

Adam Zack

From: Randall Wilburn <rbw@gwtlaw.com>
Sent: Sunday, March 4, 2018 4:58 PM
To: madrona@kwiaht.org; Linda Ann Kuller; Lopez Village Subarea Planning Comments
Subject: Comments on Draft Lopez Village Subarea Plan

Dear Madrona, Linda, Shannon, and the members of the Lopez Village Planning Review Committee,

Thank you for hosting the pop-up presentation at the LVM as well as your service to the community. Volunteer work is critical to our island. Not only does it supplement the daily workload of county staff, it deepens relationships within the community. It is safe to say that most (if not all) of you volunteered for this committee because you truly care about our community and want to make a difference. Of course, our staff liaison puts a face on the planning effort so you as volunteers and community members alike know to whom to turn for questions, advice, or problem solving. As someone who has been involved with various national, state, and local committees, I again want to thank you for your service.

With that said, I have some general comments.... 😊

Our draft plan ignores the fact that tourism is the sole engine that drives the island's economy. The economic importance of tourism to our community is underappreciated and extends well beyond the core hospitality sector. Without tourism, our community's economy would suffer greatly, and many jobs, if not most, would disappear. While we all complain about two or more people in line at the LVM during July, the fact is that these tourists' visits for a week or so feed our families for the entire year. Tourism creates jobs, both through direct employment within the tourism industry and indirectly in sectors such as retail, construction, service, and transportation. When the people working within these ancillary sectors spend their wages on goods and services, it leads to what is known as the "multiplier effect," creating even more jobs on the island. The tourism industry also provides opportunities for small-scale business enterprises (e.g., artists, realtors, shop owners, etc.), which is especially important in rural communities like ours. Tourism generates extra tax revenues, through sales and lodging taxes, which can be used for schools, housing, health care, and other community needs.

Our draft plan overlooks the Village's greatest asset ... its location on the water at the mouth of Fisherman Bay. The shape of the UGA and the inclusion or exclusion of property within the UGA is arbitrary and capricious and ripe for legal challenge. Property on the west side of Lopez Road north of 315 Lopez Rd (extending north to the sewer district property) should be included within the UGA and its land use designation changed to Commercial. A boardwalk-style commercial sector along the bay would provide an economic destination for tourists and locals alike. Property north of a line running east-west of an extension of Sunset Lane should be excluded from the UGA, as this outlying property is not located sufficiently close to the Village core to justify inclusion within the UGA. Moreover, there are a number of properties along Fisherman Bay Road that were inexplicably and arbitrarily excluded from the UGA.

Our draft plan lacks a unified vision. Our draft plan should include a "Handbook of Design Standards" that recognizes our island's history and identifies important design variables, including architectural features, building massing, orientation, and development patterns, which contribute to our community's identity. These tools should ensure that alterations and new construction complement and add value to the built environment. Today, the Village lacks continuity in design and construction. It includes many buildings and much housing that is simply an eyesore and leaves an unfavorable impression on residents and visitors alike.

Our draft plan should recognize Lopez Island as a cohesive and diverse community where the natural beauty of the island is augmented by world class recreational opportunities that provide diverse activities throughout the year. Community facilities should serve those activities in a way that enriches the visitor experience while ensuring affordable and accessible recreation opportunities for residents and visitors. The plan should ensure that wildlife and its habitat are protected, that views to the surrounding waters and mountains are maintained, that both air and water quality are clean and improved, and new island-wide trails are created to link all of the island's natural and recreational locations.

A diversity of housing should be integrated throughout the island, and the San Juan County Council should finally step up and provide a variety of housing options across the island through changes in the development code. However, this Village Plan is NOT the appropriate vehicle to address housing. Moreover, affordable housing is NOT the best and highest use of any property within the Village, and the Land Use Plan should exclude any future residential housing within the

UGA. Outside the context of this plan, the community as a whole should continue its ongoing discussions regarding affordable housing within San Juan County and on the island.

Now for some specific comments.... finally. 😊

The proposed land use for the property that currently houses the Grace Church is incorrectly proposed as Institutional. This property has both an existing deed restriction and plat restriction that limits all future use of this property to one (1) single-family residence, and the property cannot be subdivided. While it is true that the church occupies this property currently, that use was allowed as part of a one-time exception granted by the landowners within the subdivision. When the Grace Church no longer occupies the property, the use will revert back to one single-family residence.

Village Road should be changed to a Great Village Lawn or mall. From Fisherman Bay Road to Eads Lane, the payment should be removed. Few businesses actually front onto Village Road along that stretch, and those that do front Village Road could be accessed via back alleys or other adjacent roadways with ease. This Great Village Lawn would connect the community's civic areas: the Community Center, the Farmers' Market, and the Primary Care Clinic.

Regarding our property at 1823 Fisherman Bay Road, I have the following comments.

Land Use Plan: The front half of the property has a deed and plat restriction for commercial use. I ask that the Planning Review Committee revise the land use plan to reflect these existing land use restrictions.

Connectivity Plan: The plan shows a proposed secondary path across our property from the south side of Weeks Road to Bette Shuh's property. Such a path would not serve any public purpose, as it could only serve Bette's property. Also, such a path would be injurious to our property rights and a taking under the Washington State and U.S. Constitutions. As an aside, I suggest removing all of the proposed secondary paths from the Connectivity Plan. Also, the crosswalk across Fisherman Bay Road at Weeks Road leads to nowhere and will be a waste of money.

The plan also shows a path on the east side of Fisherman Bay Road. First, there is not space within the existing 60-ft right-of-way to build another path. From the centerline of the right-of-way to our property line, the existing pavement and bar ditch occupy all 30 feet. Instead of wasting time, money, and valuable resources on a duplicative path, I suggest extending the existing path on the west side of Fisherman Bay Road to the north and, more importantly, to the south all the to the Islander Resort and beyond.

Tree Planting Plan: This plan proposes planting trees along Fisherman Bay Road. As mentioned above, there is insufficient room within the existing Fisherman Bay Road right-of-way to plant any trees – on the east or west side. Moreover, on the east side of Fisherman Bay Road, any planted trees would destroy or interfere with the existing OPALCO electrical line that serves the Village, the Rock Island fiber optic line, and the Fisherman Bay Sewer District main trunk line. Finally, these proposed trees would block the views of the existing landowners on the east side of the Village. Please delete the proposed trees from the plan.

Also, the plan proposed the planting of tree species that typically reach 70-feet tall and exceptionally rise to over 130 feet. While these Paper Birch often grow with a single trunk within forests, these trees may develop multiple trunks and problematic low-hanging branches as a landscape tree. Please delete these species from the plan.

One final note. I think many on the island believe that they have not been given an opportunity to comment on this plan. I realize you are having a meeting on March 7th, but that meeting has received little attention or announcement. I would suggest multiple meetings over the next few months to ensure you have received everyone's input.

I apologize for not being able to attend your meeting on March 7th. Unfortunately, I have to commute 2300 miles for work, and I have conflicting meetings already scheduled for that day.

Again, thank you for your service and the opportunity to provide these brief comments.

Randy



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