



# Planning & Development Services

---

1800 Continental Place ▪ Mount Vernon, Washington 98273  
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

## Memorandum

*Proposed County-Initiated Map Amendment for Jensen Property*

To: Board of County Commissioners

From: Kirk Johnson, Senior Planner

Date: October 20, 2016

### Overview

The Department proposes that one additional County-initiated Comprehensive Plan Map amendment be added to the proposed 2017 docket. The property, P74450 and P20724 owned by Pearl Jensen and Larry Jensen, is located just outside of the La Conner town limits along the Swinomish Channel, as shown on p. 3.

The property has a residence and is zoned Rural Business, although there is no business located on site. The Rural Business zone only allows a residence as an accessory use to a business, making this residence a non-conforming use.

According to Skagit County Code 14.16.880 (nonconforming uses and structures) the residence can continue as a residence but may not be expanded, altered, or reconstructed. For instance, the owner could not add a deck to the house.

### Zoning History

The property has a complex zoning history. In the early 1990s, at the request of the landowner, it and two adjacent tracts to the south (which were all under single ownership at the time) were rezoned from Ag-NRL to Commercial-Limited Industrial (C-LI), the County's general commercial zone at the time. Shortly thereafter, the property owner obtained a land division separating the tract with the residence from the two tracts to the south, which were sold and now support commercial uses.

When the County's 1997 Comprehensive Plan Map was adopted, the property as a whole (including the residential tract and the two commercial tracts) was mistakenly mapped as being part of the town limits.

The Department learned of this situation in 2012 and proposed to correct the map by designating the three tracts as Rural Business, which is a successor to the C-LI zone. At the time, the Department did not realize the tract containing the residence contained no commercial use. Department records indicate the landowner received notice of the proposed change but did not comment.

The map amendment was approved, and the three tracts were redesignated to Rural Business, creating the nonconforming structure situation for the residential tract (P74450 and P20724).

Because more thorough due diligence by the Department could have revealed this situation, the Department believes a County-initiated map amendment is warranted to correct the zoning.

The Department believes the most appropriate zone for the property would be Rural Reserve, which would make the residence a conforming use and structure. Although this would be a spot zone, a spot zone can be appropriate where the circumstances justify different zoning for an individual parcel. The Department believes this is such a situation.

The Department has communicated with the property owner who supports the proposed re-designation to Rural Reserve.

**Requested Action**

If the Board agrees, it should approve a motion adding the amendment to the list of proposed County-initiated 2017 docket items. The entire 2017 docket proposal will be released for public review and comment in early November, with a hearing before the Board scheduled for December 5.

Pearl Jensen and Larry Jensen Property, P74450 and P20724  
Proposed for redesignation to Rural Reserve

