

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

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)

