

ORDINANCE NO. 7 - 2001

WHEREAS, upon adoption of the 1990 Washington State Growth Management Act (GMA), Chapter 36.70A RCW, San Juan County was among those counties given the option to decline to plan under the GMA but, on July 24, 1990, by Resolution No. 113-1990, the Board of County Commissioners (Board) elected not to withdraw from participation in the requirements of the GMA; and

WHEREAS, in July of 1987, the Board authorized the Administrator to proceed with preparation of a preliminary subarea plan for Shaw Island pursuant to Section 16.44.170(C) SJCC, and a subarea plan committee composed of a volunteer group of Shaw Island residents and property owners was formed in May of 1990 to guide the Administrator in preparation of the subarea plan; and

WHEREAS, the subarea plan committee held public meetings on Shaw Island and prepared a survey for distribution to all property owners and residents of Shaw Island to solicit public comment regarding the future of Shaw Island and preparation of the subarea plan. The majority of the residents and property owners attending the public meetings and responding to the survey found that the existing land use regulations would allow uses which would adversely impact and significantly alter the character of the island by placing significant demands on the limited public services and facilities available and anticipated for the future; and

WHEREAS, to ensure preservation of the character of Shaw Island and establishment of the vision foreseen by the subarea committee and the residents and property owners of Shaw Island, the subarea plan committee proposed goals and policies to the Administrator. Based on the survey and the direction provided by the subarea plan committee, the Administrator prepared a draft subarea plan for review by the subarea plan committee and the residents and property owners of Shaw Island; and

WHEREAS, public meetings were held on Shaw island by the committee to address the goals, policies, and regulations of the draft subarea plan. Revisions were made to the plan by the committee and the Planning Department based on the comments received at the meetings, and the responsible SEPA official published notice of a Determination of Nonsignificance on November 3, 1993; and

WHEREAS, a summary of the proposed subarea plan and associated amendments to the Shoreline Master Program, and a notice advertising a joint public hearing before the Board and the Planning Commission for December 10, 1993 was published in the Journal of the San Juan Islands on November 3, 10, and 17, 1993. The hearing was continued to February 18, 1994 and notice was published on January 5 and February 2, 1994; and

WHEREAS, the Board continued the February 18, 1994 public hearing to March 14, 1994, for deliberations and for consideration of the Planning Commission findings and conclusions. The Board continued the March 14th public hearing to March 30, and April 27, 1994 to allow public comment on substantive changes to the proposed subarea plan and amendments to the Shoreline Master Program. Notices of public hearing were published in the Journal of the San Juan Islands on March 9 and April 6, 1994; and

WHEREAS, the Board continued the April 27th public hearing to May 11, 1994, for deliberations only. The Board continued the May 11th public hearing to June 1, 1994 to allow public comment on substantive changes to the proposed subarea plan and amendments to the Shoreline Master Program. A notice of public hearing and the full text of the proposed subarea plan and associated amendments

C: AUD
DAC(2)
PLNG
PERMIT CR
BINDER
7-6-01/86

**AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 2

to the Shoreline Master Program was published in the Journal of the San Juan Islands on May 18, 1994; and

WHEREAS, the Shaw Island Subarea Plan was adopted in the form of Ordinance No. 6-1994 on June 8, 1994 in anticipation of the County's Comprehensive Plan by a process in accordance with the requirements of the GMA and County Code; and

WHEREAS, after expending due effort to assure public participation and as part of that effort, the Board on June 15, 1998 passed Ordinance No. 2-1998 adopting a new Comprehensive Plan, Official Maps, and development regulations and controls including shoreline elements; and

WHEREAS, the County obtained the necessary state agency approvals, and on December 16, 1998 a Notice of Adoption of Ordinance No. 2-1998 was published in the local newspaper of record, effective December 20, 1998; and

WHEREAS, the GMA in Section 36.70A.080(2) allows for the optional use of subarea plans as part of comprehensive planning; and

WHEREAS, the San Juan County Comprehensive Plan of 1998 authorizes in Section B.2.6.A the establishment of subarea plans for village activity centers, specific geographic areas, or for resources in order to better address the unique needs and interests of those areas, environments, or functions; and

WHEREAS, the Comprehensive Plan requires that a subarea plan provide policies and regulations to address the effects of land use activities and provide criteria to ensure compatibility of land uses within the subarea; and

WHEREAS, the GMA requires subarea plans to be consistent with the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan in Section B.2.6.B provides for the continued authority of existing subarea plans, subject to a review of the consistency of the subarea plans with the new Comprehensive Plan, its Official Maps, and the Unified Development Code (SJCC Title 18; UDC) within 18 months of the effective date of the Plan; and

WHEREAS, Ordinance No. 2-1998 and Resolution No. 60-1998 further direct that a review be made of the consistency of the six existing subarea plans with the Comprehensive Plan; and

WHEREAS, the Planning Department reviewed the consistency of the policies and regulations of the Shaw Subarea Plan with the County Comprehensive Plan, UDC, GMA and Shoreline Management Act, and submitted reports of its findings and recommendations to the Planning Commission and Board, and made these available to the public; and

WHEREAS, the Planning Commission held a duly advertised public hearing on May 18, 2001 to receive comment on the staff report and consistency review, as identified in the hearing notice as published on May 2, 2001 in the official county newspaper, and submitted its findings and recommendations to the Board; and

WHEREAS, the Board held a duly advertised public hearing on July 3, 2001 to consider the consistency review of the Shaw Island Subarea Plan and the amendments recommended by the Planning Commission for changes to the subarea plan to address identified inconsistencies;

NOW THEREFORE, the Board makes the following FINDINGS:

A. County Diversity

1. The County has historically practiced a policy of encouraging complimentary differences between its constituent islands.
2. The Board of County Commissioners finds that this policy has benefited the health and welfare of the citizens of the County by providing economic, environmental and cultural diversity.

B. Shaw Island Subarea Plan

1. The purpose and approach of the Shaw Island Subarea Plan is to maintain the existing rural, residential and agricultural character of the island. This is a legitimate public purpose and is consistent with the policies of the San Juan County Comprehensive Plan and the Growth Management Act.
2. In July of 1987 the Board authorized the preparation of a preliminary subarea plan for Shaw Island pursuant to Section 16.44.170(C) SJCC. A subarea plan committee, composed of Shaw Island residents and property owners was formed in May of 1990 to guide in the preparation of the subarea plan. The subarea plan committee held public meetings on Shaw Island and prepared a survey for distribution to all property owners and residents of Shaw Island to solicit public comment regarding the future of Shaw Island and preparation of the subarea plan.
3. The majority of the residents and property owners found that existing land use regulations would allow uses which would adversely impact and significantly alter the character of the island by placing significant demands on the limited public services and facilities available and anticipated for the future. To ensure preservation of the character of Shaw Island and establishment of the vision foreseen by the subarea committee and the residents and property owners of Shaw Island, the subarea plan committee proposed the goals and policies of the subarea plan.
4. Based on the survey and the direction provided by the subarea plan committee, a draft subarea plan was prepared for review by the subarea plan committee and the residents and property owners of Shaw Island. Public meetings were held on Shaw island by the committee to address the goals, policies, and regulations of the draft subarea plan. Revisions were made to the plan by the committee and the Planning Department based on the comments received at the meetings.
5. A Determination of Non-Significance for the Shaw Island Subarea Plan and associated amendments to the Shoreline Master Program was issued on November 3, 1993. The notice was published in the Journal of the San Juan Islands on November 3, 1993. The changes proposed for Chapter 16.45 SJCC do not warrant reconsideration under SEPA and would not result in significant adverse environmental impacts. Amendments herein are within the scope of the original environmental analysis and the previously completed environmental documents have been incorporated by reference in a revised SEPA notice published on May 2, 2001.

**AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 4

6. A summary of the proposed subarea plan and associated amendments to the Shoreline Master Program, and notices advertising joint public hearings before the Board of County Commissioners and the Planning Commission for December 10, 1993, February 18, 1994 were published in the Journal of the San Juan Islands on November 3, 10, and 17, 1993, and on January 5 and February 2, 1994. The Board of County Commissioners continued the February 18, 1994, public hearing to March 14 and 30, April 27, May 11, and June 1 1994 for deliberations and for consideration of the Planning Commission findings and conclusions, and to allow public comment on substantive changes to the proposed subarea plan and amendments. Notices of public hearings were published in the Journal of the San Juan Islands on March 9, April 6, May 18 1994. The Shaw Island Subarea Plan was adopted in the form of Ordinance No. 6-1994 on June 8, 1994.
7. In 1998 San Juan County adopted a new comprehensive plan and development regulations in accordance with the Washington Growth Management Act. The Comprehensive Plan incorporated subarea plans that were adopted prior to the effective date of the Comp Plan while calling for review of each subarea plan for consistency with the GMA Comprehensive Plan.
8. The Shaw Island Subarea Plan and related Shoreline Environments recognize the limited availability of governmental services and capital facilities that exist or are planned for the island, and are designed to protect the public interest in health, safety, the natural environment, and fiscal responsibility.
9. In light of the limited public investment in public service and facilities, it is an appropriate function of the subarea plan to address infrastructure and public facility needs, and to choose to accept a lower level of service as adequate. The subarea plan's policy of allowing only small-scale developments on the uplands and shorelines which reflect, preserve, and support the existing character of Shaw Island, and which place limited demands on infrastructure and public facilities, is consistent with and helps to implement the locally accepted adequate level of service. It is consistent with the GMA's direction and with the policies of the Comprehensive Plan for capital facilities and land-use planning, and preservation of the environment and rural character of this island and subarea.
10. The maintenance of the existing rural, residential and agricultural character of the island, and the limited public investment in public services and facilities, also warrant reasonable regulation of the demands of transient users on the services, facilities and infrastructure on Shaw Island. This approach is consistent with the direction and policies of the GMA and Comprehensive Plan.
11. The Shaw Island Subarea Plan and related Shoreline Environments allow some additional uses in some land-use districts and shoreline environments. These uses are consistent with policy direction in the subarea plan for small-scale development and low demand for public services and infrastructure. They and the other allowed uses for the land-use districts provide a broad range of economically viable uses of land that will be available to all residents and property owners of Shaw Island. The modification by the subarea plan of the list of allowed and prohibited uses for the land-use districts on the island in order to provide economic opportunities consistent with preserving the environment and rural character of Shaw Island is consistent with GMA direction for land-use planning and economic opportunities, and with the policies of the Comprehensive Plan.

**AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 5

12. As is required by RCW 90.58.340, the Shaw Subarea Plan has been reviewed by the County and the State for its conformance with the policy and regulations of the Shoreline Management Act, and with the Shoreline Master Program policies of the San Juan County Comprehensive Plan. The Shaw Subarea Plan has provided for levels and types of uses and activities that are reasonable and appropriate to the local circumstances. This is an appropriate approach for the conditions at Shaw Island to reduce demands on facilities and services, to reduce or avoid environmental impacts, and to preserve and maintain the experience of Shaw Island and its shorelines while still maintaining an appropriate level of development activities and uses. The Shaw Island Subarea Plan and its shoreline provisions are in conformance with the policy of the Shoreline Management Act, 90.58.020, the provisions of RCW 90.58.340 for the development of land adjacent to shorelines, and with the Shoreline Master Program policies of the San Juan County Comprehensive Plan.
13. The amendments set forth in this ordinance are limited to those deemed necessary to ensure consistency of the Shaw Island Subarea Plan with the 1998 Comprehensive Plan, as amended, and with its implementing regulations in Title 18 SJCC. In addition to those noted above, the principal changes are:
 - a. References to the Comp Plan and UDC are updated;
 - b. References to the Shoreline Master Program refer to both the policies of the Shoreline Element of the Comp Plan and the regulations of the UDC in Chapter 18.50 SJCC.
 - c. Permit levels and procedures are corrected to correspond with current county procedures, and uses specifically defined for Shaw Island are set forth in a table with a structure similar to that in SJCC 18.30.040;
 - d. The planning horizon of the Comp Plan is used instead of "the foreseeable future";
 - e. Home occupations and cottage enterprises are both acknowledged and handled consistent with the direction of the Comp Plan and UDC;
 - f. Amendment procedures are now consistent with the regulations of the UDC; and
 - g. The permitting of essential public facilities is now consistent with direction in the Comp Plan and UDC.
14. Procedures that were followed by the county for public participation and ordinance adoption have met all procedural requirements of Chapters 36.70 and 36.70A, RCW. These amendments were the subject of a duly advertised public notice of hearing before the San Juan County Planning Commission on May 18, 2001, and a duly advertised public hearing held by the San Juan County Board of Commissioners on June 26, 2001.
15. Amendments to the Shaw Island Subarea Plan should be adopted under the authority of SJCC 18.90.050, pursuant to the procedures specified in SJCC 18.90.020, and Chapter 36.70 RCW and Chapter 36.70A RCW.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
FOR SAN JUAN COUNTY THAT:**

1. The Board hereby directs that the changes shown in redline-strikeout format in the attached Exhibit A be made to the Shaw Island Subarea Plan, Chapter 16.45 San Juan County Code.

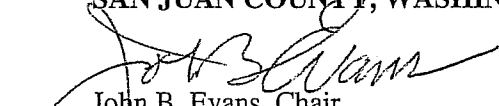
AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN

Page 6

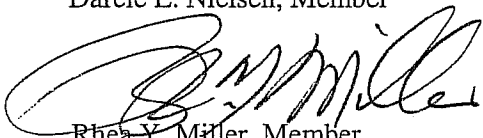
2. With the amendments in Exhibit A, the Shaw Island Subarea Plan is confirmed to be consistent with the 1998 Comprehensive Plan of San Juan County, as amended, with the Growth Management Act, RCW 37.70A, and the Shoreline Management Act, RCW 90.58.

DONE this 3RD day of July, 2001.

BOARD OF COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON


John B. Evans, Chair


Darcie L. Nielsen, Member


Rhea Y. Miller, Member

ATTEST: Si A. Stephens, Auditor
and Ex-Officio Clerk of the Board

By: 

Lillian Hamel, Deputy

CARDOLYN MORRISON 7/3/01

APPROVED AS TO FORM ONLY

Randall K. Gaylord
San Juan County Prosecuting Attorney

By:  OPA

Exhibit A. Amendments to the Shaw Island Subarea Plan (SJCC 16.45) for Consistency with the County Comprehensive Plan

Exhibit A:
**Amendments to the Shaw Island Subarea Plan (SJCC 16.45) for Consistency with the
County Comprehensive Plan**

**San Juan County Code
Chapter 16.45
SHAW ISLAND SUBAREA PLAN**

Sections:

- 16.45.100 Statement of purpose.
- 16.45.110 Authority.
- 16.45.120 Official maps.
- 16.45.130 Applicability.
- 16.45.135 Definitions.
- 16.45.140 Severability.
- 16.45.145 Appeals.
- 16.45.150 Effective date.
- 16.45.155 Amendments.
- 16.45.160 Updating the subarea plan.
- 16.45.170 Character of Shaw.
- 16.45.180 Commercial, industrial, and/or institutional development.

Section 16.45.100 Statement of purpose.

The purpose of the Shaw Subarea Plan is to protect the existing character and qualities of Shaw Island through goals, policies, and regulations which add to and are more specific to the needs and interests of the Shaw Island community than those contained in the County Comprehensive Plan, Unified Development Code, and Shoreline Master Program.

The majority of the residents and property owners of Shaw requested County adoption of a subarea plan for the island to protect the quiet, rural environment that results from limited commercial activity and a limited transportation network, and to ensure that future growth does not exceed the planned capacity of infrastructure and public services. (Ord. ##-2001; Ord. 6-1994 Exh. A)

Section 16.45.110 Authority.

This subarea plan is adopted pursuant to SJCC 16.44.170 (C) and 16.44.250 of the 1979 San Juan County Comprehensive Plan (succeeded by the 1998 Comprehensive Plan, regulations recodified in the Unified Development Code, Title 18 SJCC), by San Juan County Ordinance No. 6-1994, as amended. (Ord. 6-1994 Exh. A)

Section 16.45.120 Official maps.

There is hereby made a part of this subarea plan the official maps of the San Juan County Comprehensive Plan (and the San Juan County Shoreline Master Program, Section B.3 of the Comprehensive Plan and ~~as referenced in~~ Chapter 18.50 SJCC). This subarea plan shall apply to

all of Shaw Island. The maps show the total area covered by this plan and each of the subarea designations. The maps shall be filed and amended in the same manner as other official maps of the Comprehensive Plan and the Shoreline Master Program. The maps shall be available for public inspection in the San Juan County planning department. (~~Ord. ##-2001~~; Ord. 6-1994 Exh. A)

Section 16.45.130. Applicability.

A. Comprehensive Plan and Unified Development Code (UDC). This subarea plan, also referred to as the "Shaw Subarea Plan," provides goals, policies and land use regulations additional to those of the Comprehensive Plan and UDC (SJCC Title 18) and shall apply to all land and land-use activity, and to all structures and facilities, within that area described on the official maps. In the event of any conflict between the Shaw Subarea Plan ~~regulations provisions~~ and the ~~UDC Comprehensive Plan (except the Shoreline Master Program—see below)~~, the ~~most restrictive provisions regulations~~ of the subarea plan shall prevail ~~control~~. All other provisions and language of the ~~UDC Comprehensive Plan~~ shall retain their full force and effect.

B. Shoreline Master Program. The provisions of this subarea plan are also additional to those of the San Juan County Shoreline Master Program (~~Section B.3 of the Comprehensive Plan, and Chapter 18.50 SJCC, a subarea plan of the Comprehensive Plan~~). All developments within the jurisdiction of the Shoreline Master Program shall be subject to ~~Section B.3 of the Comprehensive Plan, Chapter 18.50 SJCC,~~ and this subarea plan. In the event of any conflict between the Shaw Subarea Plan provisions and the Shoreline Master Program, ~~Chapter 18.50 SJCC (SMP), the more restrictive latter shall prevail. This shall be the case unless and until the SMP is amended to impose the more restrictive regulations in the event of a conflict between the SMP and other applicable regulations.~~ (~~Ord. ##-2001~~; Ord. 6-1994 Exh. A)

Section 16.45.135. Definitions.

All words shall have their normal and customary meaning, unless specifically defined otherwise in this section or in Chapter 18.20 SJCC.

A. "Commercial recreational facility" means a place designed and equipped for the conduct of sports and leisure-time activities which is operated as a business and open to the public for a fee. This includes privately operated campgrounds, health clubs, and other businesses that specialize in recreational activities.

B. "Food service facility" means a commercial use which sells or serves food products for consumption on-site or for carry-out in ready-to-consume servings. This includes restaurants and cafes, and excludes catering services, grocery stores, and delis which are incidental to a grocery store.

C. "~~Small-Scale Manufacturing~~" means making small-scale finished products or parts from component parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials except food products.

D. "Permanent moorage/dry storage facility" means a facility which provides wet moorage and/or dry storage for pleasure craft or commercial craft for a fee for periods of six months or more.

E.F. "Transient moorage/dry storage facility" means a facility which provides wet moorage and/or dry storage for pleasure craft or commercial craft for a fee for periods of less than six months.

F.E. "Transient accommodations" means the rental of any structure or portion thereof for the purpose of providing lodging for periods less than 30 days, by itself or in combination with any commercial use. (Ord. ~~##-2001~~; Ord. 14-2000 § 7(LL); Ord. 6-1994 Exh. A)

16.45.140 Severability.

If any provisions of this subarea plan or its application to any person, legal entity, or circumstance is held invalid, the remainder of this subarea plan shall not be affected. (Ord. ~~##-2001~~; Ord. 6-1994 Exh. A)

16.45.145 Appeals.

Appeals shall be in accordance with the procedures set out for appeals in the Unified Development Code (Chapter 18.80 SJCC). (Ord. 2-1998 § 17(C); Ord. 6-1994 Exh. A)

16.45.150 Effective Date.

The ordinance codified in this chapter shall be effective immediately upon adoption [June 8, 1994] by the San Juan County board of commissioners. (Ord. 6-1994 Exh. A)

16.45.155 Amendments.

Amendments to this subarea plan shall be subject to procedures established in the Unified Development Code for adoption of subarea plans set out in Chapter 18.90 SJCC. (Ord. ~~##-2001~~; Ord. 2-1998 § 17(C); Ord. 6-1994 Exh. A)

16.45.160 Standing committee; Updating the subarea plan.

A standing committee of seven members shall be appointed by the board of County commissioners, with members to serve staggered three-year terms. The standing committee shall fulfill the responsibilities of SJCC 18.90.050(G) and other responsibilities assigned in this Code or by the board of County commissioners.

A. The standing committee shall

1. ~~conduct a public meeting annually (or more often if it deems necessary) to consider whether amendments should be proposed for the subarea plan, and to accept public comments on the subarea plan, and~~ Conduct a public meeting annually or more often if deemed necessary to accept comments on the subarea plan; and

2. at least once every five years initiate a review and updating of the subarea plan, and conduct one or more public meetings to accept public comments, and

3. ~~if the standing committee determines that amendments should be proposed, it shall forward specific proposals and concerns to the planning director for inclusion in the Comp Plan review process.~~ Forward specific concerns and proposals to the Planning

Director and Planning Commission for inclusion in the *Comprehensive Plan* review process.

B. The planning department will review the subarea plan and the proposals of the standing committee and prepare a report and recommendations for amendments for the planning commission. The planning commission shall commence review of this plan at least once every three years from the date of adoption. Following the this review, the planning commission and planning department may recommend to the board of County commissioners amendments designed to achieve more effectively and equitably the purposes and policies of this the subarea plan. (Ord. #-2001; Ord. 6-1994 Exh. A)

16.45.170 Character of Shaw.

In many ways, Shaw is similar to the non-ferry served islands. It is small and sparsely populated, and has very few commercial services. Large areas are inaccessible by car. Its topography is probably closest to that of San Juan Island, with a mix of forest lands, open pastures, and rolling hills. It is neither flat like Lopez Island, nor mountainous like Orcas Island.

A. The Island. Shaw is located roughly in the center of the County. It is approximately 4,937 acres, or 7.7 square miles, in area. The largest bays are located on the northeast (Blind Bay), southeast (Indian Cove and Squaw Bay), and southwest sides (Parks Bay).

B. Transportation. Shaw is served by the Washington State ferry system. The ferry stops fewer times and allocates less space to vehicles going to and coming from Shaw than it does any of the other ferry-served islands, due to the island's small population. The major roads run east to west from the ferry landing at Blind Bay to Neck Point, and north to south from Broken Point to Hoffman's Cove. The roads are narrow, winding, and some are not paved. There are approximately 12 to 14 miles of County roads on the island. Large portions of the northeast and southwest quadrants of the island are inaccessible by car. There is no public airstrip. The only commercial moorage is located next to the ferry landing.

C. The People and Land Use. Shaw Island is the least populated and least visited of the four ferry-served islands. According to the 1990 census, 163 people inhabit Shaw. One school serves the children of the island from kindergarten through eighth grade. There is no mail delivery except to the small post office at the ferry landing. There is one grocery store, a small marina located at the ferry landing, and a campground at the County park (Indian Cove and South Beach). The island is primarily residential and agricultural. It is rural, quiet, and developed to a small scale that, for the most part, blends the built environment with the natural environment.

D. Infrastructure and Public Services. Shaw Island has no full-time police force, or County road maintenance crew. Fire protection is provided by a volunteer fire department. There are no medical facilities or full-time emergency medical personnel. There is no central water system, sewer system, or tax-supported library. At present, For the foreseeable future, the County Comprehensive Plan, the Parks Plan, and capital facility plan does not call for any such facilities or services. (Ord. ##-2001; Ord. 6-1994 Exh. A)

Section 16.45.180. Commercial, industrial, recreational, residential, and/or institutional development.

A. Goal. To preserve the rural, agricultural, and residential nature of Shaw Island by allowing small-scale developments which reflect, preserve, and support the existing character of Shaw Island and which place limited demands on infrastructure and public facilities.

B. Policies.

1. The existing small-scale, agricultural, and rural residential character of Shaw Island should be considered in every application for a commercial, industrial, and/or institutional use.

2. This plan acknowledges that capital facility investments may be needed in the future in order to continue to support an increase in the resident population of the island. The demand for these facilities and services that would be added by development that serves a transient population would, however, exceed the capacity currently available and likely to be available in the 20-year planning horizon of the Comprehensive Plan foreseeable future.

3. Uses which reflect, preserve, and support the existing character of Shaw Island and place minimal demands on ~~existing and foreseeable~~ infrastructure and public facilities that are existing or are likely to become available in the planning horizon of the Comprehensive Plan should be encouraged. Examples include, but are not limited to, uses associated with harvesting, processing, marketing, and sale of agricultural, horticultural, forestry, and marine products; personal and professional services, *e.g.*, optical, dental, medical, legal, and architectural offices, beauty salons, small scale biotechnical labs, and other similar uses; mail-order businesses; printing and publishing facilities; construction services; auto, boat, and mechanical repair services; small-scale manufacturing uses, *e.g.*, weaving, ceramics and glassware production, furniture and cabinet shops, boat building, clothing and fashion accessory production, leather goods production, machine shops, commercial canning kitchens, book binding, video and audio cassette production, and other similar uses; and home occupations and cottage enterprises. (In accordance with SJCC 18.30.040 (Table 3.2) and 18.60.180, home occupations and cottage enterprises are residential uses and are not regulated as commercial, industrial, or institutional development.)

4. Uses which neither reflect, preserve, nor support the existing character of Shaw Island and place more than minimal demands on ~~existing and foreseeable~~ infrastructure and public facilities that are existing or are likely to become available in the planning horizon of the Comprehensive Plan should be prohibited. Such uses would typically generate a transient population which would stress the existing infrastructure and public services, and/ or would fail to support the traditional rural, agricultural, and residential uses of Shaw Island. Such uses include, but are not limited to, commercial recreational facilities, transient accommodations, food service facilities, and transient moorage and dry storage facilities.

5. Nothing in this subarea plan shall preclude the siting of an essential public facility as identified in the Comprehensive Plan (Section B.7 and Appendix 2) according to the procedures of SJCC 18.30.050(E).

C. Regulations.

1. The following uses shall be prohibited: commercial recreational facilities; transient accommodations by themselves or in combination with any other commercial use, food service facilities, and transient moorage and dry storage facilities.

**AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

2. The County parks is are not a commercial uses and shall not be subject to the goals, policies, and regulations of this subarea plan. Any expansion, modification, or intensification of the County parks shall be subject to the applicable provisions and permit requirements of SJCC Title 18 and Section B.3 of the Comprehensive Plan. The guidance of this subarea plan shall be considered when expanding their supportive capital facilities and services.

32. Land uses which are not prohibited by SJCC Title 18 or by this subarea plan may be allowed subject to the review criteria in SJCC Title 18. The policies of this plan shall provide guidance for review under SJCC Title 18.

4. Classification of Uses Defined Specifically for Shaw Island. The following table shall be used in permit processing for Shaw Island in addition to Table 3.2 in SJCC 18.30.040:

<u>Land Uses</u>	<u>Rural Districts</u>		<u>Resource Lands</u>	<u>Special Lands</u>	
	<u>RR</u>	<u>RFF</u>	<u>FOR</u>	<u>C</u>	<u>N</u>
<u>Commercial Uses</u>					
<u>Bed & Breakfast Residence</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Bed & Breakfast Inn</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Farm Stay</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Hotel/Motel</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Eating Establishment</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Food Service Facility⁽¹⁾</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Catering Services</u>	<u>No</u>	<u>D</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Grocery Store (and delicatessen incidental to a grocery)</u>	<u>No</u>	<u>C</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Transient Moorage/Dry Storage Facility⁽²⁾</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Un-named Commercial Uses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Industrial Uses</u>					
<u>Light Manufacturing</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Small-Scale Manufacturing⁽³⁾</u>	<u>No</u>	<u>D</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Small-Scale Manufacturing⁽³⁾</u>	<u>No</u>	<u>D</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Institutional Uses</u>					
<u>Adult Education</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Institutional Camps</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Un-named Institutional Uses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

AN ORDINANCE AMENDING THE SHAW ISLAND SUBAREA PLAN
AND CONFIRMING THE CONSISTENCY OF THE AMENDED PLAN
WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN

Page 13

<u>Land Uses</u>	<u>Rural Districts</u>		<u>Resource Lands</u>	<u>Special Lands</u>	
	<u>RR</u>	<u>RFF</u>	<u>FOR</u>	<u>C</u>	<u>N</u>
<u>Recreational Uses</u>					
<u>Camping Facilities in public parks</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>C</u>	<u>No</u>
<u>Indoor Recreation Facilities</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Un-named Recreational Uses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Residential Uses</u>					
<u>Transient Rental of Residence or Guest House (acc. dwell. unit)⁽⁴⁾</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

Notes:

1. A subset of "Eating Establishment." A commercial use which sells or serves food products for consumption on-site or for carry-out in ready-to-consume servings. On Shaw Island this use includes restaurants and cafes, and excludes catering services, grocery stores, and delis which are incidental to grocery stores.
2. A facility that provides wet moorage and/or dry storage for pleasure craft or commercial craft for a fee for periods of less than six months.
3. This means making small-scale finished products or parts from component parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic processing of raw materials except food products. For a list of examples, see SJCC 16.45.180.B(3).
4. The rental of any structure or portion thereof for the purpose of providing lodging for periods less than 30 days, by itself or in combination with any commercial use.

D. Regulations by Designation—All Designations. All uses shall be subject to the review and approval requirements contained in this section and SJCC Title 18. (Ord. ##-2001; Ord. 14-2000 § 7(MM), (NN); Ord. 6-1994 Exh. A)

