



**CITY OF OAK HARBOR**  
***Development Services Department***

***Exemption from Shoreline Management Act  
Substantial Development Permit Requirement  
Application***

**Shoreline Master Program Section 10.14**

1. Construction Notice. Notice must be given to the Planning Department at least ten (10) working days before beginning any exempt development on the shorelands or wetlands of Oak Harbor. The notice shall include the following information:
  - a. The description of property.
  - b. The proposed development.
  - c. The name and address of the property owner.
  - d. The name and address of the person to be doing the work.
  - e. The reason for the claimed exemption.
2. Letter of Exemption. Whenever a development falls within the exemptions stated in WAC 173-27-040 and the development is subject to a U.S. Corps of engineers section 10 permit under the Rivers and Harbors Act of 1899, or a section 404 permit under the Federal Water Pollution Control Act of 1972, the City shall prepare a letter addressed to the applicant and the Washington Department of Ecology, exempting the development from the substantial development permit requirements of Chapter 90.58 RCW. The exemption letter shall be in the form required by the Department of Ecology as required under WAC 173-27-050, as amended.
3. Compliance with the Master Program. If the project is exempt from obtaining a permit under the Chapter, the Building Official, in granting any building permit, and the site plan administrator, in approving any site plan, shall attach conditions to the permit to require compliance with policies listed in Section 19.56.020 above when the permit or site plan concerns shorelines or wetlands of the City of Oak Harbor.

**WAC 173-27-050 – Letter of Exemption**

Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements

and the development is subject to one or more of the following federal permit requirements:

(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or

(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

(2) The letter shall indicate the specific exemption provision from WAC [173-27-040](#) that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.

(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

[Statutory Authority: RCW [90.58.140](#)(3) and [\[90.58\].200](#). 96-20-075 (Order 95-17), § 173-27-050 filed 9/30/96, effective 10/31/96.]



**CITY OF OAK HARBOR**  
***Development Services Department***

**Construction Notice Form**

**Applicant Name:** \_\_\_\_\_

**Mailing Address:**  
\_\_\_\_\_  
\_\_\_\_\_

**Legal Description:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section/Township/Range (if platted):**  
\_\_\_\_\_

**Project Proposal:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Identify Exemption Section:** \_\_\_\_\_

The proposal made by the applicant to undertake the development described above within the waters of the City of Oak Harbor and/or its associated wetlands is exempt from the requirement of a substantial development permit.

The proposed development is consistent or inconsistent with (check one):

- | Consistent | Inconsistent |  |
|------------|--------------|--|
| [   ]      | [   ]        | <b>Policies of the Shoreline Management Act</b>    |
| [   ]      | [   ]        | <b>City of Oak Harbor Shoreline Master Program</b> |

\_\_\_\_\_  
**Name of Administrator/Title** **Date**