



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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### ~ MEMORANDUM ~

**TO:** Island County Board of Commissioners

**FROM:** Island County Planning & Community Development

**DATE:** December 31, 2018

**SUBJECT:** Follow-up discussion on Board questions related to Freeland processes under the new zoning code and the transition plan

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### PURPOSE

At the Board work session on 12/10/18 work session, the Board had a number of process and transition phasing related questions related to the Freeland Zoning Code. Planning and Public Works will be available to discuss the answers to the questions raised.

### BACKGROUND

Island County is implementing the adopted Freeland Subarea Plan through a new zoning code for the Freeland Non-Municipal Urban Growth Area (NMUGA). A brief review of the history of this project is provided in the attached Draft Planning Commission Findings of Fact, but the most recent work began in 2013 as Island County began the 2016 periodic update of the Island County Comprehensive Plan and the Freeland Subarea Plan. This recent work included adding a phasing plan after the Freeland Water & Sewer District plans were delayed.

The draft code is written in such a way that property owners have clear indications of what is allowed under septic and what is allowed when sewer is available, and the timing and transition is fully outlined in the phasing plan, as required per state law. The phasing plan is more fully described, including relevant WAC and RCW references, in the attached Findings.

This process has included extensive public involvement and outreach to property owners. This has included running a number of “test cases” for property owners. Most comments have been around fine-tuning the code at this point – small changes for clarity or increasing flexibility. There are a number of property owners with projects “in the wings” waiting for this code to be adopted, including several projects for cottage housing developments, one mixed-use development, and one project that would like to utilize the affordable housing bonus provisions for the Business Village District.

This new code will allow:

- Implement the Freeland Subarea Plan;
- Establish a clearly defined transition/phasing plan;
- Allow for a development pattern that will not impede future urban development;
- Allow for rezoning without requiring a Subarea Plan; and
- Allow development of several proposed higher-density projects that are not currently allowed.

## GENERAL PROCESS & TRANSITION QUESTIONS

### Why now when sewer has been delayed again?

The Growth Management Act requires planning for sewers in urban growth areas (WAC 365-196-320, WAC 365-196-310, and WAC 365-196-320) and that sewer plans must be consistent with the adopted land use plan (RCW 57.02.040, RCW 57.16.010, WAC 173-240-050, WAC 246-290-100, WAC 246-290-108 & WAC 365-196-320) – not the other way around. The sewer plans must match the land use plan.

Until such a time as sewer is available, densities will be limited in Freeland, per WAC 365-196-320 and WAC 365-196-330. The GMA allows development to occur in urban areas utilizing septic in communities like Freeland (WAC 365-196-320(1)(f)). The use of on-site septic systems is specifically allowed under state law, including:

- As a transitional strategy where a development plan is in place, or
- Where they are the best available technology for the circumstances and designed to serve urban densities.

The phasing plan was added to the Freeland Subarea Plan and development regulations **to allow the community to move forward with new standards for land use, architecture, lighting, signage, landscaping, etc.** The phasing provisions, as allowed under the Growth Management Act (WAC 365-196), will govern the implementation of densities with the NMUGA. This will ensure that all new development will be consistent with the vision of the Subarea Plan even if the densities are phased in.

### What is new, allowed under this code w/o sewer?

In addition to the architecture, lighting, signage, and landscaping standards, the land use provisions have been migrated from 17.03.180 and revised to urban standards in a manner that is appropriate to the scale of a rural village. Some of these provisions include:

- Mobile home lot sizes are smaller than in the Rural area
- Guest house sizing is limited due to smaller lot sizes, but allowed in a greater number and not counted in annual maximum.
- Home-based business conditions vary by housing unit type (i.e. different for a detached single-family than for an apartment in a mixed-use development, etc.)

In addition, we have added a number of provisions that encourage a diversification of our housing unit types and make affordable and workforce housing easier to develop. These provisions include:

- Cottage housing provisions. Projects developed in Freeland will be used to test and refine these provisions, with the goal of making this option available in our RAIDs.
- The Medium Density zoning district specifically addresses the “missing middle” housing types (duplex, tri-plex, townhomes, court-yard apartments, small mixed-use, etc.) in a manner that makes it clear that these housing units are appropriate and desired here.
- Added a height increase (a type of density bonus) for affordable housing units developed in the Business Village district.

Density is limited to septic capacity unless sewer is available. This code is written in such a way that as septic technology evolves, and property owners options evolve with the new technology, code updates will not be required. It is important to note, however, that full implementation of the potential density will not be possible without a sewer system. The quality and character of what will be developed will be appropriate for the area, in compliance with the Subarea Plan, and will not preclude future urban densities.

### Does this code set a precedent for other small area plans/codes?

No. This code is written to address the requirements for urban growth areas under the Growth Management Act. The Freeland NMUGA is the only UGA under county jurisdiction. The Board, at its discretion, may choose to complete subarea plans for any portion of Island County, but nothing in this Subarea Plan and zoning code sets a precedent for non-UGA areas.

Many of the code provisions in the Freeland Zoning Code will be used as models for updates to other areas of Island County Code. As we fine-tuned the provisions from 17.03.180, for instance, we identified many areas where we can update the provisions in 180 (i.e. updates for home based businesses, etc.).

### Who maintains open space?

Open space requirements under this code are private open space to be maintained by the property owner or property owners association. There are no provisions for open space dedications to the County. The Board may always choose to acquire or accept donations or easements through their regular processes.

### Long term costs for infrastructure maintenance

The County is requiring, as a condition of development, the installation of sidewalks in the Freeland NMUGA and in the RAIDs. Once installed, the County does assume maintenance if within the Right-of-Way. Public Works has a process for maintaining sidewalks (CIP/TIP), and has indicated that costs are minimal (with some increases due to ADA accommodations).

The County does not typically accept new roads at this time. If a developer or group of property owners would like roads to be transitioned to the County for maintenance, Public Works has a full review process and strict construction standards. That review process applies to all roads in the County.

The County may seek an easement for trails, etc. The property owner typically maintains the private portion of the trail, as we do not obtain ownership through the easement process.

### Will there be new development review processes? Do we need additional fees?

These regulations do not introduce any new review processes. The checklists for review will be different, typically a bit longer, and in some cases will include new information required as part of the submittal (i.e. lighting photometrics plan). New applications and submittal packets will be developed that explain the submittal requirements. As always, the review times are largely dependent upon the quality and completeness of the application.

The code has been written to simplify the review as much as possible. For instance, in several areas the code requires an applicant to “pick 3” or “pick 4” of a list of options. In this instance, staff review will be as simple as verifying that the required number of elements are present. The key will be clear checklists and complete submittals. If we have the information needed, review times will be on par with review of projects from other areas, though we do anticipate a learning curve for applicants and staff as we transition to the new code.

#### **Attachments:**

- Draft PC Findings of Fact