plan for Freeland under WAC 365-196-320 and WAC 365-196-330, allowing for slower growth with septic systems and providing mechanism for allowing for faster growth in the future if sewer is available to ensure that the UGA can accommodate the allocated growth.

Per WAC 365-196-320(1)(f), the use of on-site sewer systems within urban growth areas may be appropriate in limited circumstances where 1) there is no negative effect on basic public health, safety, and the environment and 2) the use of on-site sewer systems does not preclude development at urban densities. Such circumstances may include on-site sewer systems as a transitional strategy where there is a development phasing plan in place and where on-site systems are the best available technology for the circumstances and are designed to serve urban densities.

#### Can we grow without a sewer system?

**Yes!** The GMA allows development to occur in urban areas with septic in communities like Freeland (WAC 365-196-320(1)(f)). The use of on-site septic systems are specifically allowed under state law, including:

- Where the use of septic is a transitional strategy where there is a development plan in place, or
- Where on-site systems are the best available technology for the circumstances and are designed to serve urban densities.

For Freeland:

- At this time, densities shall be capped at septic capacity. In Island County, all systems must be installed and maintained pursuant to Island County Public Health codes (Chapter 8 ICC).
- Future densities are protected in Freeland by requiring a Future Development Plan (see below).

Please note: the incremental growth provisions only apply to the densities; all other standards (i.e. setbacks, height restrictions, and design standards for blocks, sites, and buildings) will be effective upon adoption.

**IMPLEMENTATION OF URBAN DENSITIES**

**Phasing of Densities.**

Full implementation of urban densities throughout the NMUGA will only be possible with the installation of a sewer system. Densities in Freeland are limited to (capped at) septic capacity until sewer is available, with capacity as determined by the public health official, as a transitional strategy / phasing plan for growth in the Freeland NMUGA (WAC 365-196-320(1)(f)(i) & 365-196-330). This provision will limit growth to areas with existing urban development (the NMUGA) and where there is existing service capacity (through appropriately designed septic systems), and thereafter will allow growth that will be phased to coincide with the Freeland Water & Sewer phasing plan as the infrastructure is installed.

**Protection of Future Urban Densities.**

A *Future Development Plan* will be required for each land use and building application developed with a septic system, as per ICC 17.06.105. The County will review the proposal and any applicable Future Development Plan to ensure that any development that occurs with septic will not hinder future development at urban densities, per WAC 365-196-330(2)(c). Review will include, but is not limited to, the following:

- a. Placement of buildings or lots are not in conflict with plans for future infrastructure (including roads, trails, and utilities) as approved in an adopted Comprehensive Plan, Capital Improvement Plan, Transportation Improvement Plan, Non-Motorized Trails Plan, or similar Plan adopted by the Board of Island County Commissioners; and
- b. The project is not developed in a manner that precludes future urban densities.

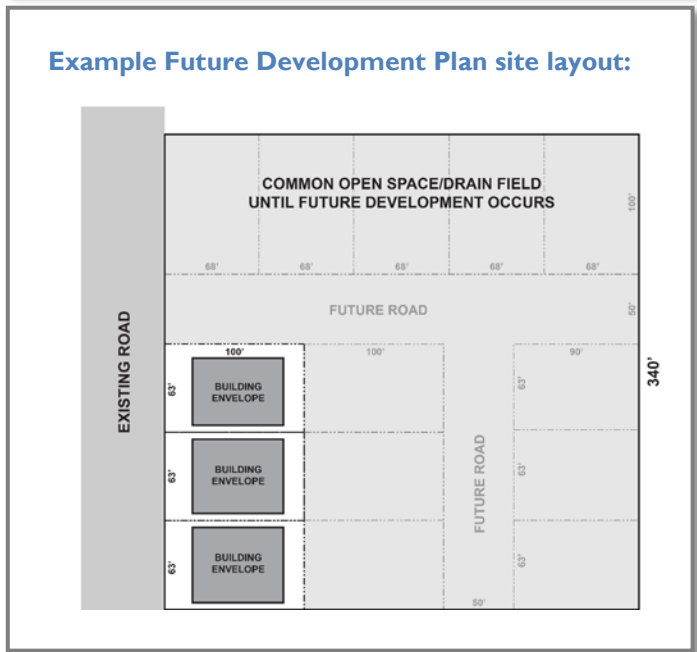
The goal is to provide standards for development in Freeland for properties with and without sewer in a manner that the ultimate implementation of the urban densities is protected (per WAC 365-196-320(1)) with limited code changes and no Plan updates when sewer is installed (per WAC 365-196-330(2)(d)).

**NON-CONFORMING STRUCTURES AND LOTS**

Incremental growth provisions for non-conforming structures and lots are allowed per ICC 17.06.250.D.2, with the primary intent to ensure an addition and/or new building added to the lot does not increase the non-conformity in relation to the setbacks and that new buildings add to the pedestrian character of the district. Existing business are encouraged to come into compliance with the new zoning code, but these provisions allow for each property owner to make an individual decision on the timing and extent of changes that work best for their business while ensuring that large changes are compliant due to their larger impact on the community.

**Are we going to be required to further develop our property in the future?**

**No.** The GMA requires us to ensure that we do not allow development that would preclude future urban densities, but it does not mandate future development. We need to make sure there is space on the parcel for additional units (and any open space and parking required for those units), but future development will always be up to the property owner.



**RESPONDING TO CHANGING CONDITIONS – FLEXIBLE CODE PROVISIONS**

**Transitional Uses.**

The Freeland community expressed a desire to have distinct zoning districts, but with smooth transitions between districts. In traditional neighborhood development patterns used in early town settlements in the US, corner lots have often been used as transition zones between residential and non-residential uses or for neighborhood nodes that can provide small commercial and/or live/work units that offer an opportunity for small local businesses that serve the community (small restaurant, doctor’s office, etc.). *In these transition areas, certain uses in the more intensive district next door can be utilized without needing to rezone.*

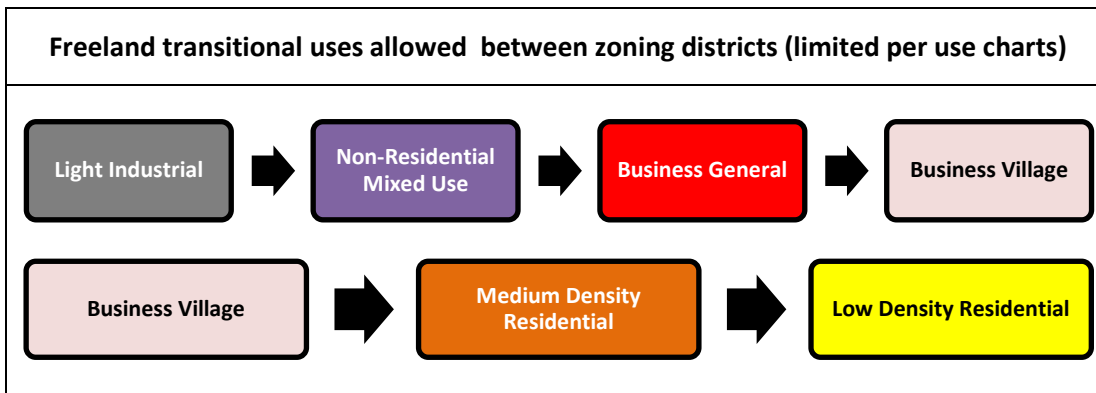
Transitional uses allow property owners to take advantage of some of the uses that are allowed in the higher density district next door without having to rezone, a less expensive way to grow.

The underlying zoning still is in effect for building and lot standards (height, etc.) to protect the neighborhood integrity.

Not all uses are permitted however. To take full advantage of the higher intensity district, a property owner must rezone the property, which is a Type III decision that requires a public hearing.

This concept can be utilized in Freeland, allowing additional (limited) uses at certain intersections where zoning district boundaries meet (where a district across the street allows for more uses than your district, for example). Transitional uses may be utilized in lieu of zoning amendments to increase flexibility in the community while still protecting the integrity of the character of the existing neighborhoods. Limitations on transitional uses are an important part of that protection, and shall include, but are not limited to, the following.

- a. Transitional uses are only allowed at intersections where zoning district boundaries meet, where property is adjacent to a district that allows additional uses at the front or side yard (rear yard adjacency is not applicable).
- b. Transitional uses are limited to the intersections that meet the above criteria; no mid-block, non-contiguous transitions will be permitted. Lots within 200-ft of identified intersections are allowed transitional uses only if the corner lot and all lots between (if any) have transitioned.
- c. Transitional uses are limited to those specifically identified by note seven (7) on the use tables (ICC 17.06.210 & ICC 17.06.220). A subset of the uses allowed in the more intense district are identified as allowed as transitional uses for the next district down, as shown in the figure below:



- d. Transitional uses do not change the underlying zoning district requirements related to lot sizes, building setback, and building heights. The Planning Director may apply additional conditions to protect the neighboring uses, based on site constraints and existing uses on neighboring properties.

**Density Shifts (High/FAST Growth Scenario).**

*Density shifts allow a property to increase density without requiring a rezoning, where they are adjacent to a higher density district, under specific market and community conditions.*

In communities that must use phasing for development, especially in communities that are transitioning from septic to sewer, it is important to find ways to integrate incremental, organic growth directly into the zoning codes, allowing for orderly growth in a way that can accommodate different growth scenarios. This is especially important in, and required for, communities like Freeland that are planning for the transition from septic to sewer where slow growth will occur under septic that must be balanced with faster growth later on to ensure the community can accommodate all of the allocated growth. Incorporating this provision directly into the code, in addition to meeting the state requirements for phasing development with the UGA (per WAC 365-196-330), has the following benefits:

- a. Allows for incremental growth through density shifts in a way that is predictable and requires minimal code updates to implement;
- b. Is responsive to the housing needs of the community as it grows and market conditions change; and
- c. Provides an effective tool for in-fill and redevelopment, benefiting local residents and small scale developers that choose to invest in their community (can also be attractive to larger builders and developers that have the ability to invest in long-term projects).

In addition to the provisions that protect future densities, the Freeland Subarea plan allows for densities to be shifted if growth in Freeland is higher than anticipated and sewer is available. Density shifts may be approved subject to the following conditions:

- a. Growth exceeds projections – if population in the NMUGA exceeds 80% of the 20-year population projection and population growth is continuing at such a rate that indicates additional population capacity may be needed prior to the next periodic update; and
- b. Limited locations – Only available for parcels zoned Low Density or Medium Density where they are adjacent to a higher density district;
- c. Density cap – the maximum density shall be 150% of the base zoning district density; and
- d. Sewer availability – only allowed if sewer is utilized to serve the parcel.

By careful management of the triggers and criteria, the community can tailor this approach to meet its housing needs while maintaining the community character and smooth transitions between zoning districts.

NOTE: A density shift shall be considered a “reasonable measure” in lieu of consideration of an expansion to the Freeland NMUGA boundary.

**Why do we have to have a fast growth provision? Why not wait and fast address growth later?**

WAC 365-196-320 allows the use of septic systems in communities like Freeland, where they are utilized as a transitional strategy as a part of a phasing plan.

WAC 365-196-330 describes the phasing plan requirements, which include a requirement that the process to transition cannot require a plan amendment (must be in the Plan).

All growth allocated for the 20-year planning period must be part of the phasing plan, per WAC 365-196-330, so slowing growth at the front end needs to be balanced with mechanism(s) to allow faster growth at the back end. Density shifts are the proposed mechanism for Freeland. Let us know if you have any other ideas to consider!