



# Planning & Development Services

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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, AICP  
Nick Schmeck, Long Range Planning Intern

Date: October 1, 2019

Re: **Planning Commission Workshop – Docket Item C-3**

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### Summary:

Planning and Development Services (PDS) is providing this staff report in advance of the October 8, 2019 Planning Commission workshop on docket item C-3 Binding Site Plans. The proposed amendments would remove the requirement of a Binding Site Plan for commercial or industrial development that involve 2 or more leases and/or transfers of ownership.

### Action Requested of the Planning Commission:

Action requested from the Planning Commission is a recorded motion approving docket item C-3 to be accepted as a 2019 Comprehensive Plan amendment.

### Background/Discussion:

RCW 36.70A.130 – Comprehensive Plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. On March 19, 2019 the 2019 Docket for amendments to the Comprehensive Plan, Zoning Map, and/or Development Regulations was voted into action by Skagit County's Board of County Commissioners (BoCC's) via approval of Resolution R20190052. SCC 14.08.080(6) and (7) requires code revisions to be reviewed by the Planning Commission.

If approved docket item C-3 would no longer require an applicant to record a binding site plan in order to lease space to two or more entities within a development. The department recommends the deletion of SCC 14.18.500(2)(c).

### Next Steps:

- Planning Commission may task PDS with next steps such as research and development
- Planning Commission will host a public hearing prior to deliberating and deciding on a recommendation
- The recommendation will then be passed onto the BOCC's who will host a public hearing and consider the recommendation

- If approved, PDS staff will implement the code amendment as part of the development review process

**Applicable County Policies:**

The following County Policies are applicable to this Comprehensive Plan Amendment item:

Economic Development Chapter of Comprehensive Plan Goals

- Employment
  - Goal 11A: Encourage the creation and retention of diverse employment opportunities.
- Commercial and Industrial Development
  - Retention Goal 11B-6: *Promote the retention and expansion of existing local businesses as a first priority while also promoting the start-up of new businesses particularly those providing living wage jobs.*

**List of Attachments:**

Attachment A: Code Revisions

## Attachment A

Plain text = existing code with no changes
<del>Strikethrough</del> = existing code to be deleted
<u>Underlined</u> = new code to be added
<del>Double Strikethrough</del> = existing code moved to another location
<u>Double Underline</u> = existing code moved from another location
<i>Italics</i> = instructions to code reviser

### 14.18.500 Binding site plans.

#### (1) Purpose. The purposes of this Section are:

- (a) To provide an alternative administrative method for division of land for commercial and industrial zoned property, or condominiums;
- (b) To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the County;
- (c) To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
- (d) To specify administrative requirements for binding site plans in addition to the procedural requirements of Chapter 14.06 SCC and in accordance with applicable Washington State and Skagit County laws, rules and regulations.

#### (2) General Provisions.

- (a) Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, or creation of condominium units, is required to apply for, complete and have approved a binding site plan, as provided in Chapter 58.17 RCW and as required by this Chapter.
- (b) The site that is subject to the binding site plan may be reviewed independently, based on as-built plans, for fully developed sites.
- ~~(c) Binding site plans shall be required for any commercial or industrial development that involves 2 or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure.~~
- (d) The site that is subject to the binding site plan shall consist of 1 or more contiguous legal lots of record.



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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, AICP  
Nick Schmeck, Long Range Planning Intern

Date: October 8, 2019

Re: **Planning Commission Workshop Follow up – Docket Item C-3**

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This is a supplemental staff report outlines questions from planning commissioners from the July 2 2019 Planning Commission workshop on docket item C-3. Questions and responses from staff are outlined below.

**Question:** What is the justification behind this docket item?

**Response:** SCC 14.18.500(2)(c) has been hindering economic development of small incubator business near the airport and zones near Bayview Ridge including Bayview Ridge-Light Industrial and Heavy Industrial and Aviation Related and Aviation Related Limited. The code provision requires a property owner to process and complete a land division (Binding Site Plan) in order to be able to lease space to more than two entities. Staff believes the intent of the Binding Site Plan process was to provide a more efficient way for commercial and industrial property owners to be able to transfer (sell) properties, in an effort to promote economic development.

Staff spoke with a local property owner who noted that this requirement encumbers his ability to lease space to business that would like to locate in Skagit County. He noted that by the time he hires a surveyor, completes the first application, gains approval, and records the final survey, the user can already be accommodated within Whatcom County or Anacortes where there are not similar requirements.

**Question:** Why would only BR-LI, BR-HI, AVR, and AVR-L be exempt from 14.18.500(2)(c) and not any other zones?

**Response:**

These were the specific zones that were identified last year, Upon closer examination of the standard PDS is proposing to remove SCC 14.18.500(2)(c). After reviewing this section of code and having discussions with staff members, it has been determined that this section of the code is inhibiting economic development because it requires an applicant to get approval of a land

division to be able to lease space. Land divisions are necessary to be able to transfer (sell) property, they are not necessary to be able to lease property.