

MAR 25 2016

SEPA Checklist – Non-project ActionCITY OF OAK HARBOR
Development Services Department**Purpose of checklist:**

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

For nonproject proposals complete this checklist and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal.

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:
Nonconforming Use Code Amendment
2. Name of applicant:
City of Oak Harbor
3. Address and phone number of applicant and contact person:
**Ray Lindenburg
Associate Planner
865 SE Barrington Drive
Oak Harbor, WA 98277**
4. Date checklist prepared:
March 22, 2016
5. Agency requesting checklist:

City of Oak Harbor

6. Proposed timing or schedule (including phasing, if applicable):
The proposed Code Amendment is scheduled to be adopted by the Oak Harbor City Council in May 2016.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
As an Amendment to the Oak Harbor Municipal Code, there is a possibility that future changes would need to be made to fine tune wording or objectives of the code. However, at this time, there are no future changes anticipated.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Because the proposal is a Code Amendment, no environmental studies will be prepared. Staff anticipates no need for further environmental reports for the very minor re-development that may occur as a result of the change in the Municipal Code.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None that are known.
10. List any government approvals or permits that will be needed for your proposal, if known.
No other approvals are required.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
The City proposes to make an exception to a provision within the nonconforming uses section of the Municipal Code. Specifically, to allow for single-family residences that are considered nonconforming to remain and be rebuilt in case of natural disaster if the property meets the density requirements set forth for the underlying zone district.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
Various locations within the City of Oak Harbor.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.....
Oak Harbor is generally situated on rolling hills from sea level to approximately 250 feet in elevation. There are few localized steep slopes near the water.
- b. What is the steepest slope on the site (approximate percent slope)?
This proposed code amendment deals with existing single-family structures. Under the proposed changes, those structures could be replaced if destroyed, but not necessarily expanded. Steep slopes and

other environmental factors will be addressed on a site-by-site basis and existing code requirements will govern any proposed changes to specific sites.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Soils are mixed and there is no agricultural land in the City that will be affected by this program.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

See above response to B.1(b)

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

See above response to B.1(b)

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

See above response to B.1(b)

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

See above response to B.1(b)

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

See above response to B.1(b)

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The code amendment will not cause any emissions. Re-construction of damaged nonconforming single-family structures may create emissions. Those emissions will be addressed at the time of construction based on applicable regulations.

- b. Are there any offsite sources of emissions or odor that may affect your proposal? If so, generally describe.

None.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No specific location. Oak Harbor is situated near Oak Harbor, a natural bay of the Puget Sound. There are small bodies of water within City limits, but none of these water bodies will be affected by the proposed ordinance.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No specific locations at this time. Nonconforming single-family structures may meet this criteria, and if so, will abide by applicable regulations at the time of construction.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable. This code amendment will not cause any filling or dredging work directly. Any future re-construction as a result of the code amendment will abide by applicable regulations.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
None required.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

Any future re-construction as a result of the code amendment will abide by applicable regulations. However, the proposed ordinance would not create any new development within any flood plain area.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

None.

b. Ground:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any:

No changes. Not applicable.

4. Plants

- a. Check the types of vegetation found on the site:

- x Deciduous tree: Alder, maple, aspen, other
- x Evergreen tree: Fir, cedar, pine, other
- x Shrubs
- x Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops.
- Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: Water lily, eelgrass, milfoil, other
- Other types of vegetation
- b. What kind and amount of vegetation will be removed or altered?
None to be removed.
- c. List threatened and endangered species known to be on or near the site.
No specific site. None known.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None proposed.
- e. List all noxious weeds and invasive species known to be on or near the site.
No specific site. None known.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.
Birds: **Hawk, heron, eagle, songbirds**
Mammals: **Deer**
Fish: **Herring, shellfish**
- b. List any threatened and endangered species known to be on or near the site.
Bull Trout, Chinook Salmon, Steelhead, Yelloweye Rockfish, Canary Rockfish, Bocaccio Rockfish, Green Sturgeon, Humpback Whale, Killer Whale, Stellar Sea Lion, Marbled Murrelet
- c. Is the site part of a migration route? If so, explain.
Oak Harbor is located near the Pacific Coast Flyway for migratory birds.
- d. Proposed measures to preserve or enhance wildlife, if any:
Not applicable. This is a non-project action. No significant impacts to threatened or endangered species are anticipated from the repair or replacement of existing nonconforming single-family residences within the urban area of the City of Oak Harbor.
- e. List any invasive animal species known to be on or near the site.
None known.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
Not applicable, this is a non-project action.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No impact anticipated. Any future re-construction as a result of the code amendment will abide by applicable regulations.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
None proposed.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None.

- 1) Describe any known or possible contamination at the site from present or past uses.
No specific site. None known.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
No specific site. None known.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
No specific site. None known.
- 4) Describe special emergency services that might be required.
No specific site. Not required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
Any future re-construction as a result of the code amendment will abide by applicable regulations.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Not applicable.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Re-construction of damaged nonconforming single-family home may create noise impact.
- 3) Proposed measures to reduce or control noise impacts, if any:
Any future construction as a result of the code amendment will abide by applicable regulations.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
The proposed code amendment is city-wide. Nonconforming single-family residential properties may exist in many locations within the city. Specific site information is not available at this time. Current neighboring land uses would not be affected at a large scale, other than reconstruction of a previously-existing single-family home. Any future re-construction as a result of the code amendment will abide by applicable regulations.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
No specific site. Not applicable.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No specific site. Not applicable.

c. Describe any structures on the site.

No specific site. Structures affected would be nonconforming single-family homes. A home that is damaged may be rebuilt under the proposed code amendment.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

No specific site. Zoning classifications will vary by location.

f. What is the current comprehensive plan designation of the site?

No specific site. Comprehensive plan designation will vary by location.

g. If applicable, what is the current shoreline master program designation of the site?

No specific site. Any future re-construction as a result of the code amendment will abide by applicable regulations.

h. Has any part of the site been classified critical area by the city or county? If so, specify.

No specific site. Any future re-construction as a result of the code amendment will abide by applicable regulations.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None required.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Any future re-construction as a result of the code amendment will abide by applicable regulations.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not required.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No specific site. Existing damaged structures would be replaced with a similar structure.

b. What views in the immediate vicinity would be altered or obstructed?

No specific site.

- c. Proposed measures to reduce or control aesthetic impacts, if any:
Any future re-construction as a result of the code amendment will abide by applicable regulations.
11. **Light and glare**
- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Not applicable.
- c. What existing offsite sources of light or glare may affect your proposal?
Not applicable.
- d. Proposed measures to reduce or control light and glare impacts, if any:
None.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Not applicable, this is a non-project action.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
None.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
None.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
Not applicable. This is a non-project action. Within the City of Oak Harbor, the Benjamin Loers House is on the state and federal register and the Neil Water Tower and barn are on the state register of historic places.

There are numerous buildings in Oak Harbor that are included in the historic inventory provided by DAHP. Within Naval Air Station Whidbey Island (NASWI), there are seven historic property inventory points. Many of the inventory points include multiple buildings. Inventory locations on the NASWI Seaplane Base include:

- Multiple buildings at Fuel Farm #2
- Building 201705, Seawall
- Torpedo magazine – Building 213, Boat and Gear Storage
- Ready Lockers – Buildings 446, 447, 448, 449, 451
- Igloo magazines – Buildings 35, 432-445, Inert Storehouses
- Buildings 2588-2589, Seaplane Ramps and Apron

There are 18 documented archaeological sites in the DAHP inventory within Oak Harbor, as well as two cemetery sites where human remains have been discovered and an additional site where human remains were known to have been uncovered in the 1980s. These sites have not been evaluated for eligibility for listing on state or national registers.

Archaeological resources that have been found within Oak Harbor include:

- **Location of an early historic native settlement**
- **Several shell middens, containing shells and other debris associated with domestic waste, dating prior to European contact**
- **Debitage – sharp-edged waste material created during stone tool production**
- **Fire-cracked rock, charcoal and ash from native activities**
- **Animal and fish bones and other debris indicating human use**
- **Remnants of a historic structure from late 19th or early 20th century**
- **Historic debris from 1940s and 50s, including barrels, jars and glass**

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable. This is a non-project action. Because Oak Harbor is a city covering an area of over 5 square miles, much of that area along shoreline, there are likely to be multiple archaeological or culturally significant sites within City limits. See response above.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None required.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.

No specific site. Transportation networks will be unaffected by this proposal.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable.

- c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

No change. Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No specific site, but existing nonconforming single-family homes would not be expected near water, rail or air transportation facilities.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable.

h. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public services

a. Would the project result in an increased need for public services (for example: Fire protection, police protection, public transit health care, schools, other)? If so, generally describe.

No change.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities

a. Circle utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

No specific site, no utilities required for proposal.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None required.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Romy

Date Submitted: _____

3/25/2016

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
Typical construction techniques would make such releases unlikely.
Proposed measures to avoid or reduce such increases are:
Any future construction as a result of the code amendment will abide by applicable regulations.
2. How would the proposal be likely to affect plants, animals, fish, or marine life?
There will be no effect to plants, animals or marine life.
Proposed measures to protect or conserve plants, animals, fish, or marine life are:
Any future re-construction as a result of the code amendment will abide by applicable regulations.
3. How would the proposal be likely to deplete energy or natural resources?
The proposal will create no depletion in energy or natural resources.
Proposed measures to protect or conserve energy and natural resources are:
Any future re-construction as a result of the code amendment will abide by applicable regulations..
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands?
There should be no negative effects on these areas.
Proposed measures to protect such resources or to avoid or reduce impacts are:
Any future re-construction as a result of the code amendment will abide by applicable regulations.
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
No effects.
Proposed measures to avoid or reduce shoreline and land use impacts are:
Any future re-construction as a result of the code amendment will abide by applicable regulations.
6. How would the proposal be likely to increase demands on transportation or public services and utilities?
No change.
Proposed measures to reduce or respond to such demand(s) are:
Any future re-construction as a result of the code amendment will abide by applicable regulations..

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.
No conflicts known.

[Statutory Authority: RCW 43.21C.110 and 43.21C.100 [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-960, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW 43.21C.110. WSR 13-02-065 (Order 12-01), § 197-11-960, filed 12/28/12, effective 1/28/13; WSR 84-05-020 (Order DE 83-39), § 197-11-960, filed 2/10/84, effective 4/4/84.]