



Skagit County Planning & Development Services

DALE PERNULA, AICP *Director*

JACK MOORE, CBCO *Building Official*

Memorandum

2013 Comprehensive Plan Amendment Docket, Kim Yong Ho Map Amendment Proposal (PL13-0302)

From: Kirk Johnson, AICP, Senior Planner

Date: August 28, 2014

This proposal seeks to redesignate and rezone P21180, an approximately 2.65 acre parcel, from Rural Reserve to Small Scale Business. The parcel is located on the south side of SR 20, just east of La Conner-Whitney Road and an existing Shell gas station that is zoned Rural Business (see maps and aerial photo, Exhibit A). The land immediately south of the subject parcel is zoned Ag-NRL.

The applicant/owner seeks commercial zoning for the property given its location along SR 20 at a major intersection with La Conner-Whitney Road and next to an existing commercial use, and its unsuitability for residential development which is the primary intended use in Rural Reserve. The applicant also notes (and Assessor's records verify) that the Assessor's office has been taxing the property at a high commercial rate since the construction of the adjacent Shell station in 1997. The applicant apparently was under the impression that the property had commercial zoning or development potential until a recent inquiry with the Planning & Development Services department ("the Department") indicated otherwise.

Background

In the late 1990s, Skagit County conducted a detailed inventory of rural commercial and industrial zoning and uses, as part of making the County's rural commercial and industrial zoning consistent with the Growth Management Act (GMA). The goal at the time was to retain existing rural commercial/industrial uses and zoned properties while establishing new land use designations and zoning regulations consistent with GMA. The County applied the new, GMA-compliant rural commercial/industrial designations and zones to existing uses and vacant parcels that had pre-GMA Commercial/Limited Industrial zoning. That is how the Shell station obtained a Rural Business designation. At the time, the County determined that Rural Business was not a suitable designation for P21180 due to the lack of an existing commercial use. Rural Business allows the continuation of existing uses but does not allow the establishment of new commercial uses and therefore is not an appropriate designation for vacant land.

At the present time, the applicant is applying for the Small Scale Business designation which, unlike Rural Business, does allow the establishment of new commercial/industrial uses where one did not previously exist:

- Comprehensive Plan policy 3C-9.1 states: "The Small-Scale Business (SSB) designation is intended to provide for commercial or industrial uses involving the provision of services or

the fabrication or production of goods, primarily for clients and markets outside of the rural area. The SSB designation may be applied to existing *or new businesses*, whereas the Rural Business designation applies only to businesses that were established as of June 1, 1997.” (emphasis added)

- Skagit County Code 14.16.140(1) states: “Purpose. The Small Scale Business zoning district supports existing *and new* small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.” (emphasis added)

Department Recommendation

The Department recommends **approval** of the amendment proposal to redesignate P21180 from Rural Reserve to Small-Scale Business, based on the following findings:

1. The parcel is located in an area of existing commercial and industrial uses and would be suitable for the types of activities permitted by the Small Scale Business designation and zone. Utilities are available to the site, including public water.
2. Given its location on SR 20 and immediately adjacent to a gas station, the parcel is not well-suited for rural residential development which is the primary intended use in Rural Reserve. It is an isolated 2.65-acre island of Rural Reserve.
3. The County Assessor’s office has been assessing the property at high commercial rates since construction of the Shell gas station that is immediately adjacent to it.
4. No natural resource land will be taken out of production through the redesignation of P21180 from Rural Reserve to Small Scale Business, in compliance with Small Scale Business designation policy 3C-9.7. Care will need to be given when reviewing future development projects on the parcel to ensure they do not conflict with farming activities on the adjacent Ag-NRL lands. Any use developed on the property would need to comply with SCC 14.16.810(7), addressing setbacks of uses adjacent to designated Natural Resource Lands including Ag-NRL.

One final important consideration with the Small Scale Business designation is the following:

Small Scale Business is not a general commercial retail designation and zone. As described in the following policies, which are based on GMA provisions in RCW 36.70.070(5)(d)(iii), Small Scale Business uses are intended to provide job opportunities for rural residents but are not principally designed to serve the commercial needs of the rural population. This distinction is further described in the following comprehensive plan designation policies and zoning regulations:

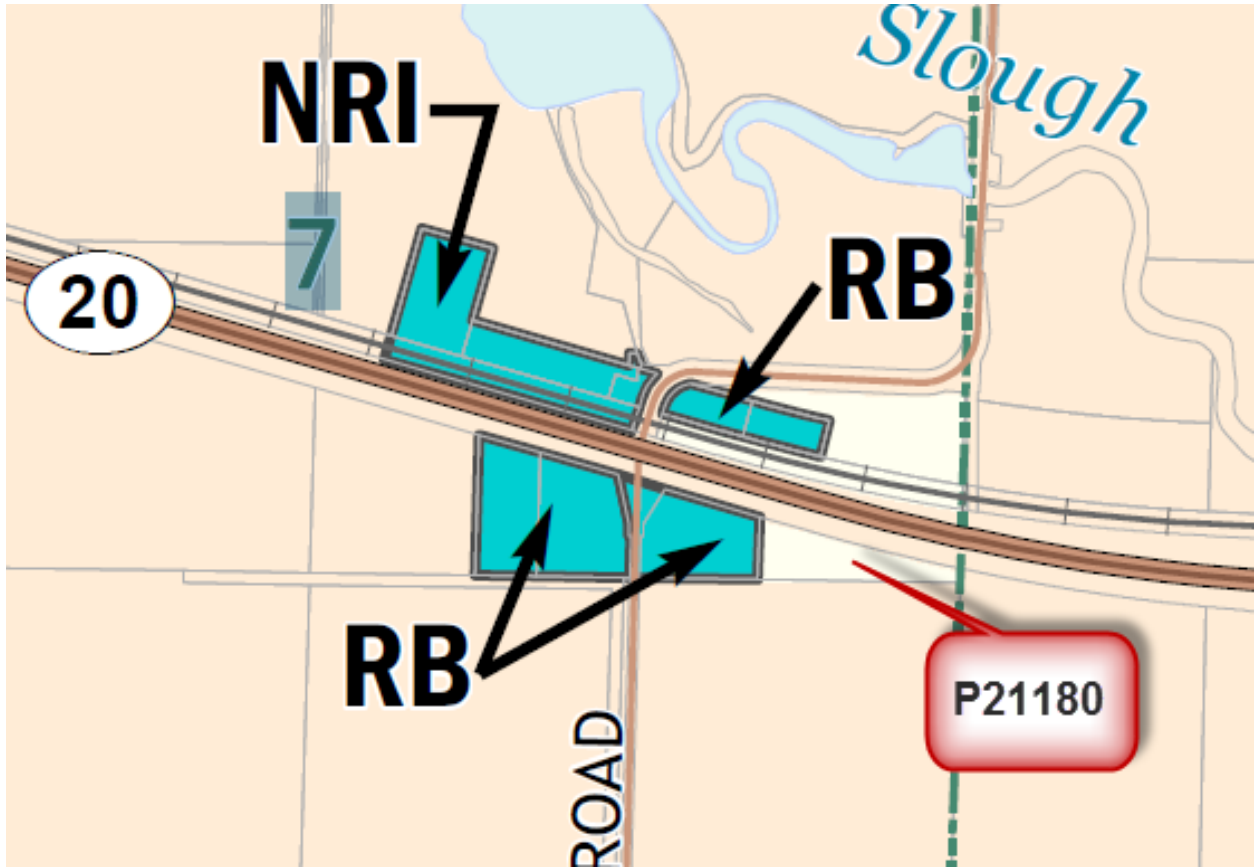
- CP Policy 3C-9.1: “The Small-Scale Business (SSB) designation is intended to provide for commercial or industrial uses involving the provision of services or the fabrication or production of goods, *primarily for clients and markets outside of the rural area.*” (emphasis added)

- Policy 3C-9.2: “...*The business may have customers visit the site, but retail sales are limited to products primarily produced on site.*” (emphasis added)
- SCC 14.16.140(2) “Permitted Uses. The following small scale commercial or industrial uses that provide job opportunities for rural residents, *but are not principally designed to serve the existing and projected rural population.*” (emphasis added)

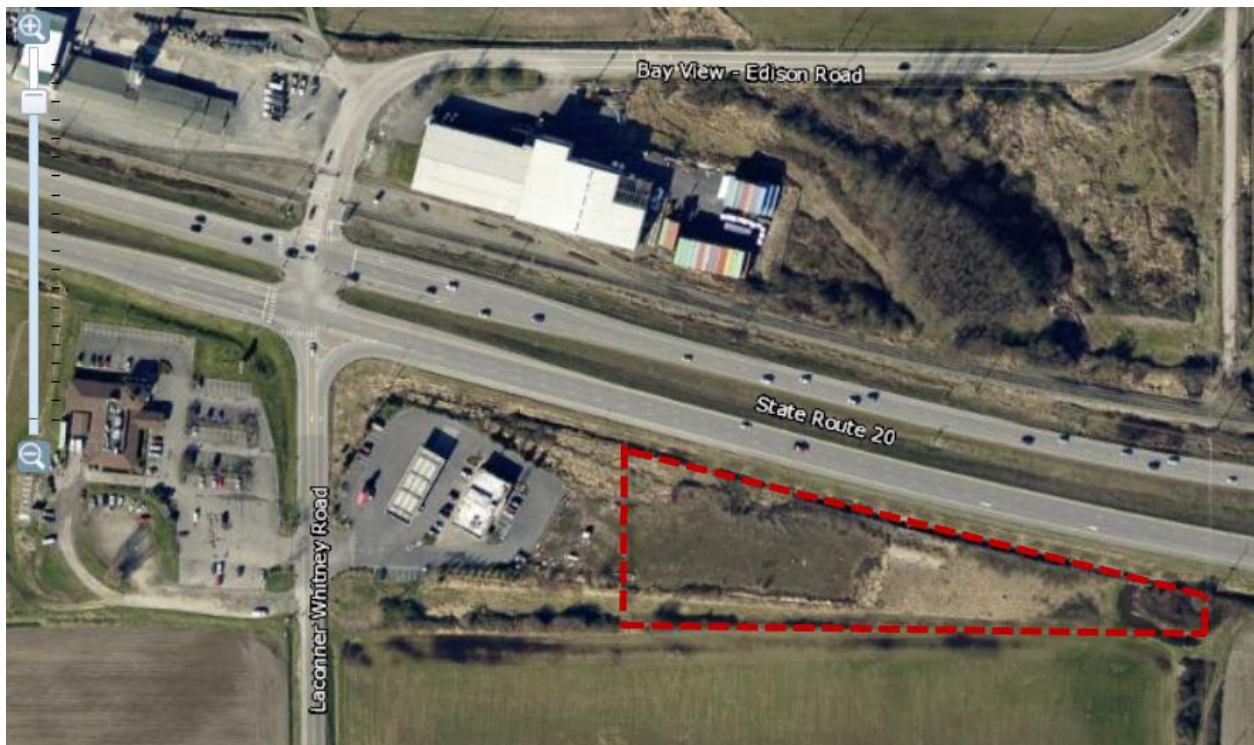
From the application materials, it appears that the applicant may be thinking of developing general commercial retail uses (store, mini-mart, service station) intended to serve the traveling public on SR 20: “After an approval of this Comprehensive Plan Amendment...the owner would like to explore developing the parcel to provide small scale business (SSB) to the surrounding commuting communities and highway pass-by motorists. This land use concept is compatible with the surrounding neighboring commercial parcels.”

However, such uses would be inconsistent with the purpose and intent of the designation and zone as described in the above and related Small Scale Business policies and zoning regulations.

Exhibit A: Comprehensive Plan/Zoning Map view of P21180



Aerial photo showing approximate location of P21180 (this image *does not* reflect precise parcel boundaries)



Preliminary Future Site Plan, from Applicant's Submittal Package

Preliminary Future Site Plan

