




SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

REPORT DATE: August 6, 2021
TO: San Juan County Planning Commission
CC: Erika Shook, AICP, DCD Director
FROM: Adam Zack, Planner III 
SUBJECT: 2036 Comprehensive Plan Update
Section B, Element 2, Land Use and Rural
Land Use Review Request
DISCUSSION: August 20, 2021
ATTACHMENTS: A. Land Use Review Request Form Submitted by Dean Frey
B. Lopez Village Subarea Plan excerpt: Goals and Policies
C. Draft Lopez Village Planning Review Committee Minutes for June 11, 2021

PURPOSE

To discuss and get preliminary recommendation on a land use review request submitted for a parcel in the Lopez Village Urban Growth Area (UGA). This request will be addressed during the Comprehensive Plan (*Plan*) update.

FEEDBACK REQUESTED

Please provide a preliminary recommendation on the land use review request submitted for Tax Parcel Number (TPN) 251423013000. The request is for re-designation from Lopez Village Residential (LVR) to Lopez Village Commercial (LVC). The request for review was submitted in March 2021.

PUBLIC COMMENTS

Please send all public comments to compplancomments@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or County Staff. Written public comments received by August 19 will be provided to the Planning Commission prior to the meeting. Please focus public comments on the issues and options contemplated in this report.

BACKGROUND

The Lopez Village Subarea Plan (LVSP) was adopted in 2019 by Ordinance 11-2019. The LVSP designated TPN 251423013000 Lopez Village Residential (LVR) on the Official Maps. Both the LVR and LVC land use designations did not exist prior to the adoption of the LVSP. Prior to the adoption of the LVSP, the entire Lopez Village UGA was designated Village Commercial, including the subject property. The applicant is interested in developing the subject property with commercial uses. Many commercial uses are prohibited

in the LVR designation and allowed in the LVC designation. Re-designating the property as requested would allow the applicant to pursue the necessary permits for commercial development on the subject property.

The submitted request was assigned file number 21-0001. Map 1 shows an aerial photograph of the subject parcel and the land use designations in the area. Table 1 summarizes the request and provides a link to the submitted application. The application is also included as Attachment A of this memo. The Lopez Village Planning Review Committee (LVPRC) considered this request during their June 11, 2021 meeting (Attachment C). Their recommendation is summarized after the staff analysis.

Map 1. Request 21-0001.



Table 1. Request 21-0001 Summary.

Request Number	Island	TPN	Address	Applicant Name
21-0001	Lopez	251423013000	Kingfisher Short Plat, Lot 1 (no assigned address)	Dean Frey

Summary of Request

Change land use designation from Lopez Village Residential to Lopez Village Commercial.

The property owner is requesting a change of land use designation from Lopez Village Residential to Lopez Village Commercial to allow for commercial development on the property. This 0.56-acre parcel is in the Lopez Village UGA on Fisherman Bay Road, about 300 feet north of the intersection with Weeks Road.

The Lopez Village Subarea Plan was updated in 2019. Prior to 2019, all parcels in the Lopez Village UGA were designated Village Commercial. Lopez Village now contains three land use designations, Lopez Village Commercial (LVC), Lopez Village Institutional (LVI), and Lopez Village Residential (LVR).

Surrounding Land Uses and Designations

North: Residential, LVR
South: Residential, LVR
East: Residential, LVR
West: Residential, Rural Farm Forest (RFF)

Link to Request: <https://www.sanjuanco.com/DocumentCenter/View/22664/>

OPTIONS

OPTION A: Re-designate TPN 251423013000 to LVC.

Re-designating the subject parcel LVC would allow more commercial uses to be developed in the future. The land use designations on the *Plan* Official Maps designate areas for future land uses, as the land is developed. The following commercial land uses are prohibited in LVR and allowed in LVC as established in San Juan County Code (SJCC) 18.30.750 Allowed and prohibited uses in Lopez Village urban growth area:

- Animal shelters and kennels;
- Artisan activities;
- Brewery, distillery, wine, and mead-making;
- Day care for 7 or more children;
- Drinking establishment;
- Eating establishment;
- Hotel/Motel;
- Personal and professional services;
- Retail sales and services;
- Farmers market; and
- Unnamed commercial uses.

Re-designating the subject parcel to LVC would allow the property owner to develop commercial uses on the subject property.

If this single parcel is re-designated to LVC and the surrounding area remains LVR, there is a potential for conflict between the more intense commercial land uses allowed in LVC and lower intensity residential uses

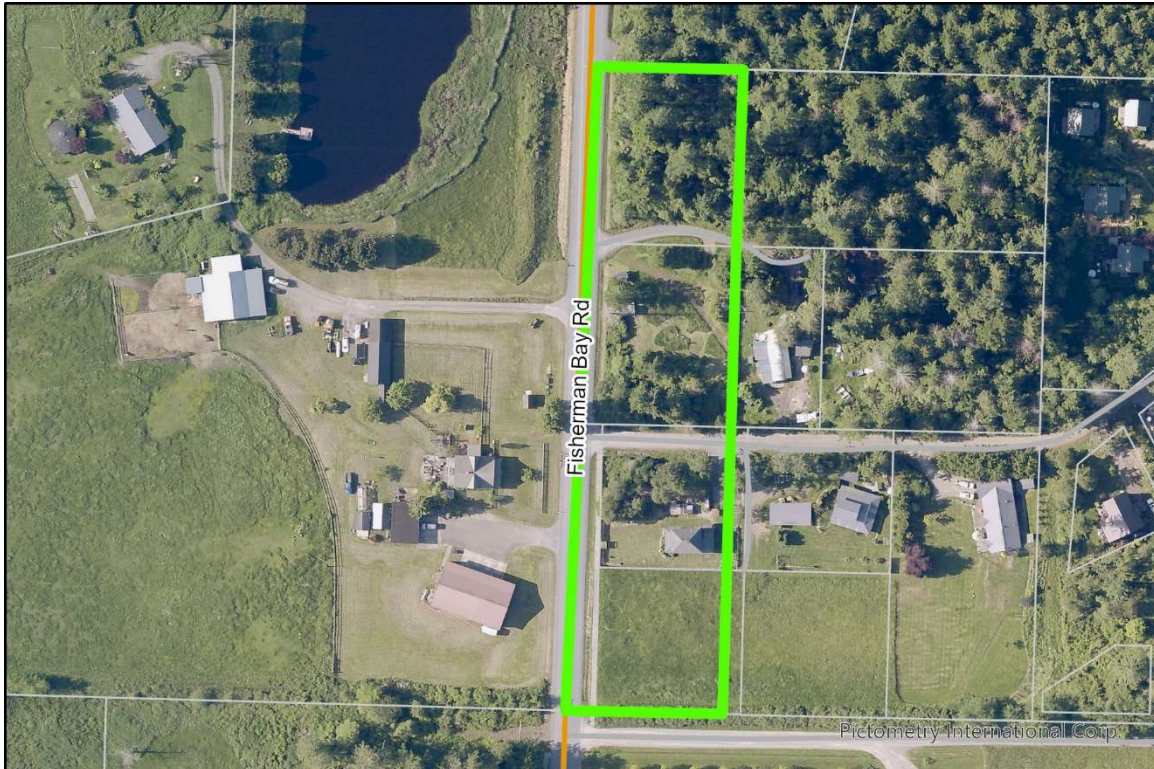
allowed in LVR. The principal purpose for designating areas for future land uses on the *Plan Official Map* is to ensure that as development occurs it is orderly and does not create new or exacerbate existing incompatibility between different land uses. Spot-designating a single parcel LVC amidst an area designated LVR could increase the potential for conflicts between land uses as nonresidential development occurs in the area.

OPTION B: Re-designate a 160' wide strip along Fisherman Bay Road between the UGA boundary and Sunset Lane LVC.

An alternative to spot-designating the subject parcel LVC would be to re-designate a strip of LVC along Fisherman Bay Road. Designating a larger area LVC could reduce conflicts between commercial and residential land uses because similar uses are likely to develop next to each other. Limiting the area that would be designated LVC to only those parcels that front along Fisherman Bay Road will keep commercial uses from developing in the residential area further to the east along Milagra Lane. This will also have the added benefit of limiting the amount of traffic that could be generated along the unsurfaced private roads in the area: Kingfisher Way, Milagra Lane, and Sunset Lane.

The strip of commercial land along Fisherman Bay Road could be limited to the depth of the subject property, roughly 160 feet from the road centerline. Map 2 shows the area that could be designated LVC along Fisherman Bay Road outlined in green.

Map 2. Area to be Designated Lopez Village Commercial Under Option B.



Source: SJC GIS.

If this area were designated LVC, some residential uses that are allowed in LVR would be prohibited under the new land use designation per SJCC 18.30.750. Single-family residential units and two-family residential (duplex) are residential uses prohibited in LVC and allowed in LVR. There is one single-family residence (SFR) in the area highlighted on Map 2 above, on parcel 251450003000. This existing SFR would become

nonconforming to the land use designation if parcel 251450003000 is re-designated LVC. Nonconforming uses can be modified, intensified, or expanded subject to the requirements in SJCC 18.40.310 Nonconforming structures and uses.

If the LVPRC would like to recommend Option B, there are three alternatives for SFR in the commercial strip along Fisherman Bay Road.

Option B.1: Allow Single-Family Residences in LVC.

Allowing SFR in LVC would prevent the existing SFR in the area re-designated under Option B from becoming nonconforming. This would also allow SFRs in all the other areas designated LVC. Option B.1 could be altered to specifically allow SFR in LVC only on the parcels that front on Fisherman Bay Road. One downside of allowing new SFRs to be developed within LVC is that areas designated for commercial development could be occupied by residential development. This could lead to incompatibility between more-intense commercial development and low-intensity residential development. Furthermore, if commercially designated areas become developed with residential uses, they are unlikely to also have commercial uses. This could be counter to other objectives in the LVSP directed at developing a compact commercial core in the Lopez Village UGA.

Option B.2: Only Allow Existing Single-Family Residences in LVC.

Allowing existing SFR in LVC would prevent the existing SFR in the area re-designated under Option B from becoming nonconforming. One advantage of limiting SFR in LVC to only those existing is that it could prevent these commercially designated parcels from developing with SFRs. This would keep these areas primarily commercial as they develop. The downside in the area proposed in Option B is that the other property owners would not be able to develop SFRs on these parcels. Some of these property owners might be planning to develop their property with SFRs but have not done so yet.

Option B.3: No Change.

No change regarding SFRs is required if Option B is the preferred option. The existing SFR would become a nonconforming land use. Nonconforming structures and uses can be expanded, modified, relocated, or intensified subject to the requirements SJCC 18.40.310 Nonconforming structures and uses.

OPTION C: Do not change land use designations.

Re-designating the parcel from LVR to LVC is not required. Under Option C, the subject parcel would remain designated LVR. This would prevent the property owner from developing the subject property with commercial uses that are prohibited in LVR.

STAFF ANALYSIS

The decision of whether to re-designate the subject parcel is a local choice and not required by the GMA or *Plan* policies.

Re-designating the subject parcel must be consistent with the goals and policies of the Comprehensive Plan and the LVSP. The goals and policies from the LVSP are provided with this memo in Attachment B. Several policies in the LVSP describe where the LVC designation is intended throughout the UGA. LVSP Land Use Goal 1 and Policy 1a state:

Goal 1. Create separate commercial, institutional and residential land use designations.

Policy 1a Create new land use designations and maps to establish a compact, easily identified, and mixed-use commercial core.

LVSP Economic Development Goal 1 and Policy 1b state:

Goal 1. Maintain the Village core as Lopez’s major retail, service and community center with a walkable rural village character.

[...]

Policy 1.b Contain expanding commercial and service uses within the Village commercial core.

LVSP Economic Development Goal 3 and Policy 3e state:

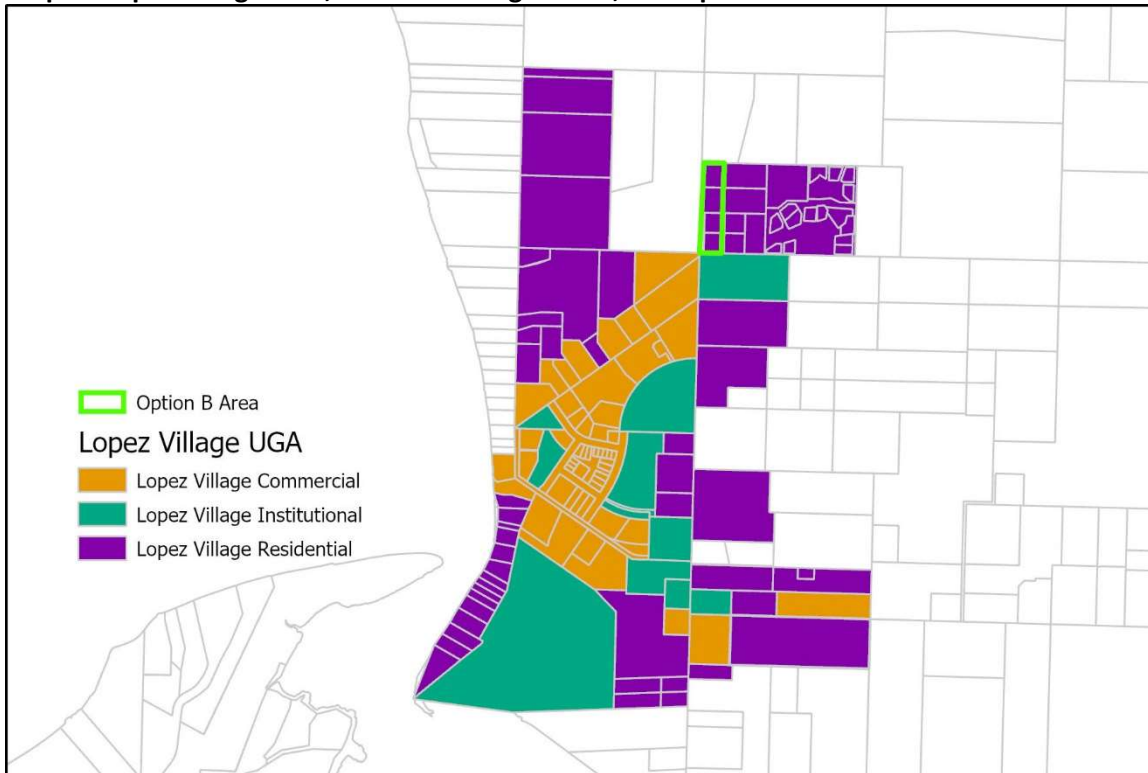
Goal 3. Enhance the Village’s existing clusters of economic activity including: A) retail and community services for island residents and visitors, B) services supporting the island’s new and traditional economic activities, C) local foods and products and D) the arts, cultural and community activities.

[...]

Policy 3.e Support local entrepreneurs and business incubation. Accommodate homebased businesses that are consistent with the character of adjoining properties and the Village's overall environment.

The policy directive to focus commercial services and uses in a compact commercial core should be balanced with the concept of supporting Lopez’s economic activities and entrepreneurs. To that end, it is important to consider whether the area proposed for re-designation fits within the commercial core of the Village and whether re-designation is needed to support local entrepreneurs. Map 3 shows the land use designations in the Lopez Village UGA and the Option B area for reference.

Map 3. Lopez Village UGA, Land Use Designations, and Option B Area.



Source: SJC GIS.

This planning decision primarily centers on where commercial development should be planned for within the Lopez Village UGA. During the LVSP adoption process between 2014 and 2019, public input indicated support for focusing commercial development in a compact village core. The LVSP land use map generally reflects that public input. The initially proposed LVSP land use map was refined through a public process during the second half of 2019. Commercial uses in the area around the subject parcel was a major topic of discussion through the 2019 adoption process, but in the end the County Council adopted the LVSP land use map as currently configured.

It was determined that there was sufficient development capacity for commercial development in the UGA under the currently adopted land use designations during the LVSP adoption process in 2019. There has not been enough development in the commercial core of the UGA over the last two years to significantly change the amount of commercial capacity in the UGA. On the other hand, the limited commercial development in designated LVC suggests that property owners there might not be interested in developing new commercial uses at this time. If that is the case, making more land available for commercial development, particularly in an area where a property owner is interested in developing commercial uses, has the potential to provide additional employment opportunities in the UGA.

Some of the benefits of allowing commercial development along Fisherman Bay Road under either Options A or B are:

- New commercial development could provide additional employment opportunities in the UGA, and
- Commercial development along Fisherman Bay Road would not require expanding roads because the development could be accessed from Fisherman Bay Road.

Some of the drawbacks of allowing commercial development along Fisherman Bay Road under either Options A or B are:

- The surrounding area is either designated Rural Farm Forest or LVR, higher intensity commercial development could be incompatible with rural and residential development, and
- Designating LVC outside of the center of the Village could be at cross-purposes with developing a compact commercial core in the Village.

LVPRC RECOMMENDATION

The LVPRC considered the request at their regular meeting on June 11, 2021 (Attachment C). The LVPRC approved the following motion:

The Committee appreciates the staff's analysis within the overall policy and qualitative objectives of the Plan. We recommend: A) Retention of the current use designation at this time, and B) Undertake further analysis with staff of the conditions, limitations and potentials for the Cottage Enterprise designation in relation to the Village's commercial core and adjoining areas including those to the south.

The LVPRC recommendation is to keep the LVR designation on the subject parcel but explore an option to allow some limited commercial development in the LVR designation through amending regulations. This could include commercial uses similar to cottage enterprise but allowed at a greater intensity.

A similar proposal for a set of 'neighborhood enterprise' land use regulations was discussed during the LVSP adoption process but was not included when the LVSP was adopted. The proposed neighborhood enterprise land use regulations would have allowed commercial or manufacturing activity accessory to a residential use. The commercial use would be limited in scale by performance standards to reduce conflicts with neighboring residential areas. The proposed neighborhood enterprise standards provided for a mid-intensity option between cottage enterprise and the more intense uses allowed in LVC.

NEXT STEPS

The final decision on this request will be made as part of the countywide Comprehensive Plan update. Adoption of the Comprehensive Plan update will include several opportunities for the public to provide input. In general, public input opportunities will include:

- **Planning Commission Official Map Town Halls:** After preparing a preliminary list of possible Official Map changes, the Planning Commission will hold public Town Halls to get feedback on the preliminary list;
- **Planning Commission public work sessions:** Following the Official Map Town Halls, the Planning Commission will consider their response to the public feedback during public work sessions;
- **Planning Commission public hearings:** After the Planning Commission has refined their draft of changes to the Comprehensive Plan, including amendments to the Official Maps, they will hold a public hearing on their recommendation to County Council regarding the overall Comprehensive Plan update;

- **County Council public work sessions:** After the Planning Commission has made a recommendation to the County Council, they will review the recommendation and propose alternatives during public work sessions; and
- **County Council public hearings:** Once the County Council has considered the Planning Commission recommendations and developed alternatives, they will hold public hearings on the proposed changes.

ATTACHMENT A



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116
dcd@sanjuanco.com | www.sanjuanco.com

Comprehensive Plan Map Amendment Application
(Site Specific Map Re-Designation)

APPLICANT AND AGENT INFORMATION:

Name of Applicant: <u>Dean Frey</u>	Name of Agent: _____
Address <u>742 Whiskey Hill Rd.</u>	Address _____
City, State, Zip <u>Lopez Is. WA 98261</u>	City, State, Zip _____
Phone Number <u>360 468 4722</u>	Phone Number _____
Email <u>deanfrey@hotmail.com</u>	E-mail _____

PROPERTY OWNER INFORMATION:

Name of Owners: <u>Dean Frey</u>	Phone Number <u>360 468 4722</u>
Address <u>742 Whiskey Hill Rd.</u>	E-mail <u>deanfrey@hotmail.com</u>
City, State, Zip <u>Lopez Is. WA 98261</u>	

PROPERTY INFORMATION:

List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number: <u>251423013000</u>	Land Use/Shoreline Designation: <u>18/N</u>	Parcel size: <u>.56ac</u>
Tax Parcel Number: _____	Land Use/Shoreline Designation: ____/____	Parcel size: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: ____/____	Parcel size: _____
Tax Parcel Number: _____	Land Use/Shoreline Designation: ____/____	Parcel size: _____

PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)

I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)

Signature _____	Printed Name _____	Date _____
Signature <u>Dean Frey</u>	Printed Name <u>Dean Frey</u>	Date <u>3/1/21</u>

For DCD Use Only	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO
Amt. Paid: _____	Date Received: _____ Receipt Number: 0000

ATTACHMENT A

DESCRIPTION OF PROPOSAL:

Enact SIC Council member Bill Watson's Move, which passed 3-0, ALL AYES during the 85th minute of 6/3/19 SIC Council Comprehensive Planning meeting. Motion to Allow Commercial Zoning w/ A Footnote that single family homes are allowed outright

CHECK ALL THAT APPLY:

- Redesignation of Land-Use designation,
- Redesignation of Shoreline designation
- Redesignation of maximum allowable residential density
- Other _____

PROPERTY INFORMATION:

List the Tax Parcel Numbers (TPN) & property information for each property included in the proposal. Attach a separate page if necessary.

Tax Parcel Number: 251423013000 Land Use/Shoreline Designation: 18 / N Proposed Density: _____

Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

Tax Parcel Number: _____ Land Use/Shoreline Designation: _____/_____ Proposed Density: _____

General location of property: Lopez Village Kingfisher Way @ Fisherman Bay Rd.

Island: LOPEZ ISLAND Total acres of proposal: .56

List all existing use(s) on property:

List any special tax categories that apply to the property, such as Open Space or Designated Forest Land

Describe existing and proposed method of sewage disposal: connected to Fisherman Bay Sewer w/ 1000 gallon grease trap.

Describe existing and proposed water supply: connected to Milagra Water System

Did you attend a pre-application meeting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has this proposal been previously submitted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes – which year?	_____
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PLEASE ANSWER OR ATTACH INFORMATION FOR QUESTIONS 1-12, AS THEY APPLY TO YOUR PROPOSAL

1. Why is the amendment being proposed?
Because the decision made by SIC Council during the 6/3/19 Comprehensive Plan meeting, to Allow Commercial zoning w/ A Footnote that single family residences are allowed outright did not become implemented by SIC Planning.

2. How would the map amendment benefit the public health, safety, or welfare?
It corrects the oversight made by the SIC Planning Dept.

3. Describe how the amendment is warranted due to one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the purposes, criteria and goals outlined in the Comprehensive Plan. Warranted due to a demonstrable error by the SSC Planning Dept to NOT implement the SSC Councils 6/3/19 decision to allow commercial zoning w/ a footnote that single family residences are allowed outright. Decision made 85th min 6/3/19 Meeting.

4. Describe how the proposed amendment is consistent with the criteria for land use designations specified in the Comprehensive Plan. The Lopez Village Planning & Review Committee (LUPRC) came to the determination that more commercially zoned property is needed. Seconded by SSC Council, Motion carried 3-0.

5. Describe how the amendment, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves or public purpose which justifies different designations. This property is the only property directly on Fisherman Bay Rd. that has been used commercially in the past; i.e. Fish Bay Coffee and Orpheus Chocolates.

6. Describe how the benefits of the change will outweigh any significant adverse impacts of the change. The Lopez Village Planning & Review Committee AND the San Juan County Council determined a need exists for more commercial zoning.

7. How is this proposal consistent with the Growth Management Act (GMA) – RCW 36.70A? It has been approved within the GMA act by procedure & decision by the SSC Council.

ATTACHMENT A

8. Does this proposal include an Urban Growth Area (UGA) expansion?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9. If yes, which UGA? LOPEZ Village		
10. Attach map(s) of the property that shows existing buildings, roads, water bodies, wetlands and other environmentally sensitive areas, soil types (for resource lands or where otherwise appropriate) and other significant features, as well as the land-use, shoreline environment, and density designations of the property and abutting properties. (In most instances, copies of GIS Legal parcel maps or Assessor's maps provide suitable base maps on which to provide this information.)		
11. Attach a list of the names and mailing addresses for all owners of property within 300 feet of the boundaries of the subject property (using the names and addresses of those individuals as shown on the tax assessment rolls on the date the application is submitted)		
12. Attach a completed and signed State Environmental Policy Act (SEPA) Environmental Checklist, including the supplemental sheet for non-project actions.		
13. Attach copy of deed(s), and a legal description of the property for which the amendment is requested.		

March 1, 2021

Dear SJC Planning Dept.

I am the owner of Lopez Island Coffee Roasters. I started the business on Lopez Island in 2006, and have been roasting organic coffee for the islands up to the present moment.

In 2016, I purchased a commercially zoned property on the outskirts of the village. The property begins where the sidewalk ends. Perfect, I thought for an "uptown business". My plan was to develop a village atmosphere with artists living above their downstairs workspaces, which are available to the public. In addition to coffee roasting, I envisioned a meeting place where wood fired pizzas and local beverages could be served. The concept is similar to Port Townsend's Uptown business district.

I have been attending the local LVPRC planning meetings for years, and made my plans known to develop at a later date, as I am still saving up resources. The LVPRC made the determination after hearing from small business owners in the area, that more commercial zoning was needed. Hence the concept, Neighborhood Enterprise was borne. See letter from Barn Owl Bakery. During the second to last Comprehensive Plan meeting on Lopez Island on 6/3/19, the SJC Council made the decision to allow commercial zoning with a footnote that single family residences are allowed. The decision was carried 3-0 and was made during the 85th minute of the 6/3/19 meeting.

I attended the very last meeting several months later on Lopez at the Community Center. I was very surprised to see that the lots specified by the Council during the last meeting did not receive commercial zoning. I mentioned this to the Council members, Jamie Stephens and Rick Hughes. SJC Council member Bill Watson, who had made the motion was not present. SJC Council member Rick Hughes then asked the Assistant Director of Planning, Linda Kuller "why we can't make Dean's lot commercial" Her recorded response was "that it didn't fit in with the plan, and that there has been some neighborhood opposition. After months of Public Records searches, no records of any opposition has been found. After searching Public Records, no meetings were ever found or recorded to reverse the Council's decision.

Due to these circumstances, I am requesting that my property zoning be restated commercial.

* Additionally, a WAIVER FOR THE APPLICATION FEE.
Sincerely, * This has been suggested to me by both
Jamie Stephens and Rick Hughes.

Dean Frey/Lopez Island Coffee Roasters

Dean Frey

3/1/2021

Parcels: 251423013000

Parcel Number: 251423013000

Owner: DEAN FREY

Address:

PO BOX 344

LOPEZ ISLAND WA 98261-0344

Short Legal Description:

KINGFISHER SHORT PLAT - LOT 1 Sec 14, T 35N, R 2W

Neighboring Parcels w/in 300'

Parcel Number: 251423006000
Owner: JAMES K BUDLONG
Address:
PO BOX 32510
BELLINGHAM WA 98228-4510

Parcel Number: 251423007000
Owner: NICHOLAS R PADVORAC
Address:
C/O ANDY PADVORAC 12835 NE 107TH PL
KIRKLAND WA 98033-4760

Parcel Number: 251423005000
Owner: CHRIS & KRISTA STOVALL
Address:
44 KINGFISHER WAY
LOPEZ ISLAND WA 98261-8890

Parcel Number: 251450001000
Owner: BRIAN A & JULIE DUNCAN
Address:
PO BOX 52
LOPEZ ISLAND WA 98261-0052

Parcel Number: 251423014000
Owner: ARTURO RENDON NERI
Address:
473 LLOYDS LN
LOPEZ ISLAND WA 98261-8469

Parcel Number: 251450005000
Owner: ALBRITTON FAMIILY LIMITED
PARTNERSHIP
Address:
174 WHISKEY HILL RD
LOPEZ ISLAND WA 98261-8352

Parcel Number: 251514002000
Owner: RICHARD L PICKERING &
BARBARA J PICKERING
Address:
PO BOX 21
LOPEZ ISLAND WA 98261-0021

Parcel Number: 251450004000
Owner: ANN S PALMER
Address:
PO BOX 84
LOPEZ ISLAND WA 98261-0084

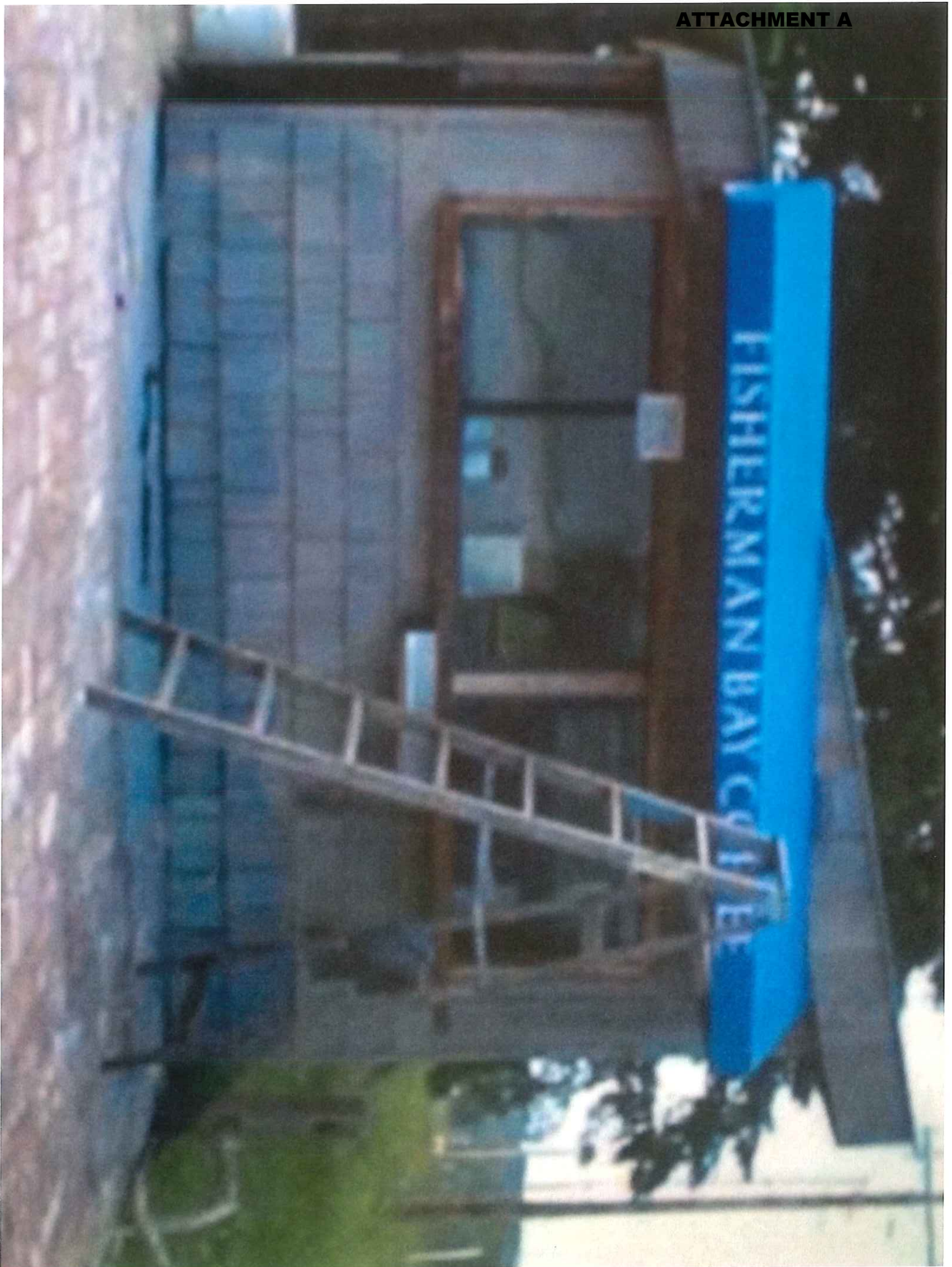
Parcel Number: 251450003000
Owner: MICHAEL DAVID CHERVENY &
HEIDI MARIE HERNANDEZ
Address:
28 MILAGRA LN
LOPEZ ISLAND WA 98261-7910

Parcel Number: 251432001000
Owner: DIOCESE OF OLYMPIA
Address:
c/o GRACE EPISCOPAL CHURCH PO BOX
324
LOPEZ ISLAND WA 98261-0324

Parcel Number: 251450002000
Owner: STEPHANIE A HYLTON
Address:
PO BOX 264
LOPEZ ISLAND WA 98261-0264

Parcel Number: 251541001000
Owner: RUSHEEN CAPITAL PARTNERS LLC
Address:
2332 MANDEVILLLE CANYON RD
LOS ANGELES CA 90049-1829

Parcel Number: 251423012000
Owner: SAN JUAN COUNTY
Address:
c/o ROADS PO BOX 729
FRIDAY HARBOR WA 98250-0729



DEED

San Juan County, WA
F. Milene Henley, Auditor
RECON
Pgs=9 JOG

2016-1021018
10/21/2016 03:30 PM
Total:\$81.00



00058314201610210180090091

When recorded return to:
DEAN FREY
P.O. BOX 344
LOPEZ IS. WA
98261

SAN JUAN COUNTY WASH.
REAL ESTATE EXCISE TAX
AMOUNT PAID \$3197.⁰⁰

Recorded at the request of:
DEAN FREY

OCT 21 2016
078023
RHONDA PEDERSON
COUNTY TREASURER

REAL ESTATE CONTRACT

1. PARTIES AND DATE. This Contract is entered into on 10/19/16
between LINNEA A. ARNTSON, as "Seller" and DEAN FREY, as "Purchaser."

2. SALE AND LEGAL DESCRIPTION. Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the following described real estate in SAN JUAN County, State of Washington:
Lot 1, Kingfisher Short Plat, according to the Short Plat thereof recorded in Volume 7 of Short Plats, Pages 154 and 154A, records of San Juan County, Washington.

Tax Parcel Number: 251423013 *INCLUDES EXISTING FISHERMAN BAY SEWER & INCLUDES EXISTING MILAGRA WATER CONNECTION*

3. (a) PRICE. Purchaser agrees to pay: \$ 115,000.00 Total Price
Less \$ 50,000.00 (less \$1000 earnest money) Down Payment
Less \$ _____ Assumed Obligation(s)
Results in \$ 65,000.00 Amount Financed by Seller.

(b) PAYMENT OF AMOUNT FINANCED BY SELLER:
Purchaser agrees to pay the sum of \$ 65,000.00 as follows: \$ \$310.32 or more at purchaser's option on or before the 15th day of each and every month including interest at the rate of 4% per annum on the declining balance thereof; and a like amount or more, on or before the 15th day of each and every month thereafter, until paid in full. NOTWITHSTANDING THE ABOVE, THE ENTIRE BALANCE OF PRINCIPAL AND INTEREST IS DUE IN FULL NOT LATER THAN TEN (10) years from the closing date, October 15, 2026.

Payments are applied first to interest and then to principal. Payments shall be made at _____
1503 36th Street, Bellingham, WA 98229, or such other place as the Seller may hereafter indicate in writing.
This contract is not assumable without written permission from Seller.

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SAN JUAN COUNTY, WASHINGTON

- (b) PROPERTY IS RELEASED FROM PRIOR ENCUMBRANCE of Queen contract by Quit Clam Deed.
8. FULFILLMENT DEED. Upon payment of all amounts due Seller, Seller agrees to deliver to Purchaser a Statutory Warranty Deed in fulfillment of this Contract. The covenants of warranty in said deed shall not apply to any encumbrances assumed by Purchaser or to defects in title arising subsequent to the date of this Contract by, through, or under persons other than the Seller herein.
 9. LATE CHARGES. If any payment on the purchase price is not made within ten (10) days after the date it is due, Purchaser agrees to pay a late charge equal to 5% of the amount of such payment. Such late payment charge shall be in addition to all other remedies available to Seller and the first amounts received from Purchaser after such late charges are due shall be applied to the late charges.
 10. NO ADVERSE EFFECT ON PRIOR ENCUMBRANCES. Seller warrants that entry into this Contract will not cause in any prior encumbrance (a) a breach, (b) accelerated payments, or (c) an increased interest rate; unless (a), (b), or (c) has been consented to by Purchaser in writing.
 11. POSSESSION. Purchaser is entitled to possession of the property from and after the date of this Contract.
 12. TAXES, ASSESSMENTS, AND UTILITY LIENS. Purchaser agrees to pay by the date due all taxes and assessments becoming a lien against the property after the date of this Contract. Purchaser may in good faith contest any such taxes or assessments so long as no forfeiture or sale of the property is threatened as the result of such contest. Purchaser agrees to pay when due any utility charges which may become liens superior to Seller's interest under this Contract. If real estate taxes and penalties are assessed against the property subsequent to date of this Contract because of a change in use prior to the date of this Contract for Open Space, Farm, Agricultural, or Timber classifications approved by the County or because of a Senior Citizen's Declaration to Defer Property Taxes filed prior to the date of this Contract, Purchaser may demand in writing payment of such taxes and penalties within 30 days. If payment is not made, Purchaser may pay and deduct the amount thereof plus 5% penalty from the payments next becoming due Seller under the Contract.
 13. INSURANCE. Purchaser agrees to keep all buildings now or hereafter erected on the property described herein continuously insured under fire and extended coverage policies in an amount not less than the balances owed on obligations assumed by Purchaser plus the balance due Seller, or full insurable value, whichever is lower. All policies shall be held by the Seller and be in such companies as the Seller may approve and have loss payable first to any holders of underlying encumbrances, then to Seller as their interests may appear and then to Purchaser. Purchaser may within 30 days after loss negotiate a contract to substantially restore the premises to their condition before the loss. If insurance proceeds are sufficient to pay the contract price for restoration or if the Purchaser deposits in escrow any deficiency with instructions to apply the funds on the restoration contract, the property shall be restored unless the underlying encumbrances provide otherwise. Otherwise the amount collected under any insurance policy shall be applied upon any amounts due hereunder in such order as Seller shall determine. In the event of forfeiture, all rights of Purchaser in insurance policies then in force shall pass to Seller.
 14. NONPAYMENT OF TAXES, INSURANCE, AND UTILITIES CONSTITUTING LIENS. If Purchaser fails to pay taxes or assessments, insurance premiums, or utility charges constituting liens prior to Seller's interest under this Contract, Seller may pay such items and Purchaser shall forthwith pay Seller the amount thereof plus a late charge of 5% of the amount thereof plus any costs and attorney's fees incurred in connection with making such payment.

15. **CONDITION OF PROPERTY.** Purchaser accepts the property in its present condition and acknowledges that Seller, his/her agents, and subagents have made no representation or warranty concerning the physical condition of the property or the uses to which it may be put other than as set forth herein. Purchaser agrees to maintain the property in such condition as complies with all applicable laws.
16. **RISK OF LOSS.** Purchaser shall bear the risk of loss for destruction or condemnation of the property. Any such loss shall not relieve Purchaser from any of Purchaser's obligations pursuant to this Contract.
17. **WASTE.** Purchaser shall keep the property in good repair and shall not commit or suffer waste or willful damage to or destruction of the property. Purchaser shall not remove commercial timber without the written consent of Seller.
18. **AGRICULTURAL USE.** If this property is to be used principally for agricultural purposes, Purchaser agrees to conduct farm and livestock operations in accordance with good husbandry practices. In the event a forfeiture action is instituted, Purchaser consents to Seller's entry on the premises to take any reasonable action to conserve soil, crops, trees, and livestock.
19. **CONDEMNATION.** Seller and Purchaser may each appear as owners of an interest in the property in any action concerning condemnation of any part of the property. Purchaser may within 30 days after condemnation and removal of improvements, negotiate a contract to substantially restore the premises to their condition before the removal. If the condemnation proceeds are sufficient to pay the contract price for restoration or if the Purchaser deposits in escrow any deficiency with instructions to apply the funds on the restoration contract, the property shall be restored unless underlying encumbrances provide otherwise. Otherwise, proceeds of the award shall be applied in payment of the balance due on the purchase price, as Seller may direct.
20. **DEFAULT.** If the Purchaser fails to observe or perform any term, covenant, or condition of this Contract, Seller may:
 - (a) Suit for Installments. Sue for any delinquent periodic payment; or
 - (b) Specific Performance. Sue for specific performance of any of Purchaser's obligations pursuant to this Contract; or
 - (c) Forfeit Purchaser's Interest. Forfeit this Contract pursuant to Ch. 61.30, RCW, as it is presently enacted and may hereafter be amended. The effect of such forfeiture includes: (i) all right, title, and interest in the property of the Purchaser and all persons claiming through the Purchaser shall be terminated; (ii) the Purchaser's rights under the Contract shall be cancelled; (iii) all sums previously paid under the Contract shall belong to and be retained by the Seller or other person to whom paid and entitled thereto; (iv) all improvements made to and unharvested crops on the property shall belong to the Seller; and (v) Purchaser shall be required to surrender possession of the property, improvements, and unharvested crops to the Seller 10 days after the forfeiture.
 - (d) Acceleration of Balance Due. Give Purchaser written notice demanding payment of said delinquencies and payment of a late charge of 5% of the amount of such delinquent payments and payment of Seller's reasonable attorney's fees and costs incurred for services in preparing and sending such Notice and stating that if payment pursuant to said Notice is not received within 30 days after the date said Notice is either deposited in the mail addressed to the Purchaser or personally delivered to the Purchaser, the entire balance owing, including interest, will become immediately due and payable. Seller may thereupon institute suit for payment of such balance, interest, late charge, and reasonable attorney's fees and costs.
 - (e) Judicial Foreclosure. Sue to foreclose this Contract as a mortgage, in which event Purchaser may be liable for a deficiency.

21. RECEIVER. If Seller has instituted any proceedings specified in Paragraph 20 and Purchaser is receiving rental or other income from the property, Purchaser agrees that the appointment of a receiver for the property is necessary to protect Seller's interest.
22. PURCHASER'S REMEDY FOR SELLER'S DEFAULT. If Seller fails to observe or perform any term, covenant, or condition of this Contract, Purchaser may, after 30 days' written notice to Seller, institute suit for damages or specific performance unless the breaches designated in said notice are cured.
23. NON-WAIVER. Failure of either party to insist upon strict performance of the other party's obligations hereunder shall not be construed as a waiver of strict performance thereafter of all of the other party's obligations hereunder and shall not prejudice any remedies as provided herein.
24. ATTORNEY'S FEES AND COSTS. In the event of any breach of this Contract, the party responsible for the breach agrees to pay reasonable attorney's fees and costs, including costs of service of notices and title searches, incurred by the other party. The prevailing party in any suit instituted arising out of this Contract and in any forfeiture proceedings arising out of this Contract shall be entitled to receive reasonable attorney's fees and costs incurred in such suit or proceedings.
25. NOTICES. Notices shall be either personally served or shall be sent certified mail, return receipt requested, and by regular first class mail to Purchaser at
P. O. BOX 344, Lopez Island, WA 98261
and to the Seller at
26. 1503 36th Street, Bellingham, WA 98229
- or such other addresses as either party may specify in writing to the other party. Notices shall be deemed given when served or mailed. Notice to Seller shall also be sent to any institution receiving payments on the Contract.
26. TIME FOR PERFORMANCE. Time is of the essence in performance of any obligations pursuant to this Contract.
27. SUCCESSORS AND ASSIGNS. Subject to any restrictions against assignment, the provisions of this Contract shall be binding on the heirs, successors, and assigns of the Seller and the Purchaser.

28. ALTERATIONS. Purchaser shall not make any substantial alteration to the improvements on the property without the prior written consent of Seller, which consent will not be unreasonably withheld.
29. DUE ON SALE. If Purchaser, without written consent of Seller, (a) conveys, (b) sells, (c) leases, (d) assigns, (e) contracts to convey, sell, lease or assign, (f) grants an option to buy the property, (g) permits a forfeiture or foreclosure or trustee or sheriff's sale of any of the Purchaser's interest in the property or this Contract, Seller may at any time thereafter either raise the interest rate on the balance of the purchase price or declare the entire balance of the purchase price due and payable. If one or more of the entities comprising the Purchaser is a corporation, any transfer or successive transfers in the nature of items (a) through (g) above of 49% or more of the outstanding capital stock shall enable Seller to take the above action. A lease of less than 3 years (including options for renewals), a transfer to a spouse or child of Purchaser, a transfer incident to a marriage dissolution or condemnation, and a transfer by inheritance will not enable Seller to take any action pursuant to this Paragraph; provided the transferee

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SAN JUAN COUNTY, WASHINGTON

other than a condemn or agrees in writing that the provisions of this paragraph apply to any subsequent transaction involving the property entered into by the transferee.

31. ADDENDA. Any addenda attached hereto are a part of this Contract.

32. ENTIRE AGREEMENT. This Contract constitutes the entire agreement of the parties and supersedes all prior agreements and understandings, written or oral. This Contract may be amended only in writing executed by Seller and Purchaser.

IN WITNESS WHEREOF the parties have signed and sealed this Contract the day and year first above written.

SELLER
Linnea Arnt

10/19/2016

PURCHASER
Dean Frey

10/19/2016

Unofficial
Copy

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SAN JUAN COUNTY, WASHINGTON

ADDENDUM

**ROAD MAINTENANCE AGREEMENT
KINGFISHER SHORT PLAT
Lot 1, TPN: 251423013**

Kingfisher Short Plat pays one half (½) and Budlong property pays one half (½) of all maintenance, and extension construction costs, as per AGREEMENT FOR GRANT OF EASEMENT, Auditors File #2006 1113007 dated 11/13/2006, and corrected 4/11/2011, AFN 2011-0411003.

Kingfisher Short Plat owners pay according to number of lots, density of lots, and vehicle usage.

IRRIGATION WELL AGREEMENT

Lot 1, TPN 251423013, to have shared limited use of EXISTING WELL "FOR IRRIGATION ONLY" on Lot 2, aTPN 251423005, after Milagra allotment is used up each month. Further development of Lot 1, or subdivision, does not increase shared limited use.

Maintenance and operating costs shared between Lot 1, and Lot 2.

STATE OF WASHINGTON
COUNTY OF San Juan SS.

I certify that I know or have satisfactory evidence that Dean Frey
is the individual who appeared before me, and he/she acknowledged that he/she
signed the instrument
Real Estate Contract
as a free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the 19th day of October, 2016



Gerald E Hancock
(print) GERALD E. HANCOCK
Notary Public in and for the State of
Washington
residing at Lopez Island, WA
My commission expires: Jan. 3, 2020

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SAN JUAN COUNTY, WASHINGTON

STATE OF WASHINGTON
COUNTY OF San Juan SS.

I certify that I know or have satisfactory evidence that
Linnea Arntson
is the individual who appeared before me, and he/she acknowledged that he/she
signed the instrument
Real Estate Contract
as a free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the 19th day of October, 2016

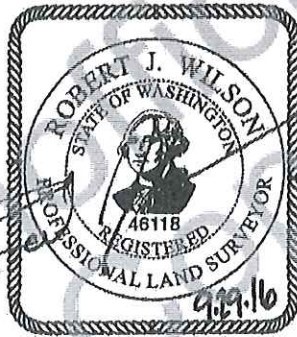


Gerald E Hancock
(print) GERALD E HANCOCK
Notary Public in and for the State of
Washington
residing at Lopez Island
My commission expires: Jan. 3, 2020

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SAN JUAN COUNTY, WASHINGTON

LAND DESCRIPTION
Lot 1

Lot 1, Kingfisher Short Plat, according to the Short Plat thereof recorded in Volume 7 of Short Plats, Pages 154 and 154A, records of San Juan County, Washington.



San Juan Surveying, LLC

P.O. Box 611 Friday Harbor, WA 98250
(360) 378-2300 www.sanjuansurveying.com



San Juan County
Office of the County Manager
Public Records

Mail: 350 Court Street No. 5, Friday Harbor, WA 98250 - (360) 370-7410
Location: 55 Second Street, 2nd floor, Friday Harbor, WA 98250 - Fax (360) 370-5085

Dean,

Re: Public Records Request concerning PRR P003520-013120

Specifically you requested:

"During the Oct 14 2019 Final Comprehensive Plan Meeting on Lopez Island, Rick Hughes asked the question of Linda Kuller, Assistant Director of Planning, why can't we make Dean Frey's Kingfisher Way lot Commercial?

Her response was; (1) It doesn't fit into the plan

(2) We have heard from several residents in the neighborhood, who are opposed to the zoning.

I am requesting the names of those individuals along with all written correspondence with the County regarding the issue."

The 3rd and last installment of records responsive to your request bates pages 196-198 is available to you now in the Public Records Center for your review and/or download.

Your request is now closed.

If you have any questions you may contact me at 360 370-7410.

Sincerely,
Sally Rogers
Public Records Clerk

To monitor the progress, update or retrieve responsive files on this request please log into the Public Records Center.

Dear SJC Members,

Sadly and with much regret, due to the LVPC decision to revoke my commercial status for my property on Kingfisher Way, I am canceling my plans to develop my property.

I still am asking for the council to reverse their decision!!!

Two local businesses have been affected by the LVPC's decision to reverse commercial status on Kingfisher Way, and have cancelled their plans.

BARN OWL BAKERY and LOPEZ ISLAND COFFEE ROASTERS.

"Madrona Murphy's comment to the LVCP when she resigned from the board a year ago was: I don't agree with your plan. You are making it much too expensive to develop the village. "

This was sent over a year ago.
Does the SJC know about this?

dean frey

Sun 6/2/2019 7:28 AM

This is a copy of an email that I sent to the council last year. Please review. My views on this issue have not changed.

Where is the small business support in our community's planning?

dean frey

Thu 6/7/2018 12:08 AM

To the Lopez Village Review Planning Review Comprehensive Board,

My name is Dean Frey. I am the owner/roaster of Lopez Island Coffee Roasters, which is a business I self-started here on Lopez Island in 2006. I have been fortunate to have developed a strong local following.

In the summer of 2016, I purchased a commercially zoned lot on the outskirts of town on the corner of Kingfisher Way and Fisherman Bay Road. The present sidewalk that provides pedestrian access from the village to Milagra Lane ends where my lot begins.

I purchased the lot in order to construct a commercial facility where I could roast and sell my coffee.

The Council has known of my purchase for over a year.

If the LVPRC stays with their decision to change my current commercial zoning to residential zoning, my personal property right to have a business on my property will be taken away.

I have made my views known at the May 11, Grange meeting that Neighborhood Enterprise Zoning has restrictions on size and growth that no other properties zoned commercial in the Village have. This would make it financially harder for me to grow my business here on Lopez Island.

In order to have a business that has commercial status and rights would now require me to sell my property on Fisherman Bay, and acquire much more expensive land in the reduced commercial footprint that the LVPRC has proposed.

After asking members of the council several times why they are reducing the footprint of the Village...these are the responses I received.

The first reply was that,
"the public wanted it. At one of the community center meetings, the public chose the smaller footprint" out of a number of different shapes and sizes.
Was there an option to keep the land parcels commercial in some areas? No, I do not believe so.

I have personally been attending the Planning Board meetings for over two years, and I never ever was present when vote or consensus was taken.

I ask the council if there is any written, recorded substantive evidence that a public vote was held.
If so, what was the vote, and how many islanders were present at the meeting.

The second reply was that "the business owners in the village wanted increased density in order to help their businesses become more viable".

Within the last six months, I approached 10 businesses in the Village and inquired as to whether their views and input on the new village plans were asked for.

Only one business out of the ten responded that they had been contacted. The other nine had no idea anything was going on.

It is my opinion and a simple law of supply and demand that less space for businesses to operate will increase the cost of the real estate thereby making it harder for small businesses to own property and operate a business in the village. What will this do to our small business people and artists who provide local services to the community? Will our Village become a place where only the rich can operate?

The third response was that the reduced footprint in being required by a State Mandate. I don't believe the reduction has to be so large.

I have advised the council multiple times of my plans to build a commercial roasting operation on my purchased Kingfisher Way property, to no avail.

The owners of Barn Owl Bakery, a small family self started operation, advised the council that they have an accepted offer on the two adjoining lots on Kingfisher Way, and that their contract depends on the property remaining commercial.

The council decided at the last meeting to take away the present commercial zoning status of the Kingfisher way lots that Barn Owl Bakery has an accepted offer on, and the lot that I recently bought.
purchased.

I am very disappointed by this decision given the fact that the LVPRC decided at their second to last meeting to reverse their decision on two properties "outside the reduced footprint". One being the 20 acre Gallagher property across Hummel road from the library, and the nine acre property owned by the Diller family next to the post office.

These are large pieces of land owned by very wealthy individuals. So the individuals/corporations who have a lot of money have protested to the council, and the council reversed their decision to take away the commercial zoning. These are property owners that have no plans at all to currently develop their property.

I, Lopez Island Coffee Roasters bought my Kingfisher Way property in order to construct a roasting operation.

Barn Owl Bakery has an accepted offer on two lots on Kingfisher in order to build a bakery facility.

WHERE IS THE SUPPORT BY THE COUNCIL TO THE SMALL BUSINESS PEOPLE IN THIS COMMUNITY?

I believe that the local small business people in this community could be much better supported by the members of this council.

I ask that LVPRC take another vote and reverse their recent decision on the status of the zoning on Kingfisher Way.

This is a need and a preference from an individual in the community.

Sincerely,

Dean Frey 6/7/2018

DEAN FREY

LOPEZ ISLAND COFFEE ROASTERS



BARN OWL BAKERY

Midnight's Farm ::: Lopez Island WA

all organic: local
wild leavened
wood fired: handmade
whole grains

June 14th, 2018

RE: Lopez Village Planning and Review Committee – Kingfisher Ln Commercial Zoning Decision

Barn Owl Bakery has been baking breads and pastries on Lopez Island for seven years. We've gone from selling a few loaves out of our pickup truck in the parking lot of the old grocery store to distributing our breads throughout the San Juan Islands. We've revived a local grain economy, we buy all of our produce from Lopez farmers, and we currently employ six Lopezians. The business is growing and we're actively looking for a place that can be home to our business and our family, grow fruits, berries, and vegetables for the bakery, and welcome folks from our community into a beautiful and nourishing space.

In April of 2018 we signed an offer for two lots along Kingfisher Ln just north of Grace Church in the Lopez Village. The land was zoned commercial and had a location perfect for attracting folks from the village but also keeping the bakery a bit tucked away. We worked hard through the winter and spring to line up the capital and resources it would take to pull off such an ambitious project. While we knew the overall cost of the project was pushing the limits of what our business could take on, we were confident that the land had the right mix of zoning and location to grow our business into a long term sustainable, agriculturally grounded family owned bakery that could continue to add value to island grown grain and produce and in doing so keep our island's landscape healthy and productive.

We had a 60 day feasibility contingency on the Kingfisher lots and we set out to turn over every stone, add up every cost, and look at every scenario to make sure we weren't going to find ourselves in over our heads in a few years. We knew that we would be putting everything we had into the project and if there were unforeseen costs or county regulations we risked failure. We talked with the neighbors who were excited to see our bakery there. We invited key community stakeholders to walk the property with us and shared our vision with them. We talked to water, sewer, electrical, we looked up old well logs, and had meeting after meetings with investors, contractors, and designers to make sure what we wanted to do was possible and beautiful.

The biggest unknown as we did our feasibility analysis was the zoning of the property. The Lopez Village Planning and Review Committee (LVPRC) had recently unveiled proposed changes to the village zoning that reduced the amount of commercially zoned property in the Urban Growth Area from 204 acres to 31 acres. These proposed changes included taking away the commercial zoning for the Kingfisher lots we were looking at for our bakery.

So we endeavored to make it clear to the committee via public comments what our intentions for the property were and requested for the lots to stay in commercial. The current landowners and the neighboring landowners all wrote letters asking for their properties to remain in Commercial zoning. People who did not write letters expressed their support to us in conversation. We heard no one express concerns. There were, to our knowledge, no public comments in opposition of our plans to build a bakery or in opposition to keeping the properties Village Commercial.

On May 11th the LVPRC took up the question of four areas that they had proposed removing Commercial designation from that the landowners had in turn specifically asked to keep the current Commercial zoning. The committee quickly and with little discussion agreed to keep two of the four properties Commercially zoned. These are large parcels that have the potential to radically reshape the

village. When the parcels around Kingfisher and Milagra came up, the committee was unable to make a decision and postponed it to their next meeting.

On May 25th the LVPRC again took up the Kingfisher zoning issue and voted to remove the commercial zoning from that area, despite repeated and strong public comments from neighbors and landowners requesting that the properties remain commercial. The committee offered very little justification for their decision. Given how quickly the committee made the decision to keep the Village Commercial zoning on the other two large parcels during the May 11th meeting, it was difficult to see the justification for their decision with the Kingfisher lots.

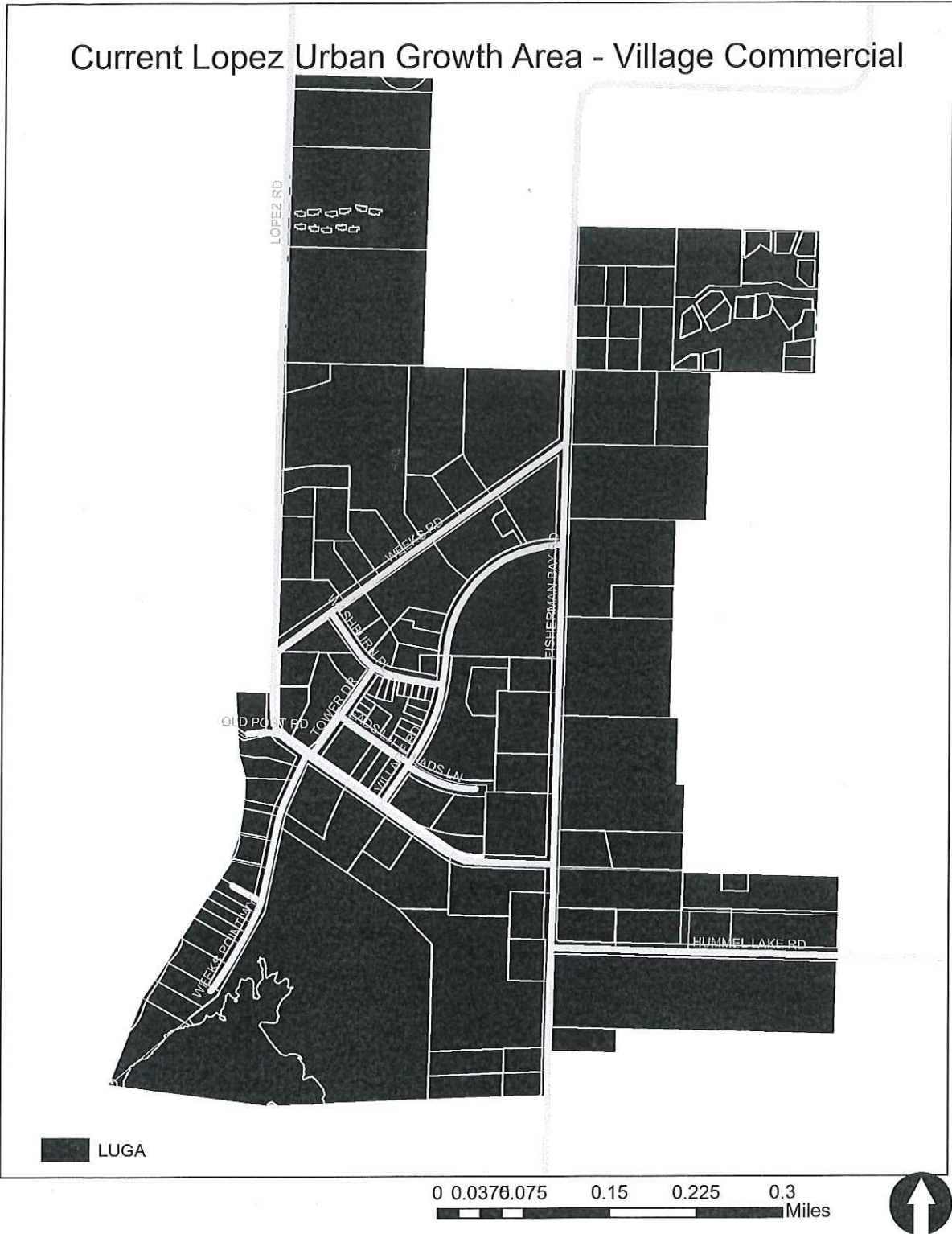
The loss of commercial zoning combined on top of other factors we had encountered in our feasibility analysis made our vision of a bakery, farm, and home on Kingfisher finally too risky for us to take on. While we may have been able to submit our permitting to the county before the proposed changes took effect, it would have been a race against the clock with very high stakes. We would also not be allowed to add additional commercial uses to the property as our business grew and we looked for more income generating activities. If we had to stop the bakery business for some reason we'd lose our grandfathered status after a year of inactivity. Then, if we ever wanted to sell or lease the property, the new tenant would only be allowed to continue the grandfathered uses, all new commercial activity would be subject to the new planning regulations. As commercial construction and development is significantly more expensive than residential, we would be less likely to recoup the cost of our investment. We may have been able to utilize the proposed "neighborhood enterprise" the LVPRC had proposed as a bandaid solution to stripping Commercial zoning from 85% of the Urban Growth Area, but it exposed us to the risk of having permission to operate our business be contingent on the ongoing goodwill of the neighbors and the county. Given that we knew we would be pushing ourselves and our business to its maximum to pull off our vision, having that increased layer of vulnerability was simply untenable. We needed the outright security and flexibility the Village Commercial zoning allowed us and by choosing to remove that from the Kingfisher properties, the LVPRC effectively stopped our bakery project.

We understand that the committee's intentions are to guide the village through its next phase of growth and as such they need to be considering both the short and long term implications of their proposed changes. It is a volunteer committee and they have put in endless hours working hard to keep our island village the beating heart of this community and we appreciate their efforts. We do, however, have serious reservations about the long-term implications of the proposed reduction in commercial property and what that means for small businesses in the village to afford the increased rents and property values that are the inevitable outcome of a sharp decrease in available commercial properties.

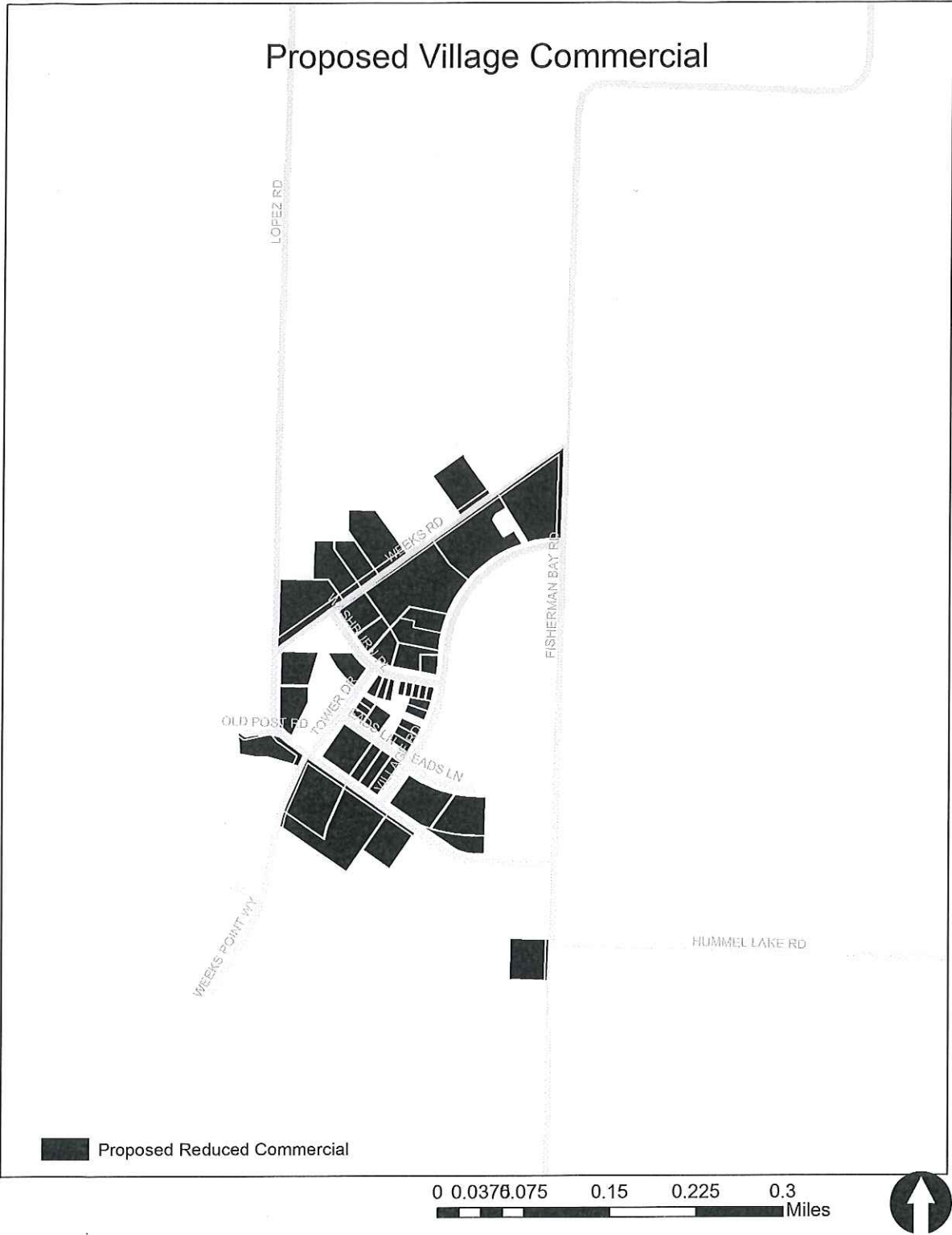
We've attached several maps that seek to illustrate the very real changes the LVPRC is proposing to make to the village and show in pictures the decision making process.

Barn Owl is a growing business, and we will find the right path forward that gives us more space and potential to see our vision of island grown grain and produce turned into breads and pastries that are unique to this island and feed our community. Unfortunately, the decisions of the LVPRC have closed the door on our plans for Kingfisher Lane.

Sage Dilts and Nathan Hodges
Barn Owl Bakery

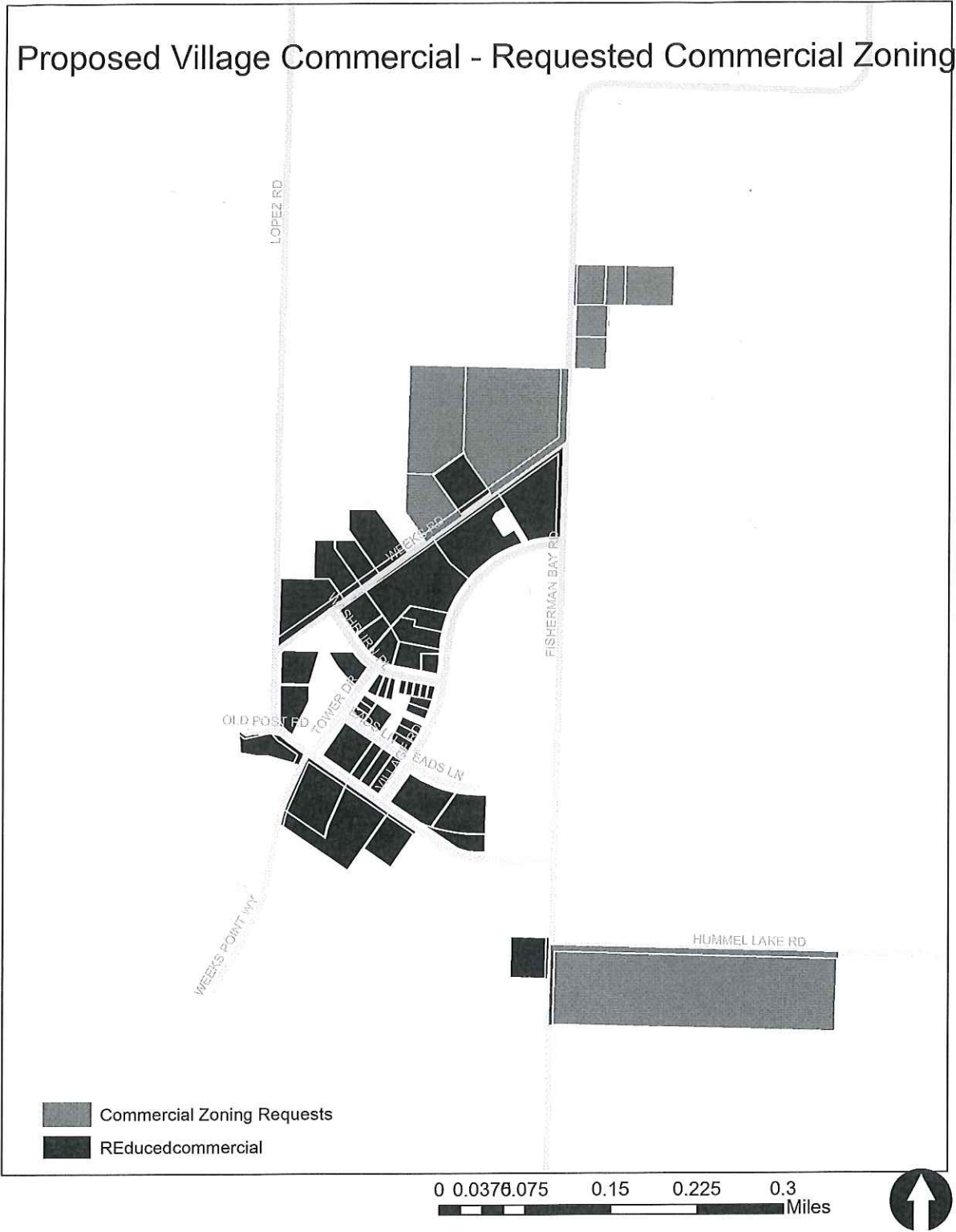


This map is the current zoning of the Lopez Urban Growth Area. It's all Village Commercial and is about 204 acres.

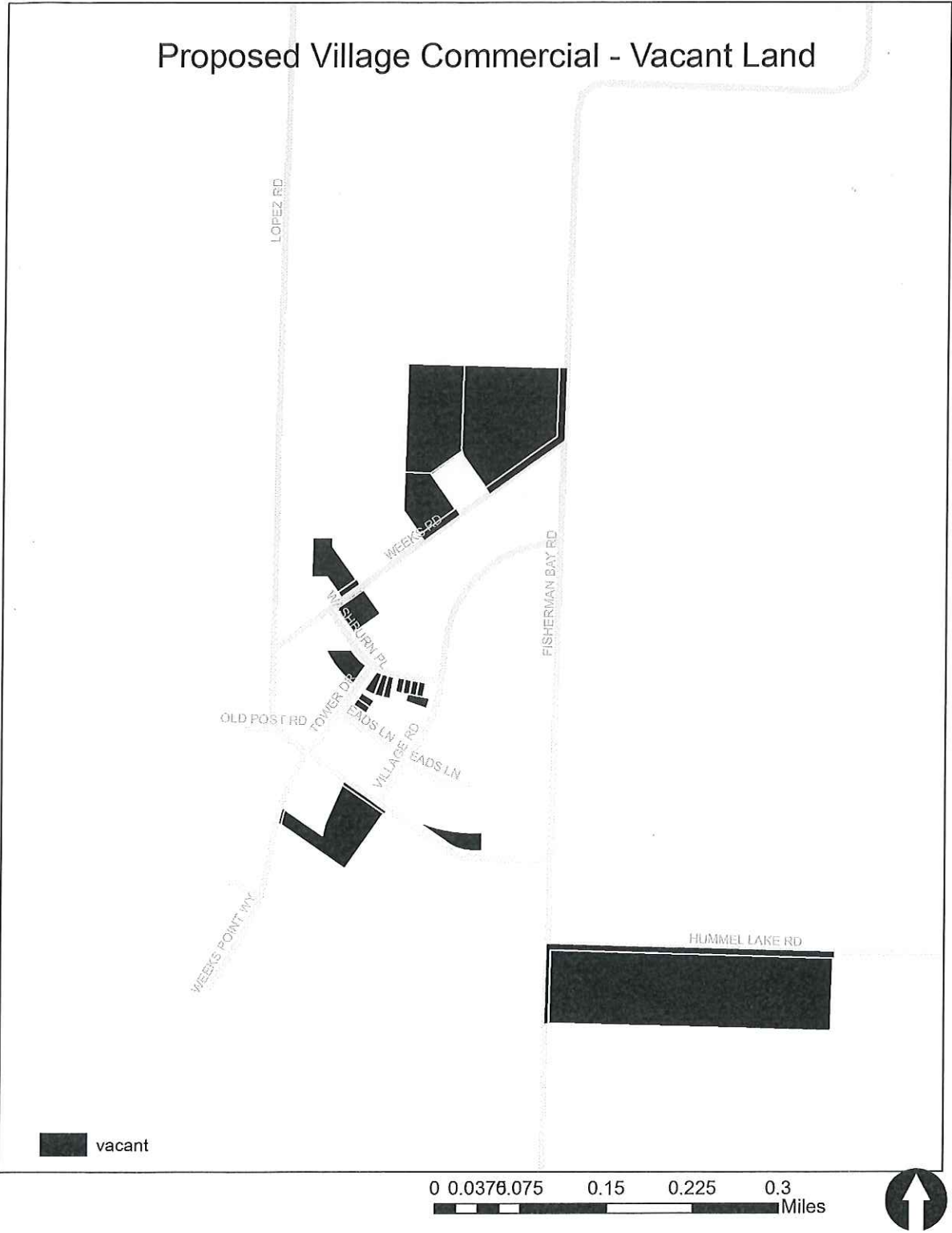


These are the lots that the LVPRC are proposing to keep their Village Commercial status. It's roughly 31 acres

5



At the May 11th meeting the LVPRC voted unanimously to keep the two large parcels in Village Commercial but removed Village Commercial zoning from the Kingfisher and Milagra area at the northern edge of the village.



This map includes the two large parcels that the LVPRC decided to keep in Village Commercial and the other vacant properties that would have Commercial zoning under the proposed changes.

GOALS AND POLICIES

BACKGROUND

The following goals and policies provide a framework for decision-makers and the community. They will guide development and other work that will help achieve the Lopez Village Subarea Plan vision and core values. They are consistent with the Growth Management Act planning goals.

The following goals reflect Village aspirations, and indicate the desired future. Their related policies express a commitment to a course of action and direction. The implementation plan outlines actions that may be taken to further implement the goals and policies.

HEALTHY COMMUNITY

Goal 1. Achieve a vital, healthy quality of life for all people.

Policy 1a. Support the creation of jobs, services, a natural and built environment, plans, and development that promote healthy and active living.

Policy 1b. Plan for the creation of a safe and accessible environment for everyone.

Goal 2. Support a full range of health and social services.

Policy 2a. Support the development, expansion, and retention of health and social service clinics and practices in the Village.

Policy 2b. Encourage San Juan County to locate Lopez services within the Village.

Policy 2c. Allow medical providers to maintain and build adequate emergency access and parking facilities, including helipad, dedicated parking and/or access for emergency vehicles.

Policy 2d. Ensure that critical medical and social services can expand to meet local needs.

Goal 3. Support people in all stages of life.

Policy 3a. Support a multigenerational and income diverse approach in planning and development.

Policy 3b. Support healthy aging in place by allowing a variety of housing, support services and recreation options that are accessible and affordable.

Policy 3c. Promote, and/or remove obstacles to cohousing or other nontraditional housing types.

Goal 4. Create a built environment that supports healthy living.

Policy 4a. Promote healthy village design guided by the following general principles:

- 1. Design the village to support walking and human scale.*
- 2. Facilitate social interaction by creating well-designed formal and informal public and semi-public spaces.*

3. *Make healthy choices easy by developing the Village to be safe and enjoyable to access.*
4. *Encourage wayfinding, public art—and local design to orient people and strengthen village identity.*
5. *Enhance and emphasize the natural and built environment as a source of community identity, pride and social cohesion.*
6. *Embrace unique character by building on the Village’s unique assets and integrate the natural system into design.*
7. *Ensure equitable access by accommodating persons with disabilities.*
8. *Recognize the economic value in developing healthy places.*

Goal 5. Increase physical activity, community interactions, and recreational opportunities.

- Policy 5a. Support design strategies such as mixed-use development, and active and passive recreational opportunities such as parks, useable open spaces, and plazas.*
- Policy 5b. Create a system of Village roads, convenient and accessible, pathways, bike lanes and multi-use trails with appropriate streetscapes and human-scaled design features.*
- Policy 5c. Maximize opportunities for social interaction.*
- Policy 5d. Make spaces attractive, inviting, and accessible to support a sense of place, security and belonging.*
- Policy 5e. Promote the use of covered walkways, shelters, landscaping, appropriate lighting and seating.*
- Policy 5f. Develop physical and visual access to open space, recreation, and natural environments.*

Goal 6. Develop a safe, convenient, walkable environment.

- Policy 6a. Promote development of pedestrian friendly design qualities.*
- Policy 6b. Shape the built environment to promote pedestrian-scale design qualities critical to a good walking environment by:*
1. *Make the Village a distinct, recognizable and memorable place.*
 2. *Provide visual definition to streets and other public spaces through the shape and form of buildings, walls, trees and other vertical elements.*
 3. *Encourage the size, texture and articulation of buildings and physical elements defining roads, sidewalks and public spaces appropriate to a human scale.*
 4. *Promote a high degree of visual connectivity with objects and activities for people moving along the edge of a street, including eye-level windows, welcoming building entrances, and views into courtyards or through building complexes.*

5. *Promote visual relationships and repetition of familiar qualities or common threads in building designs while encouraging variety in forms and spaces to create the perception and experience of visual richness.*

Goal 7. Create resilient, renewable, flexible, efficient, and durable systems that contribute to health and quality of life.

- Policy 7a. Recognize environmental health and ecological well-being as integral to the health, well-being and prosperity of the community.*
- Policy 7b. Recognize the importance of water quality and quantity, and clean air.*
- Policy 7c. Require proper maintenance of sewer systems.*
- Policy 7d. Promote water conservation measures and increase the efficiency and performance of infrastructure and plumbing fixtures to meet non-potable demand.*
- Policy 7e. Develop a sustainable stormwater system.*
- Policy 7f. Support the development of green buildings.*
- Policy 7g. Promote zero-waste, community or local composting, and recycling.*
- Policy 7h. Support the Leave No Trace principles, and engage residents and visitors in learning and acting on the principles.*

Goal 8. Reduce demand for fossil fuels.

- Policy 8a. Support energy conservation.*
- Policy 8b. Encourage building design to reduce embodied energy in building construction and take advantage of solar access, natural ventilation, and shelter from adverse impacts.*
- Policy 8c. Support the use of renewable energy sources and collective power systems.*

Goal 9. Create a sustainable transportation system.

- Policy 9a. Support the use of solar and electric vehicles, shared vehicles, and ride sharing.*
- Policy 9b. Pursue a “park once” objective for the village to discourage unnecessary driving.*

Goal 10. Provide access to healthy food and food security.

- Policy 10a. Provide a variety of opportunities for healthy eating and shopping for fresh food sources such as farmers market, food carts, outlets and shops.*
- Policy 10b. Encourage development of community orchards and gardens, community kitchens, and community food projects to increase access to local, healthy foods.*

Goal 11. Identify potential public health effects from natural and human-caused disasters, including climate change.

- Policy 11a. Support the development of an emergency preparedness plan for the Village.*
- Policy 11b. Support development of post-disaster recovery plan and protocols.*

Goal 12. Support good health, well-being and a sense of community.

Policy 12a. Facilitate social cohesion and social bonds between individuals and groups through community improvement projects, civic engagement, and social networking.

Policy 12b. Integrate the tourism sectors with the needs of daily life in the community by focusing it on activities that support the natural qualities and culture of the Village.

Policy 12c. Build on the Village identity, cultural practices, building styles, design elements, and materials associated with Lopez Island.

Goal 13. Develop programs that improve livability and contribute to the health and happiness of Lopez residents.

Policy 13a. Encourage ownership of the Village.

Policy 13b. Build programs inspired by Lopez Island's history of community learning and innovation.

Policy 13c. Conserve and incorporate local history.

Policy 13d. Promote activities that reflect Lopez Island's tranquility and iconic/intrinsic qualities of place.

NATURAL SYSTEMS AND HABITAT

Goal 1. Protect or improve water quality in Fisherman Bay through careful planning and development.

Policy 1a. Establish baseline conditions for Fisherman Bay and meaningful water quality standards.

Policy 1b. Work with public and private partners to develop and implement monitoring protocols to assess the impact of climate change, and food harvesting and recreational safety.

Policy 1c. Establish adaptive stormwater and sewer system standards based on Fisherman Bay water quality monitoring data for waters entering Fisherman Bay from points in the Village.

Goal 2. Establish, protect and enhance wildlife corridors connecting the Village with Fisherman Bay and surrounding habitats.

Policy 2a. Establish wildlife corridors between Fisherman Bay, Weeks Wetland and other wetlands, fields and forests surrounding the Village.

Policy 2b. Maintain corridor connectivity through the adoption of protection measures, landscape guidelines, stormwater management techniques, and establishment of conservation easements.

Goal 3. Sustain and enhance wildlife habitats and food supply for wildlife compatible with Village life.

Policy 3a. Establish a stormwater plan for the Village that prioritizes habitat creation by maintaining and developing open water stormwater features such as swales, rain gardens and unlined ponds, and improving stormwater and septic treatment.

Policy 3b. Increase wildlife habitat in the Village by:

- 1. Providing public education; and*
- 2. Establishing landscape guidelines and regulations that include native species, nesting habitat, forage (fruit and seeds), and shelter from human activities.*

Policy 3c. Establish dark sky lighting regulations to protect bats, migrating birds, nocturnal wildlife and human well-being.

Goal 4. Protect and enhance significant wetland habitat in the Lopez UGA.

Policy 4a. Collaborate with landowners and other partners to protect and enhance significant Village wetland habitats through land conservation and other methods.

Policy 4b. Establish stormwater, ground water use, and development standards that foster the protection and enhancement of wetland habitat.

Goal 5. Develop the Village and its infrastructure to adapt to changes in climate, precipitation patterns, tides, and storm events.

Policy 5a. Review the policies and adjust this plan based on the most recent projections of climate and sea level changes and improvements in technology at least every five years.

Policy 5b. Require that future infrastructure be built to withstand the latest FEMA projected changes in sea level and tides.

Policy 5c. Support and provide incentives for construction that reduces runoff during extreme precipitation events.

Policy 5d. Acquire public lands if needed to protect homes, infrastructure, and businesses from tidal inundation.

Goal 6. Highlight and celebrate the connection between Fisherman Bay and the Village.

Policy 6a. Create urban character that preserves and creates connections to Fisherman Bay and the San Juan Channel environments.

Policy 6b. Adopt design standards to orient development in a manner that will provide visual connections to the water.

Goal 7. Protect and enhance significant marine shoreline habitat in the Lopez UGA.

Policy 7a. Collaborate with landowners and other partners to protect and enhance Village shoreline habitats through land conservation, habitat restoration and other means.

OPEN SPACE, NATURAL AND SCENIC RESOURCES

- Goal 1. Develop, improve and maintain an integrated system of open spaces including parks, recreation and cultural activities, trails, gardens and landscaped areas that are safe, accessible to all population segments, functional, and expressive of and integral to the community identity.**
- Policy 1. Work with public and private partners to develop and maintain open spaces within the Village.*
- Goal 2. Connect accessible public and private open spaces with cultural and recreational facilities, Fisherman Bay, churches, shops, neighborhoods, marina and other significant places.**
- Policy 2. Develop an accessible Village trails plan that is inviting and includes walkways/trails and bicycle ways in a comprehensive network of non-motorized access throughout the Village and nearby areas.*
- Goal 3. Protect, preserve and enhance the community's natural assets including the bay, shorelines, streams, views, wildlife habitat, riparian corridors, wetlands, steep slopes, agricultural land, and abundant natural vegetation that are key to the quality of life and the economic development of Lopez Island.**
- Policy 3. Create and connect an integrated habitat and open space system in the Village that relates to open spaces beyond the Village.*
- Goal 4. Use collaborative partnerships and other tools to ensure that open space areas and connecting corridors are protected.**
- Policy 4. Use direct acquisition or non-purchase options such as conservation easements, development standards and agreements, and transfer or purchase of development rights.*

OPEN SPACE AND VIEWSHEDS

- Goal 1. Preserve and enhance existing views and important open spaces.**
- Policy 1a. Preserve the water views in the Village including the view across Weeks Wetlands from the south end of Village Road.*
- Policy 1b. Preserve views to the wooded eastern ridge.*
- Policy 1c. Work with land owners to protect views and open space in the Village through land donation, acquisition, or exchange.*
- Policy 1d. Protect, frame and enhance important view sheds through the development of regulations and policies that support both the cozy nature and expansive character of the Village.*

Goal 2. Designate new public and privately accessible open space, and create new open spaces and corridors providing access to Fisherman Bay, San Juan Channel and the eastern ridge.

Policy 2a. Develop standards to require public and privately accessible open spaces in commercial and residential developments.

Policy 2b. Work with the community to establish access to and a viewpoint on the eastern ridge above the Village.

Goal 3. Encourage and support the use of citizen talents in the design and programming of publicly accessible open spaces, recreational and cultural facilities.

Policy 3a. Encourage the development of public art that expresses or interprets open space, natural resources and scenic vistas in the Village.

Goal 4. Create a wayfinding and identification system for parks and open spaces.

Policy 4a. Develop methods to identify parks, open spaces or trails where public access is allowed.

Policy 4b. Develop wayfinding materials and tools to guide individuals to parks, open space and trails throughout the Village.

Policy 4c. Incorporate strategies from the County's Leave No Trace program in wayfinding and promotional materials.

LAND USE

Goal 1. Create separate commercial, institutional and residential land use designations.

Policy 1a. Create new land use designations and maps to establish a compact, easily identified, and mixed-use commercial core.

Policy 1b. Encourage the development of public services, art and cultural facilities which reflect the character of Lopez to serve residents and visitors.

Policy 1c. Use density bonuses and other incentives in the Village to meet the density requirements in the UGA and encourage the development of affordable housing.

Policy 1d. Allow more dense residential areas adjacent to the commercial core.

Policy 1e. Develop appropriate design and transitional requirements to buffer impacts between land uses.

Goal 2. Create an attractive and thriving mixed-use commercial core.

Policy 2a. Develop community driven design and site planning standards that support implementation of the Village vision statement.

Policy 2b. Allow zero lot line development.

Policy 2c. Establish a maximum size for residences within the commercial core.

Policy 2d. Develop commercial height standards that support the development of mixed-uses.

Policy 2e. Allow a variety of Village compatible mixed-uses in the Village Commercial designation.

Policy 2f. Establish performance criteria for permitted land uses.

Goal 3. Allow live-work options in the Village Residential designation.

Policy 3a. Allow home occupations and cottage enterprises in the Village Residential designation.

BUILT ENVIRONMENT

Goal 1. Promote development of features consistent with Salish Sea village character including human-scale environments and hand craftsmanship.

Policy 1a. Consider historic precedents listed in this Plan's "Significant and Historic Buildings in Lopez Village" for examples of form, materials and scale.

Goal 2. Develop community driven design guidelines for the Village. The design standards will:

Policy 2a. Create a sense of place, build community and protect and enhance Village character.

Policy 2b. Expand on existing patterns of small outdoor gathering places.

Policy 2c. Perpetuate dense connected building styles in mixed-use areas.

Policy 2d. Promote development of an identifiable dense commercial core.

Policy 2e. Incorporate walkability and connectivity between development and significant destinations.

Policy 2f. Encourage building and site design that promotes resiliency and sustainability.

Goal 3. Identify, maintain and reuse historic buildings and key landmarks.

Policy 3a. Encourage understanding of the significance of key buildings and landmarks.

Policy 3b. Work to promote relationships with local agencies for sources of information and funding for maintenance and reuse.

Goal 4. Establish various height allowance overlays that protect view corridors and Village character.

Policy 4a. Allow a maximum thirty-five (35) foot height except in view corridors where a lower height is required based upon design review analysis.

Policy 4b. Mitigate vertical development with allowances for alternative site footprint.

Policy 4c. Reduce the impact of height where possible by aligning open space at the edge of a site to that of an adjoining site to expand the potential for view, solar and trail corridors.

Goal 5. Implement night lighting standards to minimize light pollution and facilitate views of the stunning starry night sky.

Policy 5a. Adopt dark sky regulations based on the L-21 lighting regulations from the most current Joint IDA-IES Model Lighting Ordinance.

Policy 5b. Provide community education on lighting requirement.

Goal 6. Develop landscaping and sign regulations to protect and enhance Village character.

Policy 6a. Strengthen the visibility of the entrance to the commercial core, public parking, and open spaces through appropriate landscaping and signage regulations.

Policy 6b. Establish visible entry points to the commercial core.

Policy 6c. Develop signage regulations and gateway design guidelines to protect the character of the commercial core, residential areas and Fisherman Bay Road.

LANDSCAPING

Goal 1. Establish landscaping as an important, integrated component of the character and quality of the Village.

Policy 1a. Adopt a landscape plan for the commercial core and transportation corridors.

Policy 1b. Develop community-driven landscaping regulations, standards and guidelines that:

- 1. Improve aesthetics;*
- 2. Enhance circulation routes and wayfinding;*
- 3. Encourage the use of native plants, edibles and bee friendly plants;*
- 4. Integrate natural stormwater solutions;*
- 5. Include wildlife habitat, including shelter and forage;*
- 6. Prohibit the use of cosmetic pesticides and herbicides;*
- 7. Encourage removal of invasive species and noxious weeds;*
- 8. Provide a framework for land use transitions, define land use edges and connections; and*
- 9. Reflect Lopez Island's landscape features, such as hedgerows.*

Policy 1c. Preserve existing significant trees and understory vegetation during new development to the fullest extent practical.

Policy 1d. Require landscaping that continues the tradition of planting shade canopy trees and integrating them into landscape habitats.

Policy 1e. Support the installation of and provide incentives for shade trees, green roofs, and other methods to reduce the negative environmental impacts of climate change.

HOUSING

- Goal 1. Foster the construction of an adequate supply of permanently affordable, resource-efficient housing for all economic segments of the community.**
- Policy 1a. Encourage the development of a range of housing opportunities at a range of income levels.*
 - Policy 1b. Provide for a variety of densities with a minimum density of four units per acre.*
 - Policy 1c. Provide density bonuses to encourage development of permanently affordable housing.*
 - Policy 1d. Provide vehicular and pedestrian/bicycle connections from residences to work, shops, service and recreation/entertainment destinations.*
- Goal 2. Encourage the preservation and maintenance of existing housing supply.**
- Policy 2. Encourage property owners to maintain the existing housing stock in good condition.*
- Goal 3. Promote the development of a variety of sizes and types of housing in the Village to accommodate all ages, abilities, and household sizes.**
- Policy 3a. Encourage the development of accessory and smaller sized dwellings.*
 - Policy 3b. Provide opportunities to develop mixed-use, condominiums, apartments, duplexes and townhouses.*
 - Policy 3c. Use flexible zoning tools such as Planned Unit Developments and varying lot sizes to promote site development flexibility and to preserve the natural characteristics of the land.*
 - Policy 3d. Allow home occupations and cottage enterprises with low impact to promote affordability and economic development.*
 - Policy 3e. Provide density bonuses for Planned Unit Development projects, provided 50 percent (50%) of the units are made permanently affordable through covenants or other legal agreements.*
- Goal 4. Develop additional units of permanently affordable housing and long-term rental housing.**
- Policy 4a. Work with non-profits, federal and state agencies and the San Juan County Housing Bank Commission and other partners to obtain funding for low-income housing development.*
 - Policy 4b. Encourage long-term leases of land within the Village for the creation of permanently affordable housing.*
 - Policy 4c. Support funding for the Housing Bank Commission.*
- Goal 5. Increase the ability of low-income residents to transition to home ownership.**
- Policy 5a. Develop and participate in SJC incentive programs that encourage private partners to build permanently affordable homeownership for low wage earners.*
 - Policy 5b. Encourage economic development activities that help low wage earners.*

Goal 6. Ensure that residential development is compatible with the Village character.

- Policy 6a. Maintain the character and scale of a small village by developing and implementing design standards for roads, streetscapes, sidewalks, trails, landscaping, night sky approved lighting and residential design.*
- Policy 6b. Recommend the use of common Lopez Village design features such as front porches, pitched roofs, residential scale, etc.*
- Policy 6c. Include design standards that locate driveways and parking areas to minimize the visual impact of large paved areas and the prominence of garage doors.*
- Policy 6d. Encourage the development of housing with pedestrian connectivity to the Village.*
- Policy 6e. Clearly delineate public and private gathering spaces.*
- Policy 6f. Provide open green ways including water features, gardens and play fields within and outside of residential developments.*
- Policy 6g. Develop incentives that encourage the above.*

TRANSPORTATION

Goal 1. Provide for an efficient, safe, inclusive and accessible transportation network that addresses vehicular and non-motorized travel individually, as well as their interconnectivity, and improves access to and within the Village.

- Policy 1a. Develop Village Road to provide safe non-motorized passage from Lopez Road to Fisherman Bay Road, stormwater management and parking improvements.*
- Policy 1b. Support the development of and appropriate location of electric vehicle charging stations.*
- Policy 1c. Meet ADA access requirements in commercial and public project designs within the County right-of-way.*
- Policy 1d. Support and consider private transit services during road improvement planning.*

CONNECTIVITY AND NON-MOTORIZED TRANSPORTATION

Goal 1. Develop a complete non-motorized network plan for the Village to promote connectivity, community health, and the development of safe walkways to important destinations.

- Policy 1a. Work with local partners and property owners to further develop and implement long-range non-motorized network plans within the Village and between the Village and key destinations.*
- Policy 1b. Secure grant funding, in-kind services and donations and support public-private partnerships needed to implement non-motorized network plans.*

Goal 2. Create a pedestrian and bicycle friendly Village.

- Policy 2a. Collaborate with local partners to develop trail connections.*
- Policy 2b. Acquire easements and rights-of-way necessary to implement continuous bicycle and pedestrian paths and trails.*
- Policy 2c. Improve existing non-motorized pathways and require and/or create incentives for new and existing development to improve connectivity within the Village based upon non-motorized network plans.*
- Policy 2d. Encourage pedestrian and bicycle use within the Village by providing adequate street furniture and facilities.*
- Policy 2e. Implement design standards that give preference to pervious, semi-pervious and gravel paths as opposed to traditional sidewalks.*
- Policy 2f. Recommend the placement of signage and appropriate barriers to clearly designate separate lanes in areas used by automobile, bicycle and foot traffic.*
- Policy 2g. Where sidewalks are necessary, recommend the installation of decorative concrete and support the use of surfaces such as pervious pavement, interlocking blocks and pavers.*
- Policy 2h. In the intersections of heavily trafficked areas, create highly visible, physically identified crosswalks.*

Goal 3. Develop trails that provide access to natural features with minimal disturbance to the ecosystem.

- Policy 3a. Ensure that trail widths are the minimum necessary for the intended user and native vegetation surrounding the trails is retained.*

PARKING

Goal 1. Limit or eliminate the need for additional commercial parking.

- Policy 1a. Allow shared parking agreements and take advantage of existing parking to reduce the development of new parking areas.*
- Policy 1b. Consider reducing parking requirements inside and outside of the commercial core.*
- Policy 1c. Support transit services that connect Lopez Village to the ferry landing to reduce parking needs.*

Goal 2. Locate and size parking requirements to support users while enhancing the Village experience.

- Policy 2a. Cluster and connect the parking supply to provide a coherent and planned parking system.*
- Policy 2b. Coordinate development of the Village's parking and overall storm drainage plans.*

Policy 2c. Identify community parking areas outside of the commercial core and provide a path network from them to local businesses.

Policy 2d. Consider meeting future parking needs through the use of shared parking located outside of the commercial core.

Goal 3. Promote parking regulations and strategies that support users and residents of the Village.

Policy 3a. Develop parking standards that meet Village needs in all seasons.

Policy 3b. Develop regulations with a preference for visually screening and landscaping parking lots.

Policy 3c. Develop standards for parking stall surfaces and sizes including compact vehicles.

Goal 4. Develop specific parking requirements for the commercial core that reduce or eliminate future private parking requirements and preserve the Village experience by limiting visual and circulatory impacts of motor vehicles.

Policy 4a. Encourage the development of public parking in the commercial core.

Policy 4b. Encourage activities and uses requiring large parking lots and locate parking areas off the main transportation corridors.

Policy 4c. Require shared parking, clustering of separate parking areas located away from main roads, and placement of parking areas behind proposed buildings.

CAPITAL FACILITIES

Goal 1. Encourage joint planning efforts between San Juan County, Village developers and capital facility service providers.

Policy 1a. Assist service providers in anticipating and responding to growth.

Policy 1b. Maintain consistency between land use, service providers and public safety plans.

Policy 1c. Encourage service provider participation in land use plan development.

Policy 1d. Provide updated land use plans to service providers as soon as available for their use.

PARKS AND RECREATION

Goal 1. Include a variety of park and recreation grounds in the Village including the skate park, play facilities, green spaces for large community functions, small urban plazas and gathering places.

Policy 1a. Facilitate improvement and funding plans in existing Village park spaces that provide pedestrian and bicycle friendly spaces and encourage community gathering and use.

Policy 1b. Support grant applications by public space owners to fund relevant improvements.

Goal 2. Enhance the existing Village Park and other public places.

Policy 2a. Provide public space guidelines that include pedestrian and bicycle facilities, and native plants and water features.

Policy 2b. Encourage the use of art and musical features, and natural handcrafted materials.

Policy 2c. Encourage preservation of the natural environment and programs and public art that reflect this value.

Goal 3. Encourage the acquisition of additional public property.

Policy 3a. Work with San Juan County agencies and private land owners to acquire properties for views and public recreational use.

Policy 3b. Encourage conversion of privately owned common land space in the core to public park/use space with paths and benches.

Goal 4. Provide for the long-term maintenance of existing parks, recreational facilities and public land.

Policy 4a. Coordinate with public property owners including the County, the Lopez Chamber of Commerce and other local organizations to implement development and maintenance plans.

LIBRARY

Goal 1. Support the Lopez Library as a key cultural institution and gathering place.

Policy 1a. Include access to the library when planning trail networks and circulation.

Policy 1b. Allow the library to maintain and/or utilize adequate parking, such as shared offsite parking.

FIRE AND EMERGENCY MANAGEMENT SYSTEMS

Goal 1. Support Lopez Island Fire District #4

Policy 1a. Ensure adequate EMS and ambulance services are provided within the Village.

Policy 1b. Encourage the recruitment and training of volunteer Emergency Medical Technicians.

Policy 1c. Provide public access to telephones to facilitate 911 communications in the Village.

UTILITIES

Goal 1. Support Fisherman Bay Sewer District projects that encourage sustainability, and the provision of adequate services for the Village.

Policy 1a. Encourage environmentally and ecologically sound on-site composting and rain water and storm water re-use projects.

Policy 1b. Encourage well-maintained systems to collect and distribute treated sewage water from Fisherman Bay Sewage District.

Goal 2. Support water associations that operate in the UGA to encourage sustainability and the provision of adequate services for the Village.

Policy 2a. Support water conservation educational programs.

Policy 2b. Encourage rainwater collection and re-use.

Goal 3. Promote the availability of state of the art telecommunications technology.

Policy 3a. Assist OPALCO or other providers in responding to addressing public conditions that affect development of broadband operations and facilities in the Village.

Policy 3b. Require all telecommunications service, distribution and transmission lines to be placed underground in the Village.

Policy 3c. Minimize the visual impacts of all communication antennae.

Goal 4. Support energy efficiency and conservation and renewable energy use in the Village.

Policy 4a. Encourage the installation and use of alternative energy sources.

Policy 4b. Promote broad participation in energy efficiency and conservation programs by Village residents and businesses.

Policy 4c. Promote the development of energy conservation initiatives and education by coordinating with the SJC Conservation District, OPALCO and other energy conservation groups.

Goal 5. Promote efficient solid waste management operations and programs that help waste reduction, reuse and recycling in the Village.

Policy 5a. Promote education about reduction, reuse, recycling, composting and collection programs and the e-Waste program in coordination with Lopez Solid Waste Disposal District, San Juan County and others.

Policy 5b. Promote the participation of businesses, organizations and households in hazardous waste collection.

Policy 5c. Promote the participation of businesses, organizations, and households in reducing waste.

Policy 5d. Promote the use of biodegradable plates and utensils and supply compost bins at commercial vendors and the Farmers Market and other community events.

Policy 5e. Support the longevity and stability of the Lopez Solid Waste Disposal District.

STORMWATER

Goal 1. Protect water quality in Fisherman Bay.

Policy 1a. Require water quality treatment to protect Fisherman Bay.

Policy 1b. Promote continued water quality monitoring in Fisherman Bay.

Policy 1c. Use open water features such as wetland habitat, unfenced ponds, and swale/bio retention treatment within the Village.

Policy 1d. Support the use of Low Impact Development standards for projects and incentives that promote on-site infiltration and treatment, and reduce impervious surfaces.

Policy 1e. Consider community treatment facilities at the end of Lopez Road.

Goal 2. Coordinate with the SJC Public Works Department in the development of the Fisherman Bay Basin Plan and capital improvement plans for the basin and Village.

Policy 2a. Provide Village information and priorities to the County's Stormwater Utility consultants and the Public Works Department.

Policy 2b. Document and coordinate with Public Works to provide information on drainage events in the Village as this Subarea Plan is updated.

Goal 3. Create open water features in the Village.

Policy 3a. Invest in stormwater management facilities that incorporate new wetland habitat, unfenced ponds and bio filtration swales for primary treatment.

Policy 3b. Work with the Land Bank, Public Works Utility and other partners to purchase land for wetland habitat enhancement projects with stormwater management benefits.

Policy 3c. Acquire property or easements for the development of open water stormwater management features.

Policy 3d. Promote the development of rain gardens on public and private land.

Goal 4. Maximize the use of natural systems to manage stormwater.

Policy 4a. Minimize the use of piped solutions and ditch covering and limit ditch covering to areas necessary to provide safe non-motorized pathways.

Policy 4b. Coordinate with local partners such as the SJC Conservation District to promote education for and encourage the development of on-site stormwater management.

Goal 5. Reduce impervious surface coverage in new development.

Policy 5a. Establish site development standards such as shared or clustered parking and shared driveways that minimize the use of impervious surfaces.

Policy 5b. Promote the use of pervious pavements and on-site infiltration.

Goal 6. Retrofit ditches and ponds to increase water quality treatment, slow the velocity of stormwater and reduce the amount of sediment and contaminants draining to Fisherman Bay.

Policy 6a. Retrofit open ditches to improve stormwater treatment.

Policy 6b. Support acquisition of additional right-of-ways for additional stormwater treatment.

Policy 6c. Support grant applications for projects to improve stormwater treatment and water quality.

Goal 7. Address stormwater maintenance issues.

Policy 7a. Promote the development of and investment in a public maintenance program for open water stormwater features such as rain gardens.

ECONOMIC DEVELOPMENT

Goal 1. Maintain the Village core as Lopez’s major retail, service and community center with a walkable, rural village character.

Policy 1a. Ensure that the Village works for all businesses, services and users.

Policy 1b. Contain expanding commercial and service uses within the Village commercial core.

Policy 1c. Plan infrastructure for accessibility, connectivity to the ferry and marina services, circulation, stormwater management, water supplies, energy, broadband, and manage solid waste in ways that promote the Village and the development of sustainable businesses and services in the commercial core.

Policy 1d. Allow residential uses above or behind commercial enterprises within the commercial core in ways that complement and are consistent with primary commercial, service and public activities.

Policy 1e. Promote street-level accessibility to create a consistent visual experience of an active, compact commercial core area.

Goal 2. Foster a balanced, diversified, year-round local economy.

Policy 2a. Encourage diversity in the range of goods and services provided in the Village.

Policy 2b. Support the development of both new and traditional economic activities, including agriculture, maritime, recreation/tourism and creative activities.

Policy 2c. Support the interdependent qualities of the local economy through peer support groups and Buy Local campaigns.

Policy 2d. Support diversification of employment opportunities.

Goal 3. Enhance the Village's existing clusters of economic activity including: A) retail and community services for Island residents and visitors, B) services supporting the Island's new and traditional economic activities, C) local foods and products and D) the arts, cultural and community activities.

Policy 3a. Support and strengthen the business and service clusters by identifying gaps in small business needs, assessing the relationships between and among clusters, considering long-term goals and plans of existing activities and assessing how Village development and infrastructure changes can foster them.

Policy 3b. Foster the arts, cultural, and community activities and organizations as an important part of the Village's economy.

Policy 3c. Support cultural and heritage resources that are attractive to both local residents and visitors.

Policy 3d. Develop connections, special/uniform signs and foster programs or systems that expand public art throughout the Village, and encourage design that supports multiple or mixed uses that combine art uses with other uses.

Policy 3e. Support local entrepreneurs and business incubation. Accommodate home-based businesses that are consistent with the character of adjoining properties and the Village's overall environment.

Goal 4. Support the Village as a visitor destination by preserving and enhancing the authentic and unique qualities of our community.

Policy 4a. Preserve and enhance activities that rely on the area's traditional enterprises of agriculture, maritime, recreation tourism and creativity.

Policy 4b. Support community and private efforts to improve visitor services.

Policy 4c. Provide for short-term lodging to serve tourists and strengthen the Village economy and encourage lodging developments to include indoor and outdoor community usable space.

Policy 4d. Promote a balance between businesses oriented to local residents and those oriented to visitors.

Goal 5. Affirm the high value of the Village’s natural setting, environmental qualities and rural character as the strength of its local economic base and activities.

Policy 5a. Reinforce the visual connections between the Village commercial and service activities and the surrounding natural and rural qualities of Lopez Island.

Policy 5b. Identify and conserve the natural qualities present in the Village and extend them through landscaping of sites, pathways and roadways.

Policy 5c. Cherish the views from Village to surroundings, preserve view corridors, identify the contents of selected views for visitors, and integrate some of the history of Village development with particular views or places

Goal 6. Encourage economic development that preserves natural resources and open space, protects environmental quality, and stewards and enhances our community’s quality of life.

Policy 6a. Implement standards for low impact development and use site design and landscaping to preserve natural qualities and to connect development with its surroundings.

Policy 6b. Promote development of ecotourism business opportunities.

Policy 6c. Promote experiential activities for visitors and residents.

Policy 6d. Build on the Weeks Wetland interpretive model, extend it to become an education and ecology discovery trail throughout the Village.

Goal 7. Strengthen the Village’s capacity to develop and reinforce the local economy.

Policy 7a. Support a Village economic development entity comprised of community and private efforts including the county’s Economic Development Council, the Lopez Chamber of Commerce, sustainability organizations and social/education services to plan, evaluate and implement local economic development initiatives such as educational workshops, development financing, market analysis, promotion, etc.

Policy 7b. Employ the sub-area plan and its ongoing evaluation processes to assess economic stability and trends.

LOCAL GOVERNANCE FOR LAND USE AND PROJECT DESIGN

Goal 1. Provide opportunities for local input on development permits, applications and planning projects proposed within and adjacent to the Village.

Policy 1a. Appoint a Lopez Village Planning and Review Committee whose role would be to make recommendations to the County on proposed development applications.

Policy 1b. Encourage pre-development meetings in the Village with the Lopez Village Planning and Review Committee prior to permit submittal.

DRAFT of June 11 LVPRC minutes

Attending: Barbara Thomas, Sandy Bishop, Dennis Ryan. Staff - Zach Adams, Sophia Cassam.
(Dennis Ryan joined 10 minutes late)

Guest: Dean Frey

10:16

Zach Adams presented a PowerPoint briefing on Dean Frey's parcel land use designation request to change from Lopez Village Residential to Lopez Village Commercial.

Presentation in reference to the 2019 Plan, 3 options considered by staff: A) LVR to LVC, B) 160' strip along Fisherman Bay Road, C) No change.

Review looked at impacts, policy framework of the Plan including land use, economic development, compact core, pedestrian and connectivity qualities, and infrastructure improvements.

Dean Frey response: He bought his parcel 2016, at one point during long final approval process of the Plan the four parcels were designated "neighborhood enterprise", but in Plan as adopted they were designated residential, not commercial. There had been no neighborhood opposition during the public meetings; why this change? Has no intention to sell parcel. Remains committed to his commercial designation objective.

Committee comments:

BT: Committee in developing the Plan addressed the topic of "core and surrounding areas" numerous times and in various ways. Always the objective for achieving a vibrant and compact core. Expanding the commercial designation beyond the current core with many undeveloped parcels would dilute the objective.

The *Cottage Enterprise* has a lot of possibilities, with conditions, so as to not impact neighbors.

Cottage Enterprise is allowed as a provisional use all residential areas in Villages, Hamlets as well as most rural residential areas except Rural Residential where the lots are small.

Home Occupations is allowed in all Village Residential areas with a significant number of standards. Recall, it took us a while to develop this for the Plan.

The committee could consider reviewing the *Cottage Enterprise* use designation, perhaps with some additions, and identify appropriate areas where it could take place. If commercial activities are going to expand from the current commercial area they would logically expand toward the commercial areas of the Island Center to the south and not to the open farming valley to the north.

With the development of the walking trail from the docks and the resort, commercial activities stand a better chance of success with the walk by traffic to and from the Village.

SB: Fire department parcels – examples of use designations beyond the traditional core of the Village. If vibrancy is wanted, need to look at the realities of development initiatives. Look at ways to achieve mutual objectives. There are small lots in the Village core but none currently available. As always in adopting plans there are contradictions and consequences.

BT: Strengthening the currently active pedestrian connections between the Village and the island center marina accommodations area is recognized in the plan. South is the most evident and likely expansion area for commercial activities related to the current core.

DR: Pedestrian vitality, connections and reductions in vehicular movements are highly valued qualities throughout the plan. Achieving compactness and a critical density of activities are important but not always easy. The pedestrian movement along Fisherman Bay Road from the village south to the marina is a special quality. There is a logic to supporting any expansion of the village's commercial designations in this channel, but also recognizing the viability of the existing residential here as well.

We should give this important topic more time and attention – the staff has done well in opening this up. We can't do this before the Planning Commission meeting though, so I'm at Zach's Option C.

SB: Agree we should explore this more. Application, definition and conditions of cottage enterprise.

ZA: Sounds like your recommendations are: C) Retain current zoning. Acknowledge there is an intermediate course. Explore potentials and conditions for limited residential areas related to the core.

BT Motion: The Committee appreciates the staff's analysis within the overall policy and qualitative objectives of the Plan. We recommend: A) Retention of the current use designation at this time, and B) Undertake further analysis with staff of the conditions, limitations and potentials for the Cottage Enterprise designation in relation to the Village's commercial core and adjoining areas including those to the south.

DR seconds the motion. Motion carries unanimously.

11:12 am

Storm water topic discussion continued from April meeting.

SB: We are, step by step with each development and improvement, creating a Storm Water District. But incrementally. We need to look at the resulting, larger policy picture. The Village needs a "management plan."

BT: Agree. To get to a plan, we will need staff to organize a briefing on this within a long-range context.

SB: What does Eastsound do now? Is there a district wide approach within Eastsound?

Intersection topic from April meeting

BT: looks like the owners have addressed the issue of truck parking close to the intersection and blocking normal lines of sight.

SB: was it by chance or have they agreed to an informal policy?

Recruitment for the Committee

SC to drop off materials for BT at Land Trust box.

11:25am

DR, Motion to adjourn. SB, seconds the motion. Motion carries unanimously.