

Shaw Island Subarea Plan

as amended through Ordinance 21-2002, Dec. 3, 2002

Legislative History

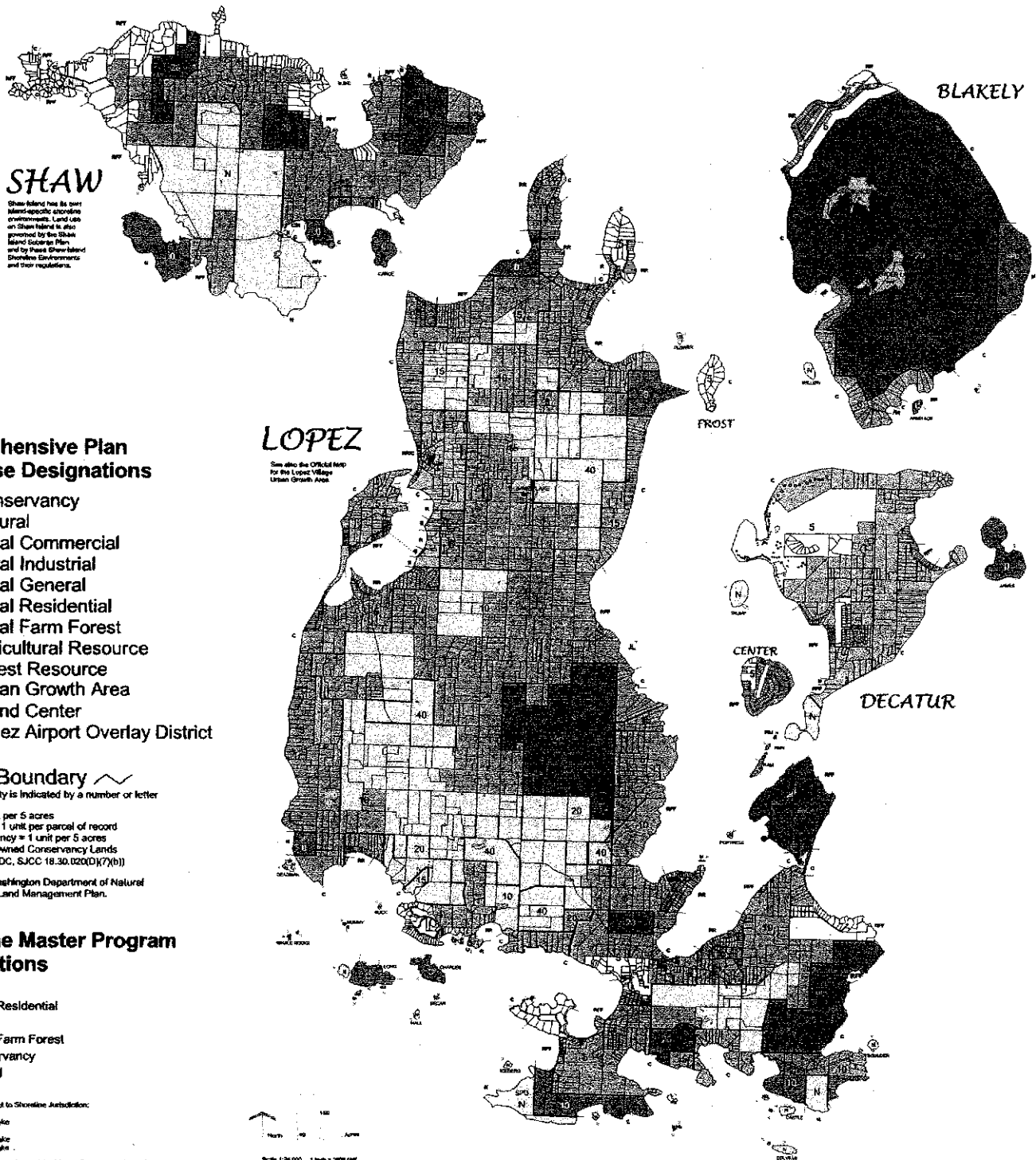
Adopted by Ordinance 6-1994 (June 8, 1994)

Amended by Ord. 7-2001 (July 3, 2001) to make consistent with the new Comprehensive Plan

Amended by Ord. 21-2002 (Dec. 3, 2002) to make consistent with changes to regulations governing accessory dwelling units and vacation rentals

Comprehensive Plan Land Use and Shoreline Master Program District 3

SAN JUAN COUNTY, WASHINGTON



Location	Date	By
Shaw Island	12/15/03	PLM
Lopez Island	12/15/03	PLM
Blakely Island	12/15/03	PLM
Frost Island	12/15/03	PLM
Center Island	12/15/03	PLM
Decatur Island	12/15/03	PLM
Other Islands	12/15/03	PLM

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

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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. 7-2001 § 1; Ord. 6-1994 Exh. A)

Section 16.45.110 Authority.

This subarea plan is adopted pursuant to Sections 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 (UDC), SJCC Title 18), 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 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. 7-2001 § 1; 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 and the UDC (except the Shoreline Master Program, *see below*), the regulations of the subarea plan shall control. All other provisions and language of the UDC 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). 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, the more restrictive shall prevail. (Ord. 7-2001 § 1; 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 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. "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. "Transient accommodations"** means the rental (including vacation 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. 21-2002 § 11; Ord. 7-2001 § 1; 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. 7-2001 § 1; 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. 7-2001 § 1; Ord. 2-1998 § 17(D); 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 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. 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. Following 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 the subarea plan. (Ord. 7-2001 § 1; 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, the County Comprehensive Plan, the Parks Plan, and capital facility plan do not call for any such facilities or services. (Ord. 7-2001 § 1; 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.
 3. Uses which reflect, preserve, and support the existing character of Shaw Island and place minimal demands on 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 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 commercial use, food service facilities, and transient moorage and dry storage facilities.
2. County parks are not commercial uses and shall not be subject to the goals, policies, and regulations of this subarea plan. Any expansion, modification, or intensification of 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.
3. 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:

Land Uses	Rural Districts		Resource Lands	Special Lands	
	RR	RFF	FOR	C	N
Commercial Uses					
Bed & Breakfast Residence	No	No	No	No	No
Bed & Breakfast Inn	No	No	No	No	No
Farm Stay	No	No	No	No	No
Hotel/Motel	No	No	No	No	No
Eating Establishment	No	No	No	No	No
Food Service Facility ⁽¹⁾	No	No	No	No	No
Catering Services	No	D	No	No	No

Land Uses	Rural Districts		Resource Lands	Special Lands	
	RR	RFF	FOR	C	N
Grocery Store (and delicatessen incidental to a grocery)	No	C	No	No	No
Transient Moorage/Dry Storage Facility ⁽²⁾	No	No	No	No	No
Un-named Commercial Uses	No	No	No	No	No
Industrial Uses					
Light Manufacturing	No	No	No	No	No
Small-Scale Manufacturing ⁽³⁾	No	D	No	No	No
Small-Scale Manufacturing ⁽³⁾	No	D	No	No	No
Institutional Uses					
Adult Education	No	No	No	No	No
Institutional Camps	No	No	No	No	No
Un-named Institutional Uses	No	No	No	No	No
Recreational Uses					
Camping Facilities in public parks	No	No	No	C	No
Indoor Recreation Facilities	No	No	No	No	No
Un-named Recreational Uses	No	No	No	No	No
Residential Uses					
Vacation Rental of Residence or Acc. Dwell. Unit ⁽⁴⁾	No	No	No	No	No

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. 21-2002 § 11; Ord. 7-2001 § 1; Ord. 14-2000 § 7(MM), (NN); Ord. 6-1994 Exh. A)

Table 7. Estimated Population and Dwelling Units, 1990–1995.¹

Location	1990 Popu- lation per Island ²	1990 Pop. per Island (%)	1990 Dwell. Units per Island ³	1990 Dwell. Units per Island (%)	1995 Popula- tion ⁴	Est. 1995 Dwell. Units per Island ⁵	1995 Dwell. Units per Island (%)
San Juan							
Unincorp.	3,449	40.37	1,882	35.81	4,246	2,318	33.00
Town of Friday Harbor ⁶	1,492	N.A. ⁷	819	N.A. ⁷	1,810	1,047	N.A. ⁷
Orcas	3,194	37.39	1,901	36.17	3,914	2,347	33.41
Lopez	1,483	17.36	1,074	20.43	1,818	1,317	18.75
Shaw	163	1.91	170	3.23	200	188	2.70
Blakely	29	0.34	31	0.59	36	121	1.72
Brown	14	0.16	39	0.74	17	45	0.64
Cactus	0	0.00	0	0.00	0	2	0.03
Canoe	0	0.00	2	0.04	0	2	0.03
Center	14	0.16	7	0.13	17	84	1.19
Crane	11	0.13	31	0.59	13	42	0.60
Decatur	54	0.63	20	0.38	66	148	2.10
Dinner	2	0.02	1	0.02	2	2	0.03
Double	4	0.05	2	0.04	5	3	0.04
Fawn	2	0.02	2	0.04	2	2	0.03
Frost	0	0.00	0	0.00	0	2	0.03
Henry	0	0.00	2	0.04	0	74	1.05
Johns	1	0.01	1	0.02	0	43	0.61
McConnell	0	0.00	1	0.02	0	2	0.03
Obstruction	2	0.02	9	0.17	2	17	0.24
Pearl	5	0.06	2	0.04	1	29	0.41
South Finger	0	0.00	0	0.00	0	2	0.03
Stuart	40	0.47	16	0.30	49	104	1.48
Waldron	70	0.82	56	1.07	86	116	1.65
All Other Islands	6	0.02	7	0.13	16	13	0.18
TOTALS	10,035	100.00	6,075	100.00	12,300	7,023	100.00

Notes:

1. The 1990 Census count of dwelling units for the islands appears to be accurate and was combined with Dwelling Units Added in 1991 through 1995 to develop the "Estimated 1995 Dwelling Units per Island."
2. The distribution of the permanent residential population amongst the islands based on the 1990 Census.
3. The distribution of dwelling units amongst the islands based on the 1990 Census.
4. The estimated distribution of the Office of Financial Management's (OFM) 1995 population by island is based on the distribution pattern of the 1990 Census.

Table 10. Lopez Island Peak Population Estimate, 1995.

Location	Facility Type	Dwelling Units	Persons Per Unit	Peak Season Population
	Village Guest House	1	2	2
LOPEZ ISLAND (cont.)	Visitor Accommodations (cont.)			
	Marina			
	Islands Marine Center	96	2	192
	Islander Lopez	28	2	56
	Campgrounds			
	Spencer Spit	45	2	90
	Odlin County Park	30	2	60
	Hummel Haven	12	2	24
	Moorage			
	Spencer Spit	16	2	32
	Vacant Land	15	2	30
	Friends/Family	177	1	177
LOPEZ ISLAND TOTALS		1,795		3,738

Table 11. Shaw Island Peak Population Estimate, 1995.

Location	Facility Type	Dwelling Units	Persons Per Unit	Peak Season Population
SHAW ISLAND	Total Units for Residents (1995)	200	2.25	450
	Visitor Accommodations			
	Our Lady of the Rock	12	1	12
	County Park	12	2	24
	Vacant Land	2	2	4
	Friends/Family	19	1	19
SHAW ISLAND TOTALS		245		509

Table 12. Non-Ferry Served Islands Peak Population Estimate, 1995.

Location	Facility Type	Dwelling Units	Persons Per Unit	Peak Season Population
BLAKELY ISLAND	Total Units for Residents (1995)	121	2.25	272
	Visitor Accommodations			
	Blakely Island Marina	50	2	100
	Vacant Land	1	2	2
	Friends/Family	4	1	4

unknown 2.4 percent (12 respondents). Table 13 shows the distribution among the ferry-served islands of the estimated 796 day visitors.

In addition to day visitors arriving by ferry, this table also estimates the number of day visitors arriving in Friday Harbor by private cruise/tour boat. The Port of Friday Harbor provided a list of ten cruise/tour boat operators who regularly visit the Port. A telephone survey of these operators provided information about their activities in San Juan County in August of 1993 including: how frequently they visit the County, where they go and for how long, the capacity of their vessels and percent of capacity typically used in August.

Table 13. Estimated Number of Day Visitors in Peak Season (August), 1993.

Location	Day Visitors Arriving by Ferry (%)	Estimated Number of Day Visitors Arriving by Ferry	Estimated Number of Day Visitors Arriving by Cruise/Tour Boat	Total Estimated Day Visitors
San Juan Island (Unincorp. + FH)	36.4	290	297	587
Orcas Island	36.6	291	0	291
Lopez Island	22.0	175	0	175
Shaw Island	2.6	21	0	21
Unknown	2.4	19	0	19
TOTAL	100.0	796	297	1,093

Table 14—Summary of Peak Season Population, 1995. This table summarizes data from the previous six tables. The number of overnight visitors is estimated by subtracting the 1995 resident population (from Table 1, Column 4) from the total peak season overnight population (from Tables 8-12). The total estimated visitor population equals the overnight visitor population plus estimated 1995 day visitors (20 percent of daily ferry riders in August). Total peak population equals total visitor population plus resident population. The last column in the table shows the percent of the total peak population represented by the total visitor population. In 1995, countywide during the height of the peak season, visitors may represent slightly more than one-half of the County's peak population.

Table 14. Summary of Peak Season Population, 1995.

Location	Estimated Overnight Population			Est. Day Visitors	Total Visitor Pop.	Total Peak Season Pop.	Visitor Population (% of Total)
	Total Overnight	Resident Pop.	Visitor Pop.				
San Juan Island (Unincorp. +FH)	10,353	6,056	4,297	806	5,103	11,154	46
Orcas Island	8,287	3,915	4,372	570	4,942	8,857	56
Lopez Island	3,738	1,818	1,920	264	2,184	4,002	55
Shaw Island	509	200	309	22	331	531	62
Non-Ferry-Served Islands	2,594	311	2,283	0	2,283	2,594	88
TOTAL	25,481	12,300	13,181	1,662	14,843	27,138	55

Table 27. Lopez Island Land Use Inventory.

Uses	Existing Parcels	Total Acreage
Common Area	47	56
Gov't Services	66	172
Manufacturing	4	19
Multi-Family	12	143
Open Space	3	65
Recreation	18	105
Resource Lands	229	6,008
Retail/Service	44	714
Single-Family	1,265	4,653
Transient Accom.	23	15
Transportation	25	68
Vacant	1,459	5,882
Parks	45	390
TOTAL	3,240	18,290

Table 28. Shaw Island Land Use Inventory.

Uses	Existing Parcels	Total Acreage
Common Area	4	12
Gov't Services	4	2
Manufacturing	1	10
Multi-Family	4	134
Open Space	9	328
Recreation	3	2
Resource Lands	28	1,038
Retail/Service	24	752
Single-Family	155	1,062
Transportation	3	1
Vacant	203	1,561
Parks	2	59
TOTAL	441	5,031

**Review of the Consistency of the Shaw Island Subarea Plan
(Chapter 16.45 SJCC) with the 1998 Comprehensive Plan
and Unified Development Code (Title 18 SJCC; UDC)**

Topics

- I. Policy Issues, Discussion, and Recommendations
 - A. Purpose of the Subarea Plan; Rural Character and Infrastructure
 - B. General Handling of Differences between Provisions of the UDC and the Subarea Plan
 - C. Consistency of the Shoreline Master Program
 - D. Economy, Land Use and Infrastructure
 - E. Administration and Oversight of the Subarea Plan; Standing Committee
 - F. Citations and References in the Subarea Plan
- II. Redlined Shaw Island Subarea Plan (SJCC 16.45): Recommended Amendments for Consistency with the San Juan County Comprehensive Plan
- III. Portions of the Shoreline Master Program where "Regulations by Environment" provide Special Guidance for Shaw Island Environments

I. Policy Issues, Discussion, and Recommendations.

A. Purpose of the Subarea Plan; Rural Character and Infrastructure

1. Rural Character and Infrastructure

The Shaw Island Subarea Plan seeks to protect the existing, quiet, rural character and qualities of Shaw Island, which is consistent with the general Land Use goal of §§B.2.2 and B.2.2.A of the Comp Plan:

2.2 General Goal and Policies of the Land Use Element

This section of the Land Use Element establishes the overall goal and policies for how the county will try to achieve the Vision and identifies a number of general goals and policies for a broad range of issues which may apply to all land classes in the County.

2.2.A General Goal

To provide for the orderly use of San Juan County land, shorelines and water areas and to protect and maintain the natural beauty and resources of the islands, maintain the present rural, residential, agricultural atmosphere, respect the natural environment and processes, recognize the marine orientation of the County, and to regulate development in a manner which will protect both the rights of private landowners and the interests of the public.

The existing character of the island results in large part from the limited commercial activity and limited transportation network on the island. The subarea plan adopts a goal of allowing only small-scale developments which reflect, preserve, and support the existing character of the island, and which place limited demands on infrastructure and public facilities. In adopting this goal, the island is choosing to accept lower levels-of-service (LOS) in order to avoid the need for more capital facility development (and in order to avoid the impacts associated with such development).

For long-term control of growth, changes to LOS standards are not sufficient. As is directed in RCW §36.70A.070(3)(e) and WAC §365-195-315(2)(f), if LOS standards cannot be met without unacceptable

increases in capital facilities and expenditures, the land-use maps should be changed. The Shaw Island Subarea Plan meets this directive by identifying visitor-serving uses, and industrial, commercial, and institutional uses that would place unacceptable demands for public services and infrastructure, and prohibiting them within the land-use districts of the island. The regulations modify the list of allowable uses, and in doing so modify the land-use districts and map.

The Capital Facilities Element gives policy direction for capital facilities planning. Two relevant policies for this situation are:

- B.7.2.A.7. Consider the needs of each individual island when planning for capital facilities, except for those facilities provided to serve residents County-wide.
- B.7.2.A.12. Consider the geographical location and capacity of existing capital facilities and services in designation of future land uses and land-use district boundaries, and analysis of potential effects on resource lands, special districts, and critical areas.

The Comp Plan does not explicitly address the question of making localized modifications to LOS standards, but it does discuss (in §B.7.1.F) options that are available to the County if financing is not adequate to support a given LOS.

The goal of this approach is to bring development into balance with available and affordable capital facilities and services.

This reasoning can be extended to situations where the environment of a specially recognized area is not adequate to support a given LOS. Among the six options listed are:

- B.7.1.F.1. Reduce the level of service, which will reduce the cost (reduction of an adopted LOS standard will require an amendment to this element of the Comprehensive Plan);
- B.7.1.F.4. Reduce the demand by reducing consumption (e.g., water conservation, reducing, recycling, and reusing solid waste) which may have high short-term costs, but are likely to result in long-term savings;
- B.7.1.F.5. Reduce the demand for the facilities or service by restricting development (i.e., amend the Land Use Element) which may cause growth to occur in other areas;

The 1998 San Juan County Comprehensive Plan, in §B.2.6, provides direction on the purpose of subarea plans in the County's Comp Plan:

§B.2.6 SUBAREA PLANS

This section of the Land Use Element provides goals and policies to guide the development of subarea plans. Subarea plans are intended to address the needs of village activity centers, specific geographic areas or the management of resources when these needs cannot be adequately addressed by the designations and provisions of this Plan.

§B.2.6.A Goals and Policies

Goal: To provide for the creation of detailed 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.

Policies:

1. Subarea plans should be consistent with, and more specific than, the goals and policies of this Plan and consistent with State law.

2. Subarea plans may be developed to address unique circumstances and achieve specific goals which cannot be accomplished through or by amendment of the goals and policies of this Plan and associated regulations.

As is noted above, extensive public involvement and comment, and the extensive deliberations of the Planning Commission and the Board of County Commissioners established that the development and use of subarea plans for specific geographic areas under §B.2.6 is an appropriate function under the County's Comprehensive Plan, and consistent with the overall purpose of the Comprehensive Plan.

The subarea plan's approach to infrastructure and capital facilities is an appropriate application of capital facilities planning under the Growth Management Act, and is consistent with Policy B.7.2.A.7 and with the guidance and options in §B.7.1.F.

The Comp Plan recognizes the Shaw Island Subarea Plan as an existing adopted subarea plan in §B.2.6.C.4. The Shaw Island Subarea Plan provides localized policies and controls that are developed in response to local conditions and circumstances. This is consistent with the general guidance of the Comprehensive Plan for addressing the unique needs and interests of the area, its environment, and its functions.

The approach of the subarea plan, adopting a locally appropriate level of service for a defined subarea together with regulation of some land uses that place demands on public services, is also consistent with the general policy guidance in the Comp Plan (§B.2.2.A) for land use (*see also* further discussion in Section I.A.2 of this Report):

B.2.2.A General Goal

To provide for the orderly use of San Juan County land, shorelines and water areas and to protect and maintain the natural beauty and resources of the islands, maintain the present rural, residential, agricultural atmosphere, respect the natural environment and processes, recognize the marine orientation of the County, and to regulate development in a manner which will protect both the rights of private landowners and the interests of the public.

General Policies:

1. Balance the public's interest in the management of community growth with the protection of individual property rights through adoption of a coordinated set of goals, policies and regulations to guide future development in the County.
2. Consider site capabilities and existing development patterns when determining the appropriate locations and intensities of various uses of the land.
4. Implement the goals and policies of this Plan by adopting a land-use designation map and a set of development regulations and enforcement procedures.

Finally, the identification and adoption of an island-specific approach to infrastructure and public services is better handled using the mechanism of a subarea plan than by attempting to do this through the countywide Comp Plan. The subarea plan provides a mechanism to tailor the program to the circumstances of the subarea, and to bring all elements together. The countywide plan addresses a larger, more general area, and is not an appropriate instrument for the more localized level of detail in the subarea plan.

2. Housing and Environmental Protection

The subarea plan does not address housing issues, except through its prohibition of a number of transient uses. As is noted above, this action is taken so as to reduce the demands of visitor-serving uses on the limited public services and infrastructure. Among the identified transient uses are the short-term rentals

of guest houses (accessory dwelling units) and principal residences. Under the policies and regulations of the subarea plan, these residences can be rented, but only for periods of 30 days or more.

Transient rentals, with their more expensive weekly rates during summer season, are therefore not allowed on Shaw Island. The result is probably favorable to a less expensive rental housing supply. Potentially, the lower level of infrastructure, lack of many amenities, and the need to go off-island for many products might also tend to make properties less desirable and less costly. In contrast, the excellent rural character and environment, coupled with ferry accessibility, could make the island a desirable location and create upward market pressures. The net effect of the subarea plan's measures on housing affordability are therefore difficult to predict, except that the cost of rental housing may be lower on average.

Environmental protection is one of the goals of the GMA, and the Comp Plan reflects this and the vision of the community in goals and policies for land use (*see above*, §B.2.2.A goal and policies 1, 2, and 4), economy (*cf.* §B.2.2.B. goal and policies 1, 4, and 5), natural resource conservation (*cf.* §B.2.2.F), and others. The subarea plan regulates some land uses to control the scale of development and to ensure that development conforms to a low level of demand for public services and infrastructure. This is done in the interest of preserving the environment and rural character of this island and subarea, and is consistent with the environmental protection policies of the Comprehensive Plan.

3. Essential Public Facilities

Under the Growth Management Act (RCW §36.70A.200(2)) and §18.30.050(E) of the UDC, the siting of essential public facilities may not be precluded by comprehensive plans or development regulations. The Shaw Subarea Plan is silent on this matter, and nothing in its language restricts those facilities and services identified by the Comp Plan as essential public facilities. However, some specific recognition in the subarea plan regarding such facilities would be appropriate.

4. Planning Horizon and County Parks

The time frame stated in the subarea plan in §§16.45.170(D) and .180(B)(2), (3), and (4) of the subarea plan, "the foreseeable future," is not consistent with the 20-year planning horizon of the Comp Plan, the six-year horizon of the Parks Plan, nor the six-year horizon of the Capital Facilities Plan, and should be modified.

The current regulation in the subarea plan (SJCC 16.45.180(C)(1)) that addresses the County park does not address supportive capital facilities and services, and does not provide direction for additional parks (should they be sited on the island).

Recommendation 1: Revise §170 of the subarea plan as follows:

Section 16.45.170. Character of Shaw.

- 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 the capital facility plan does not call for any such facilities or services.

Recommendation 2: Revise §180 of the subarea plan as follows:

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

B. Policies.

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).

Recommendation 3: Revise §180 of the subarea plan as follows:

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

C. Regulations.

2. The County parks isare 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 considering expansion of their supportive capital facilities and services.

B. General Handling of Differences between Provisions of the UDC and the Subarea Plan

Section 16.45.130 of the Shaw Subarea Plan currently provides that, in the event of any conflict between the Shaw Subarea Plan provisions and the UDC, the most restrictive provisions shall prevail, but in the event of any conflict between the Shaw Subarea Plan provisions and the Shoreline Master Program, the Shoreline Master Program shall prevail. Interestingly, the UDC somewhat reverses this direction; cf. SJCC §§18.10.050(C) and (G), and 18.50.020(A):

18.10.050(C) Applicability of Shoreline Master Program. The provisions of this Code augment those of the Shoreline Master Program In the event of any conflict between the Shoreline Master Program and other provisions of this Code, the more restrictive shall prevail.

18.10.050(G) Subarea Plans. Where conflicts occur between this Code and any regulation of any subarea plan, the regulation of the subarea plan shall control.

18.50.020(A) Relationship to Comprehensive Plan. This Master Program provides land use regulations to implement the goals and policies of the Comprehensive Plan Shoreline Element. These regulations apply to all of the land and waters of San Juan County which fall under the jurisdiction of the Shoreline Management Act. These regulations do not apply to development and uses beyond the jurisdictional limits of the Act unless a proposed development involves both jurisdictional and non-jurisdictional land and the upland development is found to adversely affect the shoreline environment. If a conflict occurs between this section and other sections of this Code, this section shall prevail.

Recommendation 4: Consistent with the direction in the UDC, the text of §130 of the subarea plan should be revised as follows:

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 16.40 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.

Recommendation 5: Revise §180 of the subarea plan as follows:

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

C. Regulations.

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.

C. Consistency of the Shoreline Master Program (Section B.3 of the 1998 Comprehensive Plan and Chapter 18.50 SJCC)

In Part III of this Report are reproduced the portions of the Shoreline Master Program where "Regulations by Environment" provide special guidance for Shaw Island shoreline Environment designations.

1. Relationship between the Shoreline Master Program Provisions for Shaw Island and the Unified Development Code

Subarea Plan §16.45.130 and §18.10.050(C) of the Unified Development Code address the applicability of the Shoreline Master Program to Shaw Island and specifies which provisions will take precedence in the event of a conflict. This is discussed in Section I.B of this Report (*above*).

2. Relationship between the Shoreline Master Program and the Shaw Island Subarea Plan

Shaw Island has island-specific Shoreline Environments (Shaw Rural, Shaw Rural Farm-Forest, Shaw Conservancy, and Shaw Natural) that are a part of the County's Shoreline Master Program. These shoreline environments were designated using the same criteria as the Rural, RFF, Conservancy, and Natural environments:

B.3.3.H Subarea Environments

The following subarea shoreline environments are in addition to the applicable subarea plans:

2. Shaw Environments (Prior Code: 16.40.409)

Purpose:

The purpose of Shaw Shoreline Environments is to ensure use and development of the Shaw Island shorelines in a manner consistent with the goals, general policies, land use districts and regulations of the Shaw Island Subarea Plan.

Designation Criteria and Management Policies:

The following environment designation criteria and management policies apply as described below. See the Unified Development Code for regulations specific to Shaw environments.

- a. **Shaw Rural:** Same as Rural.
- b. **Shaw Rural Farm Forest:** Same as Rural Farm Forest.
- c. **Shaw Conservancy:** Same as Conservancy.
- d. **Shaw Natural:** Same as Natural.

Applicability:

Where the Master Program does not specify regulations for Shaw Shoreline Environments the regulations by environment for the underlying environment shall apply. That is, if there are not use regulations given, for example, for the Shaw Rural Environment, the Rural Farm-Forest Environment regulations shall apply.

As is noted above, the purpose of these Shaw Shoreline Environments is

to ensure use and development of the Shaw Island shorelines in a manner consistent with the goals, general policies, land use districts and regulations of the Shaw Island Subarea Plan.

The Shoreline Master Program was modified by amendment in 1995 in order to bring the regulations of the Shaw Island Subarea Plan and the then-current San Juan County Shoreline Master Program into alignment. The Washington Department of Ecology approved the amendment on March 22, 1995. The Department of Ecology and the Board of County Commissioners both found that the amendment would 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 then-current Master Program. The amendment helped to better protect the public interest associated with the shorelines of the state, while at the same time it recognized and protected private property rights consistent with the public interest, and other goals as set forth in RCW 90.58.020 and .340:

RCW 90.58.340 Use policies for land adjacent to shorelines, development of.

All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government.

3. Land Use Limitations and Allowances in the Shaw Island Shorelines Jurisdiction

The policies of the County's Shoreline Master Program also generally address the location, conditioning, and priorities of land uses in the shoreline jurisdiction, and incorporate state direction regarding water-dependent uses, residential uses, and others. These include the following:

B.3.2.A Shoreline Use

1. Foster uses which protect the potential long-term benefits to the public against compromise for reasons of short-term economic gain or convenience.
2. Allow only uses which would not adversely alter the shoreline, or conflict with or preempt water-dependent uses.
3. Accommodate preferred shoreline uses (water-dependent, water-related and water-enjoyment uses and single-family residential uses) while protecting and preserving shoreline resources and avoiding hazardous or sensitive areas.
7. All shoreline uses should conform to the applicable policies of this Master Program and to the goals and policies of other elements in the *Comprehensive Plan*.
8. Ensure that the location, density, configuration, setback, and other aspects of all shoreline developments are appropriate to the site and vicinity and respond to the physical limitations of the site.

The Shoreline Management Act, in RCW 92.58.020, establishes that coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest; and other goals and policies of the Shoreline Management Act.

The policies of the County's Shoreline Master Program clearly recognize the purpose and intent of the Shaw Island Subarea Plan to provide land-use and development direction specific to the conditions and circumstances of the island. 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. The subarea plan seeks 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.

Proceeding from this interest in ensuring that future growth does not exceed the planned capacity of infrastructure and public services, §§16.45.180(B)(4) and (C)(1) of the Subarea Plan contain a policy and a regulation that limit certain uses, including some shoreline uses:

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

B. Policies.

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.

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.

Economic development in the shoreline jurisdiction, and the location of commercial recreation facilities, is guided by policies in Section B.3.2.B, Policies 1-3, and Section B.3.2.E, Policy 1 of the Shoreline Element of the Comp Plan:

B.3.2.B Economic Development

Goal:

- To acknowledge the critical importance of a balanced and diversified local economy for the long range well-being of the island communities and to allow those economic activities that enhance the physical and social qualities of island life which result in the least possible adverse effects to the quality of the shoreline and surrounding environment.

Policies:

1. Locate commercial and industrial shoreline uses in already established commercial and industrial areas and prevent the random scattering of such uses and the premature location of such uses in undeveloped areas.
2. Restrict commercial and industrial development on the shorelines to developments and activities which are compatible with the natural systems of the county and its surrounding water resources.

3. Prohibit major development or construction along the shoreline, other than single-family residences, except where the sponsor thereof, public or private, can demonstrate overriding public necessity or public benefit.

B.3.2.E Recreation

Policies:

1. Recognize recreational use of the shoreline as only one of many potential uses. Such uses should be subject to the same constraints as other recognized shoreline uses.

Prohibition of commercial recreation facilities, transient accommodations, transient moorage and storage facilities, and food service uses in the shorelines of Shaw Island is consistent with the application of these shoreline policies and the policies and rationale of the Shaw Island Subarea Plan.

As in the case of the upland land-use districts, Shaw shoreline environments also allow some uses that would be prohibited or not allowed to the same extent by countywide shoreline environments. These follow from the policies and regulations of the subarea plan (*see* discussion in Section I.D.1 of this Report).

The island supports home occupations and cottage industries, which are lower-impact uses suited to the single-family rural scale. The Shaw Island shoreline environments have provided for levels and types of uses and activities that are reasonable and appropriate to the local circumstances, and are consistent with the policies of the Shoreline Management Act, GMA, and the Comp Plan.

D. Economy, Land Use, and Infrastructure

1. Economy and Land Uses

The economic and general land-use policies of the Comp Plan support an economy that provides a range of goods, services, and employment opportunities, and encourage economic growth and development while safeguarding the rural, residential, agricultural atmosphere and natural environment.

B.2.2.B Economy

Goal: To support a broad-based, diversified, stable, year-round economy which provides a range of goods, services and employment opportunities serving the needs of County residents, while safeguarding the rural, residential, agricultural, and marine nature of the County.

Policies (2.2.B.1-6):

1. Provide a predictable development atmosphere for the local economy through the formulation of clearly defined land use designations, regulations and standards.
2. Allow the establishment of *home occupations* and *cottage enterprises* with appropriate performance standards.
3. Retain *resource-based activities* by:
 - a. Conserving agricultural, forest, and mineral resource lands;
4. Ensure that new commercial, industrial, and institutional uses are consistent and compatible with the islands' natural environment, community livability, and the needs of county residents by establishing performance standards which address:
 - a. compatibility with surrounding area;
 - b. visual impact, including signage, light and glare;
 - d. traffic access and circulation;
 - e. outdoor storage and location of parking and loading;
 - g. water and air pollution, including hazardous wastes, odor, and noxious fumes;
 - and

- h. environmentally sensitive areas.
- 5. Allow for tourism-related businesses and activities within the context of maintaining a diverse and balanced economy while minimizing the related negative impacts.
- 6. Commercial and industrial uses should be located only where directly accessible from a County Road, or from a private road if traffic and maintenance impacts to the private road are minimized.

The policies of the County's Comp Plan (*see* the discussion in Section I.A.1, *above*) clearly recognize the purpose and intent of the Shaw Island Subarea Plan to provide land-use and development direction specific to the conditions and circumstances of the island. 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. The subarea plan seeks 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.

To this end, the subarea plan limits the scale of commercial, industrial, and institutional development on Shaw Island, and prohibits a number of transient uses. The subarea plan does so in order to prevent the growth of uses that would make additional and unacceptable demands on capital facilities and services on the island. One consequence of this policy is that these uses would need to be located elsewhere in the County where the capital facilities and services have been developed, and where expansion of these capital facilities and services is acceptable.

The limitation of some activities and uses on Shaw Island is consistent with the general principles of land-use planning and with the allocation of districts and uses to the land areas of the County. For example, many intensive commercial and industrial developments are precluded in most rural areas by the Comp Plan, in line with direction in the GMA and as an outcome of the public process leading to the development of the Comp Plan.

The Shaw Island Subarea Plan was adopted in 1994, under the San Juan County Comprehensive Plan of 1979, as amended, and the County's Shoreline Master Program. The BOCC in 1994 determined that the Shaw Subarea Plan was an effective, fair, and impartial administration of law. Both the Planning Commission and BOCC debated the proper balance between the protection of individual property rights and the public's interest in the management of community growth, preservation of rural character, and environmental protection before adopting Ordinance 6-1994. The Planning Commission and BOCC found that the subarea plan allows a broad range of economically viable uses on the island.

In the time since the passage of the subarea plan, a new Comprehensive Plan and Land-Use Maps have been developed and adopted. As a result, the differences between the subarea plan and the Comp Plan have narrowed. For example, in many cases the subarea plan's direction regarding allowed and prohibited transient uses is now identical to that of Table 3.2 of the UDC (§18.30.040 SJCC) for the land-use districts which are present on the island. This is illustrated in the table *below*. Some of the short-term (transient) uses are allowed if they are instead conducted as long-term uses (for example, rentals of guest houses and principal residences).

Table 1. Instances where Prohibition of Transient Uses on Shaw Island Differs from Direction Given in Table 3.2 of the UDC.

(Differences are shown in **Bold**.)

Land Uses	Rural Districts		Resource Lands	Special Lands	
	RR	RFF	FOR	C	N
Bed & Breakfast Residence	No	No	no	no	no
Bed & Breakfast Inn	no	No	No	no	no
Farm Stay	no	no	no	no	no
Hotel/Motel	no	no	no	no	no
Eating Establishment ⁽¹⁾	no	no	no	no	no
Un-named Commercial Uses	no	No	no	no	no
Light Manufacturing ⁽²⁾	no	no	no	no	no
Un-named Industrial Uses	no	no	no	no	no
Adult Education	no	no	no	no	no
Institutional Camps	no	no	no	no	no
Un-named Institutional Uses	no	no	no	no	no
Transient Moorage/Dry Storage Facility ⁽³⁾	No	No	No	No	No
Camping Facilities in public parks	no	no	no	C	no
Indoor Recreation Facilities	no	no	no	no	no
Un-named Recreational Uses	No	No	No	no	no
Transient Rental of Residence or Guest House (acc. dwell. unit) ⁽⁴⁾	No	No	No	no	no

Notes:

1. But see "Food Service Facility," "Catering Services," and "Grocery Store", *below*.
2. But see "Small-Scale Manufacturing", *below*.
3. 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.
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.

Home occupations and cottage enterprises are allowed outright as residential uses, consistent with Comp Plan direction (*cf.* policy B.2.2.B.2), the definitions in §18.20.030 of the UDC, and Tables 3.1 and 3.2 of the UDC (§§18.30.030 and .040). The subarea plan also explicitly expands economic opportunities on the island by allowing several uses that are consistent with the retention of rural, residential, and

agricultural uses on Shaw Island, but which would otherwise be prohibited on Shaw Island under the regulations in the UDC.

2. Allowed and Prohibited Uses Specifically Defined for Shaw Island

Prohibited Uses Defined Specifically for Shaw Island—One of the principal features of the Shaw Subarea Plan is that it gives (in SJCC 16.45.180(C)(1)) island-specific direction for several land uses. It prohibits several uses that would generate a transient population which would not reflect or support the existing character of the island, and which would place new demands on infrastructure and public facilities. These prohibited uses are: commercial recreational facilities; transient accommodations by themselves or in combination with any commercial use; food service facilities (with two exceptions); and transient moorage/dry storage facilities. The effect of this prohibition of transient uses on the allowable uses is illustrated in Table 1, *above*.

Transient rentals and accommodations were classified as commercial uses by the Comp Plan of 1998, but the transient rental of both principal residences and guest houses was reclassified as a residential use by the Comp Plan amendments of October 2000. The Shaw Island Subarea Plan prohibits transient accommodations and transient rentals because they would place unacceptable demands on infrastructure and public facilities on the island. The shift of transient rentals in the Comp Plan and UDC from the commercial to residential use does not affect this observation and finding. Transient rentals remain “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 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.”

Allowed Uses Defined Specifically for Shaw Island—The Shaw Island Subarea Plan allows several uses in some land-use designations on Shaw Island that would not otherwise be allowed under the regulations in the UDC (*see* Table 2, *below*). These are consistent with the Comp Plan policies discussed in I.D.1, *above*, and with subarea plan policies designed to limit the scale of commercial and industrial uses and to prohibit transient uses.

Table 2. Uses Defined Specifically for Shaw Island.

Land Uses	Rural Districts		Resource Lands	Special Lands	
	RR	RFF	FOR	C	N
Commercial Uses					
Food Service Facility ⁽¹⁾	no	no	no	no	no
Catering Services	no	D	no	no	no
Grocery Store (and delicatessen incidental to a grocery)	no	C	no	no	no
Transient Moorage/Dry Storage Facility ⁽³⁾	No	No	No	No	No
Industrial Uses					
Small-Scale Manufacturing ⁽³⁾	no	D	no	no	no

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).

Recommendation 6: Add the following table as a new regulation in §180(C) of the subarea plan:

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

C. Regulations.

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>Un-named Industrial Uses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

<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>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>
<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.

3. **Definition of Transient Accommodations**—The definition of "transient accomodations" in the subarea plan is consistent with the definition in the Comp Plan and UDC, and includes all such accomodations for periods of less than 30 days, by themselves or in combination with any commercial use. It includes short-term rentals of guest houses and principal residences, as does the UDC definition. It allows the "long-term" (30 days or longer) rental of these accomodations.

Recommendation 7: Revise the definition in Section 16.45.135(E) to incorporate the full direction from the subarea plan, and rearrange it with the definition in .135(F).

Section 16.45.135. Definitions.

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.

4. **Commercial Recreational Facilities**—The subarea plan's definition for "commercial recreational facility,"

Section 16.45.135. Definitions.

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.

is identical to the UDC definition. The subarea plan also provides a descriptive list ("includes privately operated campgrounds, health clubs, and other businesses that specialize in recreational activities") that is also consistent with the UDC. (The UDC has two accessory definitions—"Indoor Recreational Facility" and "Recreational Development"—that provide examples such as facilities for camping, physical fitness clubs, bowling alleys, and handball courts.)

No change to this definition is necessary.

5. **Food Service Facilities**—The UDC's definition for "food service facility" ("a commercial use that sells or serves food products for consumption on-site or for carry-out") is more inclusive than the subarea plan's. The subarea plan's definition is "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." [emphasis added]

The subarea plan's definition would allow two kinds of uses in some land-use districts on the island that the UDC in Table 3.2 would not allow, *i.e.*, catering services and grocery stores (with or without delicatessens). Catering services fit with the small-scale commercial activity that is encouraged under the subarea plan, and is a reasonable allowance to make.

A grocery store is a necessary commercial service for most people, and its absence from the island requires trips to be made off the island. But many/most small-scale "grocery" stores are difficult to distinguish from fast-food convenience marts, and delis can provide lunches for day visitors as well as specialties for residents: the location of the Little Portion Store—the sole existing grocery on the island—near the ferry landing illustrates this dual nature. However, the population of Shaw Island is large enough that the commercial sale of food on the island is or may be economically viable, and would be a beneficial use for the island. The exception for grocery stores seems to be warranted for the island, but the community may wish to consider providing further guidance for this use in future subarea plan review cycles.

No change to this definition is necessary.

6. **Transient Moorage and Dry Storage Facilities**—The subarea plan's definition of "moorage facility" includes dry storage, while the UDC's definition of moorage only includes facilities for wet moorage,

and excludes dry boat storage. This can be addressed by including "dry storage" in the category title, *i.e.*, "moorage/dry storage facility."

The subarea plan also makes a distinction between "permanent moorage facility" ("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") and "transient moorage facility" ("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"). The UDC's definition has no time period, and thus includes both transient and permanent moorage within its definition. Note: the Shoreline Master Program formerly included dry storage in the definition of "marina," but this is no longer in the UDC definition.

The phrase, "for a fee," which is present in both definitions makes it clear that these are commercial operations. Moorage or dry storage of a resident's or non-paying guests' personal boats and related gear are not included in these definitions.

The distinction made by the subarea plan between transient and longer-term use of these facilities is consistent with the approach of the subarea plan to limiting transient uses, for the reasons described above.

Recommendation 8: Make the following changes to §135 and 180:

- 1) Revise the subarea plan's definitions of "permanent moorage facility" and transient moorage facility, and rearrange with the definition in 16.45.135(F).

Section 16.45.135. Definitions.

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.

- 2) Revise the heading for Section 16.45.180, and the subarea plan's policies and regulations in Sections 16.45.180(B)(4) and (C)(1) to include the term "dry storage" as follows:

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

B. Policies

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.

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.

7. Manufacturing Uses—The UDC's definition of "manufacturing" is much more inclusive than the subarea plan's:

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Under the subarea plan, "manufacturing" means "making products from component parts." This should be viewed in the context of the subarea plan's policy in Section 16.45.180(B)(3), which provides a list of examples of "small-scale manufacturing" uses:

... 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; ...

The subarea plan's definition is thus actually more closely akin to the UDC's definition of "light industrial":

Light Industrial. A use involving 1) basic processing and manufacturing of materials or products predominantly from previously prepared materials or 2) finished products or 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.

"Manufacturing" only appears in the subarea plan in the definition and in the context of small-scale manufacturing. "Industrial" appears only in the contexts of seeking to limit commercial/industrial development to small-scale uses, and to exclude home occupations from the category. The Shaw Subarea Plan thus seeks to allow such uses but only at small scale, and the UDC at present would not allow them at all.

In Table 3.2, none of the uses "Light Manufacturing," "Light Industrial," or "Heavy Industrial" is allowed in the land-use districts present on Shaw Island. By allowing small-scale manufacturing on the island, the subarea plan is thus allowing a *more expansive* use than the UDC currently allows. Allowing this more permissive use is consistent with the existing kinds and scale of uses on the island, and the Comp Plan's intent to allow appropriate economic opportunities.

This allowance of small-scale manufacturing on Shaw Island can be made consistent with the UDC by revising the definition to fit the current circumstances:

Recommendation 9: Revise the subarea plan's definition of small-scale manufacturing in §135(C) as follows:

Section 16.45.135. Definitions.

- 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.

8. **Home Occupations and Cottage Enterprises**—In the policies of §.180(B)(3) the subarea identifies uses which reflect, preserve and support the existing character of Shaw Island and place minimal demands on infrastructure and public facilities. It includes “home occupations” as such a residential use, and includes a parenthetical remark. The 1998 Comprehensive Plan adds “cottage enterprises” to the list of residential uses that are not regulated as commercial, industrial, or institutional development. While this may not fit with the level of activities that the Shaw plan intended to support, the Comp Plan intended this category to help address the need for certain low-intensity, residential-associated uses. If the Shaw Island community desires to restrict this category from the island, it should be done as part of the regular review and amendment of the subarea plan.

Recommendation 10: Update the policy in §.180(B)(3) regarding home occupations and cottage enterprises to include cottage enterprises as an allowable residential use.

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

B. Policies

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 20-year 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.)

E. Administration and Oversight of the Subarea Plan; Standing Committee

Section 18.90.050(G) of the UDC requires that once a subarea plan has been adopted, “a standing committee shall be appointed by the BOCC, with members to serve three-year terms.” The Shaw Subarea Plan does not at present provide for ongoing oversight or administration of the subarea plan by the residents of the island. This inconsistency needs to be addressed.

The BOCC needs to determine how many members should serve on the committee: we recommend seven, based on input that was received in the earlier proceedings for the Waldron Island Subarea Plan. The BOCC should appoint the first standing committee in the near future. The responsibilities of the Standing Committee in Subsection 160(A) were modified by the Planning Commission based on input from the community at the public hearing of May 18, 2001.

Recommendation 11: Revise §.160 of the subarea plan as follows (and decide on the number of members in the introductory paragraph):

Section 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 Sections 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.

Recommendation 12: The continuing appropriateness of the level-of-service, the list of prohibited uses (*cf.* 16.45.180(B)(4) and (C)(1), and the approach to public services/capital facilities planning should be among the matters that are raised and discussed in the course of the periodic reviews of the subarea plan.

F. Citations and References in the Subarea Plan

In the recitals and legislative findings minor changes are indicated to update code references and to refer to this consistency review and the modifications to be made as a result of it. Internal references in the plan should be updated. Several other minor changes and corrections are also made, chief of which are:

- Recodification Errors. In the recodification of October 2000 (Ordinance 14-2000), several errors were made in the subarea plan, SJCC 16.45. These should be corrected as provided in the amended language in Part II of this report. Some examples are:
 - Land use district names should be capitalized; for example, Conservancy and Natural;
 - References to the Shoreline Master Program should include both the policies in §B.3 of the Comp Plan and the regulations in the UDC, Chapter 18.50 SJCC.
 - Citation for home occupations.
- Legislative Findings of Ordinance 6-1994. Twenty findings were made in the ordinance, the first 15 of which recount the development and adoption process for the subarea plan. The findings should be condensed for carrying over to the new ordinance. Six additional findings should be made.

Recommendation 13: Make the following findings and conclusions:

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. 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.
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.
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 <<<, 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.

Recommendation 14: Make the changes shown both in the amended language in Part II. of this Report, *below* (which includes the revisions described in Part I.), to update the references in Chapter 16.45 SJCC to the 1998 Comprehensive Plan, Shoreline Master Program, and Unified Development Code, Title 18 SJCC, as amended. Also, in several locations "subarea" should be added before "plan" to clarify that the language is referring to the subarea plan.