CITY OF OAK HARBOR
DETERMINATION OF NONSIGNIFICANCE

Description of proposal: *The proposal is a non-project action to amend Oak Harbor's Shoreline Master Program (SMP). The SMP was last amended in 1998. This amendment is a comprehensive change which will bring the SMP up-to-date with State Guidelines (WAC 173-26). Notable provisions of the Draft SMP will do the following:*

- *Allow for water-dependent industries within the area designated as "Maritime" on either side of Maylor Point peninsula (see Chapter 2 of Proposed SMP and Figure 1 "Shoreline Environments Map)*
- *Require that development proposals provide public access to the shoreline when they create demand or an impact to existing public access, and when it is safe and environmentally feasible to do so. (See Chapter 3 of Proposed SMP).*
- *Require that views of the shoreline be preserved from public areas (see Chapter 3 of Proposed SMP)*
- *Require that native vegetation be preserved along the shoreline, including setting buildings back from the shoreline and requiring mitigations for impacts to native vegetation. (See Chapter 3 of Proposed SMP)*
- *Limiting heights, impervious surface and the proximity of structures to the shoreline (See Chapter 4 of Proposed SMP)*
- *Prohibiting non-water-oriented commercial and industrial uses within the shoreline jurisdiction, subject to certain exceptions*
- *Limiting the location, size, materials and number of boating facilities and marinas along Oak Harbor's shoreline*
- *Encouraging forms of soft shoreline stabilization and requiring that property owners demonstrate a need for structural stabilization (bulkheads).*

Proponent *The City of Oak Harbor.*

Location of proposal *Not applicable. This is a non-project action. The SMP, if adopted, will apply to all areas within Oak Harbor's shoreline jurisdiction which is generally 200 feet landward from the Ordinary High Water Mark of Oak and Crescent Harbors, but also includes the Crescent Marsh, Maylor Point, and Freund Marsh wetland areas.*

Lead Agency *City of Oak Harbor*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197 11 340(2); the lead agency will not act on this proposal for 15 days from the date below. The DNS comment period expires on September 25, 2012 at 5:00 p.m.

CONDITIONS:

1. The Department of Archaeology and Historic Preservation (DAHP) submitted a comment letter requesting that, in the event of the discovery of human remains, that the State Physical Anthropologist be included in the list of entities that are contacted along with contact information. In compliance with this request, it is hereby conditioned that the Shoreline Master Program include a condition requiring that the State Physical Anthropologist be included in the list of entities contacted along with relevant contact information.

Responsible Official: Steve Powers, AICP

Position/Title: Development Services Director

Phone: (360) 279-4511

Address 865 SE Barrington Drive, Oak Harbor, WA 98277

Date September 7, 2012

Signature

This determination of nonsignificance shall be considered final. You may comment on this determination at Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, WA, 98277 no later than close of business September 25, 2012.

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

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:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

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:
City of Oak Harbor's Shoreline Master Program (SMP).

2. Name of applicant: *City of Oak Harbor*
3. Address and phone number of applicant and contact person:
City of Oak Harbor
Development Services Department
865 SE Barrington Drive
Oak Harbor, WA 98277
Ethan Spoo, Senior Planner. espoo@oakharbor.org

4. Date checklist prepared: *August 8, 2012*
5. Agency requesting checklist: *City of Oak Harbor*
6. Proposed timing or schedule (including phasing, if applicable):

City Council Public Hearing Resolution, November 20, 2012 (anticipated)

Ordinance following Ecology approval May 2013 (anticipated)

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
The project area consists of the incorporated City of Oak Harbor. Shoreline regulations apply to development or actions on either private or federal properties within City limits. Federal actions, such as those undertaken by the Navy, are not required to

adhere to the SMP. In the future, specific development proposals and significant modifications to existing development within the city will be reviewed consistent with the provisions of the proposed SMP.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- *Shoreline Inventory and Characterization – September 2011*
- *Shoreline Cumulative Impacts Analysis – August 2012*
- *Shoreline Restoration Plan – June 2012*
- *No Net Loss Report – August 2012*

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.
Not applicable this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

- *State agency review pursuant to SEPA (197-11 WAC)*
- *Department of Ecology approval pursuant to 90.58 RCW*
- *City of Oak Harbor City Council approval and adoption*

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 proposal is a non-project action to amend Oak Harbor's Shoreline Master Program (SMP). The SMP was last amended in 1998. This amendment is a comprehensive change which will bring the SMP up-to-date with State Guidelines (WAC 173-26) and scientific knowledge. Notable provisions of the new SMP will do the following:

- *Allow for water-dependent industries within the area designated as "Maritime" on either side of Maylor Point peninsula (see Chapter 2 of Proposed SMP and Figure 1 "Shoreline Environments Map)*
- *Require that development proposals provide public access to the shoreline when they create demand or an impact to existing public access, and when it is safe and environmentally feasible to do so. (See Chapter 3 of Proposed SMP).*
- *Require that views of the shoreline be preserved from public areas (see Chapter 3of Proposed SMP)*
- *Require that native vegetation be preserved along the shoreline, including setting buildings back from the shoreline and requiring mitigations for impacts to native vegetation. (See Chapter 3 of Proposed SMP)*
- *Limiting heights, impervious surface and the proximity of structures to the shoreline (See Chapter 4 of Proposed SMP)*
- *Prohibiting non-water-oriented commercial and industrial uses within the shoreline jurisdiction, subject to certain exceptions*
- *Limiting the location, size, materials and number of boating facilities and marinas along Oak Harbor's shoreline*
- *Encouraging forms of soft shoreline stabilization and requiring that property owners demonstrate a need for structural stabilization (bulkheads).*

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.

The SMP has the potential to affect lands within incorporated limits of the City of Oak Harbor, Washington and those lands within the Oak Harbor UGA upon annexation. The City of Oak Harbor is located on north

Whidbey Island in Township 32N Range 1E, Sections 1,2,3,4,5,8,9, 10 ,23 25, 26; 30 and Township 33N Range 1E Sections 27, 28, 32, 33, 34, 35, and 36.

All of Oak Harbor and Crescent Harbor are regulated shoreline within the City boundaries of Oak Harbor. Additionally, the Freund Marsh, Maylor Point, and Crescent Marsh wetlands are included up to the boundary of those wetlands as per RCW 90.58.030. There are no lakes, streams, rivers, or floodways which qualify as shorelines within the City of Oak Harbor.

B. ENVIRONMENTAL ELEMENTS

Although this is a non-project action, comments have been provided in Section B with the intent of sharing general information about the Draft Shoreline Master Program.

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . . .

Not applicable. This is a non-project action. The topography of Oak Harbor is characterized by relatively flat to gently rolling topography. Flat topography generally extends north and south along Highway 20. The topography is gently rolling on the eastern, western and southern edges of the City. The topography also slopes gradually downhill from north to south where City land meets the waters of Oak Harbor Bay.

b. What is the steepest slope on the site (approximate percent slope)?
Not applicable. This is a non-project action. The steepest slopes in the City occur near SE Scenic Heights Street along the western extent of Oak Harbor at Blowers Bluff. The slopes in this location are well in excess of 40%.

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 prime farmland.
Not applicable this is a non-project action. Because the City of Oak Harbor covers a relatively large area, there are many soil types present. The soil type covering the largest area, according to the National Resource Conservation Service, is "Everett Alderwood Complex."

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
Not applicable. This is a non-project action. The Washington State Department of Natural Resources (DNR) has mapped potential landslide areas in selected locations throughout the City of Oak Harbor, the most concentrated area being on SE Scenic Heights Street along Blowers Bluff. Addtionally, there are areas along SE Pioneer Way and on the Maylor Point peninsula in the location of historic fill that have been mapped as moderate to high liquefaction potential.This information on unstable soils is available on the "Geologically Sensitive Area" map within the Oak Harbor Comprehensive Plan.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Not applicable. This is a non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Not applicable. This is a non-project action. It is worth noting that the Proposed SMP requires that all new development be setback a minimum distance of 25 feet from the top of the Scenic Heights Bluff or as recommended by a geotechnical engineer where the potential for erosion within the City is greatest. The setback standards (Chapter 4, Table 2) , combined with the vegetation conservation standards (Chapter 3, Section 8) will reduce erosion impacts resulting from the permission of residential uses along the Scenic Heights Bluff.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Not applicable. This is a non-project action.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Please note that the Proposed SMP prescribes impervious surface limits within the regulated shoreline. The impervious surface limits apply by environment designation. More restrictive designations apply to less intense environment designations, while more permissive designations apply to more intense environment designations. For instance, the Maritime and Urban Mixed Use designations apply an 80% impervious limit, while the conservancy designation allows for 10% impervious surface. Furthermore, more restrictive impervious limits apply to areas closer to the shoreline. In Zone 1 (Vegetation Management Zone), most environment designations do not allow any impervious surface. In Zone 2, impervious limits are generally between 10-20% for each environment designation.

Any development permitted pursuant to the proposed SMP revisions will follow applicable City codes, as well as State and Federal regulations, and would be subject to further environmental review on a case-by-case basis to reduce or control erosion or impacts to the earth.

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Not applicable. This is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
Not applicable. This is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Not applicable. This is a non-project action.

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.
Not applicable. This is a non-project action. The City of Oak Harbor is located on Oak Harbor Bay and Crescent Harbor, which are inlets of the Pacific Ocean and shorelines of statewide significance per chapter 90.58 RCW. Scattered wetlands have been identified within shoreline jurisdiction, including Fruend Marsh, Crescent Marsh and the Maylor Point Wetland complex, which are brackish marshes along the City's shoreline. There is also a sizeable wetland near NE 7th Avenue.

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.
Not applicable. This is a non-project action. The Proposed SMP specifies uses and activities which are appropriate within 200 feet of Oak Harbor and Crescent Harbor bays in the City's regulated shoreline area. All future developments and activities within the 200 feet will be required to obtain a shoreline substantial development permit, conditional use permit, or variance unless otherwise exempted under the provisions of the plan and WAC 173-27-040. Furthermore, all new developments which are not otherwise exempt under WAC 197-11 will be required to undergo SEPA review.

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 is a non-project action. The proposal includes regulations that narrowly restrict dredging and filling activities to those that result in no net loss. Generally speaking, dredge and fill activities are only permitted to support water-dependent uses, environmental restoration, and/or when there are no other feasible alternatives. Please see Chapter 5, Sections 2 and 3 of the proposed SMP.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
Not applicable. This is a non-project action. The proposal includes regulations that specify what alterations are allowed in aquatic areas. Withdrawals are not regulated in the proposed SMP.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
Not applicable. This is a non-project action. The proposed shoreline jurisdiction which is part of this proposed SMP includes lands which are mapped as 100-year floodplain. These lands are primarily located in the Freund Marsh wetlands and the Crescent Marsh wetlands.

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.
Not applicable. This is a non-project action.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
Not applicable. This is a non-project action. The Proposed SMP includes provisions protecting critical areas within shoreline jurisdiction, including provisions which regulate development in and near critical aquifer recharge areas.

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. This is a non-project action. The Proposed SMP includes regulations that specify what alterations are allowed, conditioned or prohibited within critical aquifer recharge areas. Additionally, the Proposed SMP discourages on-site septic systems in Chapter 3, Section 10, Regulation 5.

c. Water runoff (including stormwater):

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. This is a non-project action. The primary source of runoff is impervious surface from buildings, streets, and development improvements. The proposal includes regulations controlling surface water runoff in Chapter 3, Section 10. Low Impact Development is required to be implemented within shoreline jurisdiction to the maximum extent feasible. All new development must comply with the City's adopted Surface Water Design Manual and all applicable City stormwater regulations.

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

Not applicable. This is a non-project action. The proposed SMP will reduce the probability that materials will enter ground or surface waters.The proposal includes regulations to conserve vegetation around the water's edge in the form of a 30-foot vegetation management zone, which will help keep waste materials from entering those waters. See Chapter 3, Section 8 of the proposed SMP. The proposal also adopts NPDES Phase II stormwater runoff regulations and requires Low Impact Development stormwater techniques in shoreline jurisdiction where feasible. Finally, the proposed SMP includes provisions discouraging septic systems within the shoreline environment.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
The following measures to reduce or control surface, ground, and runoff water impacts are included in the proposed SMP:

- *Provisions to protect critical areas and shoreline from development impacts through critical area buffers and use restrictions; (See Chapter 3, Sections 4 and 9)*
- *Provisions to require vegetation conservation along shorelines (See Chapter 3, Section 8)*
- *Requirements to adhere to NPDES Phase II surface water runoff regulations, including provisions requiring the implementation of Low Impact Development techniques, wherever feasible; (See Chapter 3, Section 10)*
- *Mitigation requirements if impacts are projected to occur from any activity or project;(See Chapter 3, Section 5)*
- *Development standards in critical aquifer recharge areas (See Chapter 3, Section 4)*

4. **Plants**

a. Check or circle 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

X wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
X water plants: water lily, eelgrass, milfoil, other
X other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
Not applicable. This is a non-project action. The Proposed SMP discourages the removal of native vegetation from properties within shoreline jurisdiction.

c. List threatened or endangered species known to be on or near the site.
Not applicable. This is a non-project action. According to Puget Sound Partnership, the following three plant species are considered threatened or endangered in the Puget Sound Basin: (1) Golden Paintbrush (2) Water Howellia and (3) Kincaid's Lupine.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Not applicable. This is a non-project action. Within the vegetation management zone, which is 30 feet from the OHWM, native vegetation is to be preserved and new non-native vegetation is not allowed in this area. Where native vegetation is removed from upland areas within the shoreline, the vegetation management zone is the priority area for replacement. New developments are required to demonstrate that 80% of the vegetation management zone and 60% of the building setback area are planted with native vegetation. Finally, mitigation is required for trees removed within shoreline jurisdiction. A 3:1 replacement ratio is required for the vegetation management zone and a 2:1 for the setback are (Zone 2).

5. **Animals**

a. Circle any birds and 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, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.
According to the Washington Department of Fish and Wildlife's Priority Habitat and Species data, the following species are listed as species either endangered, threatened, sensitive, monitored or a candidate species along or near Oak Harbor's shoreline: (1) Pinto Abalone (2)Bald Eagle (3) Hardshell Clam (4) Harlequin Duck (5) Harbor Seal (6)various species of waterfowl. Of those species, none are considered threatened or endangered.

c. Is the site part of a migration route? If so, explain.

Not applicable. This is a non-project action. 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. One of the primary goals of the state Shoreline Management Act and the Proposed SMP is the preservation of the environment. The Proposed SMP includes specific provisions to address the preservation of critical areas (Chapter 3, Section 4) and critical saltwater habitat (Chapter 3, Section 9).

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.

Not applicable. This is a non-project action.

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:

Not applicable. This is a non-project action.

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.
Not applicable. This is a non-project action. The industrial use standards in Chapter 4, Section 6 of the Drat SMP contain regulations requiring that provisions be made to minimize the probability of spills of fuel or other toxic substances and to handle accidental spills that occur.

1) Describe special emergency services that might be required.

Not applicable. This is a non-project action.

2) Proposed measures to reduce or control environmental health hazards, if any:
Not applicable. This is a non-project action. However, the Proposed SMP contains provisions discouraging septic systems (See Chapter 3, Section 10), as well as provisions to minimize the chance of toxic spills from industrial areas (Chapter 4,

Section 6, Regulation 3) and prohibiting discharge of sewage and/or toxic materials from moored boats or shore installations (Chapter 4, Section 4, Regulation 3).

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Not applicable. This is a non-project action.

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.
Not applicable. This is a non-project action.

3) Proposed measures to reduce or control noise impacts, if any:
Not applicable. This is a non-project action. All future development proposals will be subject to project-level SEPA review.

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties?
Not applicable. This is a non-project action. The Oak Harbor shoreline is characterized by a wide variety of uses including single-family residential, multifamily residential, wetlands, parks, multi-family, the marina, public streets, and natural areas. Adjacent properties upland of shoreline jurisdiction have a similar variety of uses.

b. Has the site been used for agriculture? If so, describe.
Not applicable. This is a non-project action. Land within Oak Harbor's shoreline jurisdiction has historically been used for agriculture, including areas around the Freund Marsh. The shoreline area has been developed with residential and park uses since at least the 1970s and possibly earlier.

c. Describe any structures on the site.
Not applicable. This is a non-project action. Oak Harbor's shoreline contains structures including single-family residences and accessory structures (sheds, decks, etc.), multifamily residences, children's play equipment, boat launches, asphalt recreation trail, and public infrastructure (roads, sewer lines, stormwater lines, water lines, underground power lines, etc.).

d. Will any structures be demolished? If so, what?
No applicable. This is a non-project action.

e. What is the current zoning classification of the site?
Not applicable. This is a non-project action. Oak Harbor's shoreline line is currently zoned R-1 (Single-family Residential), OS (Open Space), PF (Public Facilities), CBD (Central Business District), R-4 (Multifamily Residential), and federally zoned property associated with Navy lands.

f. What is the current comprehensive plan designation of the site?
Not applicable. This is a non-project action. The shoreline is currently designated as Low Density Residential, Open Space, Public Facilities, Central Business District, Residential Office, High Density Residential, Public Facilities, and Navy land.

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

Existing environmental designations which apply to the shoreline under the 1998 adopted SMP are Aquatic, Natrual, Urban Residential, and Urban. The proposed SMP would implement a new SMP designation across Oak Harbor's shoreline.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
Not applicable. This is a non-project action. Oak Harbor's shoreline contains designated critical areas as shown on the critical areas maps in the Comprehensive Plan, including wetlands, fish and wildlife habitat conservation areas, geologically sensitive areas, critical aquifer recharge areas, and frequently flooded areas. The Inventory and Characterization report which was

prepared in the early phases of the project also shows wetlands, geologically hazardous areas, critical saltwater habitats, priority species, flood hazard areas, critical aquifer recharge areas. According to the inventory, the environmentally sensitive areas are generally located in the following areas:

- ***Wetlands.*** *Wetlands are primarily located in three distinct areas: (1) Freund Marsh (2) Maylor Point and (3) Crescent Harbor.*
- ***Geologically Sensitive Areas.*** *Moderate-High liquefaction susceptibility areas are located along Oak Harbor's central shoreline, Maylor Point and Crescent Harbor. Slopes greater than 15% are located along Scenic Heights and select areas on Maylor Point*
- ***Critical Saltwater Habitats.*** *Nearshore marine habitat is located along most of the length of Oak Harbor's regulated shoreline. Washington Department of Fish and Wildlife has mapped an Eelgrass Bed near the entrance to Oak Harbor. Patchy areas of dunegrass exist along Oak Harbor's central shoreline, with continuous areas of Dunegrass on areas of Maylor Point. Portions of Maylor Point are mapped as continuous salt marsh*
- ***Priority Species.*** *Priority species along Oak Harbor include locations for breeding seabirds, a seal and sea lion haulout site, Pacific Sand Lance/Surf Smelt spawning habitat along Oak Harbor's central shoreline, shell fish locations and select locations for Bald Eagles nests.*

i. Approximately how many people would reside or work in the completed project?
Not applicable. This is a non-project action.

j. Approximately how many people would the completed project displace?
Not applicable. This is a non-project action. Because the SMP update is an element of the City's Comprehensive Plan, adoption of the plan will not displace people.

k. Proposed measures to avoid or reduce displacement impacts, if any:
Not applicable. This is a Comprehensive Plan update and no displacement impacts will occur with the adoption of this plan.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
This project is an update to the City of Oak Harbor's SMP, which is an element of the City's Comprehensive Plan. The SMP is being amended to comply with new State of Washington Guidelines contained in Washington Administrative Code 173-26. Because this project is an update to the SMP, the update itself will ensure compliance with projected land uses and plans. Because of the designation of part of the City's shoreline around the Marina as "Maritime", water-dependent industrial uses will be permitted under the proposed SMP at this location, in conflict with the underlying Public Facilities Comprehensive Plan designation. As a result, the City's Comprehensive Plan is simultaneously being updated for consistency with the proposed SMP.

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
Not applicable. This is a non-project action. As a comprehensive plan update, this project does not result in the construction of housing units.

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

Not applicable. This is a non-project action.

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

Not applicable. This is a non-project action.

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?

Not applicable. This is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?
Not applicable. This is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:
The Proposed SMP places an emphasis on preserving visual access to the shoreline in compliance with State Guidelines. To accomplish this, the Proposed SMP limits building heights to 35 feet in all shoreline designations with the exception of Urban Mixed Use and Maritime. In these two designations, a height limit of 55 feet may be allowed subject to the preparation of a view corridor study identifying view impacts and required mitigations. Additionally, for any other project which the Director of Development Services determines has a view impact, a view study can be required.

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable. This is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable. This is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable. This is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable. This is a non-project action.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?
Not applicable. This is a non-project action. Within Oak Harbor's shoreline or the immediate vicinity, there are a variety of formal and informal recreation opportunities. Windjammer Park and Flintstone Park are located along Oak Harbor's central shoreline area. Windjammer Park recreation opportunities include a children's play area, beach, boat launch, RV park, picnicking and barbecuing areas, and Waterfront Trail. Flintstone Park includes a municipal pier, picnicking areas and Waterfront Trail. Freund Marsh is also located along Oak Harbor shoreline and has walking paths and wetlands interpretive information within close proximity to the shoreline. Proceeding east along Oak Harbor's shoreline is the City's Marina, where a variety of water-dependent recreational activities exist. The Waterfront Trail extends out to Maylor Point.

The Proposed Shoreline Program will continue to respect and encourage these recreation activities by preserving these areas for continued recreation.

b. Would the proposed project displace any existing recreational uses? If so, describe.
Not applicable. This is a non-project action. No recreational opportunities would be displaced by the SMP.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The SMP will encourage the retention of existing recreation opportunities, as well as foster the development of new opportunities along the City's shoreline. Section 8 of Chapter 4 encourage gives preference to new developments that provide for recreational activities and access to the City's shoreline. Recreation, especially water-dependent recreation is a preferred use of the City's shoreline under the State Shoreline Management Act.

13. **Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable. This is a non-project action. Because this is a non-project action, adoption of the proposed SMP will not impact archeological, historical or cultural resources. The inventory and characterization report which was prepared early on in the process documented known archeological resources within shoreline jurisdiction.

There are no properties on the federal, state or local historic registers within the Oak Harbor SMA. There is a historic home that is on the state and federal register and a barn and water tower on the state register, but these are located a considerable distance from the SMA. There are numerous buildings in the SMA 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 location on the NASWI Seaplane Base include:

- *Fuel Farm No. 2 – Buildings 224, 225, 226, 227, 228, 229, 230, 231, 232, 234*
- *Building 201705, Seawall*
- *Torpedo Magazine – Building 213, Boat and Gear Storage*
- *Ready Lockers – Buildlings 446, 447, 448, 449, 451, Storehouses*
- *Ready Lockers – Buildings 446, 447, 448, 449 451, Storehouses,*
- *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 the Oak Harbor SMA, 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 1980's. These sites have not been evaluated for eligibility for listing on state or national registers. Archaeological resources that have been found within the SMA include:

- *Location of an early historic native settlement*
- *Several shell middens, containing shells and other debris associated with domestic waste, dating back prior to contact with European settlers*
- *Debitage, i.e. sharp-edged waste material created during the production of stone tools*
- *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 the late 19th or early 20th century*
- *Historic debris from 1940-1950s, including barrel, jars, and glass*

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
Not applicable. This is a non-project action. See information above.

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

When development activity is proposed within the location of a known archaeological or historic site, the City will require the project proponent to engage a professional archaeologist to investigate and report to the City and DAHP on the location, condition, and the extent of the archeological impacts associated with the proposal and any recommended mitigation. Alternatively, the applicant may choose to avoid impacting the archeological resource. The City will consult with concerned tribes and DAHP to solicit comments on proposed development and related mitigation for cultural resources. The City will condition project approval to avoid impacts and require necessary mitigation.

If a development project is not within the vicinity of a known archeological or historic site, then project proponents must follow inadvertent discovery protocol laid out in Chapter 3, Section 3 of the Draft SMP, including stopping work on that portion of the project, securing and stabilizing the site and notifying the Department of Archeology and Historic preservation, affected agencies and other appropriate agencies.

In addition to the policies and requirements pertaining to archeological and historic resources in the proposed SMP, SEPA review will be required for individual, future development projects. If there are known archeological resources on development sites, applicants will be required to follow the regulations in Chapter 3, Section 3 for "Known Archeological, Historical, and Cultural Resources" contained in regulation 1 of that section. Those regulations require that an archeologist prepare a Cultural Resources Management Plan discussing the extent of the resources and appropriate mitigation measures.

Staff comment: please note that the State Department of Archaeology and Historic Preservation has recommended that the State Physical Anthropologist be included in the list of entities that are contacted along with contact information in the event of inadvertent discovery of human remains. Staff recommends that the Shoreline Master Program include language to this effect.

14. **Transportation**

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

Not applicable. This is a non-project action. Public streets providing access to the City's regulated shoreline area include, but are not limited to SW Pete's Lane, SW Beeksma Drive, SE City Beach Street, SE Dock Street, SE Bayshore Drive, and SE Pioneer Way.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable. This is a non-project action. The City's shoreline can be accessed from the Island Transit transfer station located at the corner of SE Bayshore Drive and SE Dock Street.

c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable. This is a non-project action. The Proposed SMP attempts to limit the number of spaces within shoreline jurisdiction (see Chapter 4, Section 7). Parking as a primary use is not permitted within shoreline jurisdiction. Parking as an accessory use to a primary use is permitted subject to certain restrictions, mainly that it must be located landward from the principal use, that they be screened and lighted, and that low impact development designs be utilized wherever feasible.

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

Not applicable. This is a non-project action. As a comprehensive plan update, the SMP itself will not generate the need for roads or streets. Future development projects within the City's regulated shoreline jurisdiction require the construction of new streets or roads and would be subject to project-level SEPA review.

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

Not applicable. This is a non-project action. There is no water transportation located on Oak Harbor's shoreline.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable. This is a non-project action.

g. Proposed measures to reduce or control transportation impacts, if any:
Not applicable. This is a non-project action.

15. **Public services**

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

Not applicable. This is a non-project action.

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

Not applicable. This is a non-project action.

16. **Utilities**

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

All of the above utilities are available within Oak Harbor's shoreline jurisdiction.

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.

Not applicable. This is a non-project action.

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: Ethan Spoo
Date Submitted: 8/10/2012

D. SUPPLEMENTAL SHEET FOR NONPROJECT 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?

The proposed SMP is not likely to increase discharge to waters. The intent of the SMP is to protect shoreline functions, including aquatic areas in part by:

- *Providing a protective buffer (vegetation management zone) and limiting alterations to the buffers; and*
- *Controlling surface water run-off for development activities. Stormwater runoff is already regulated by OHMC Title 12.*

The proposed SMP addresses release of toxic or hazardous substances from industrial sites in Chapter 4, Section 6 and prohibits discharge of sewage and/or toxic materials from moored boats or shore installations at all boating facilities in Chapter 4, Section 4.

Proposed measures to avoid or reduce such increases are:

No such increases are anticipated with the adoption of a new SMP. The Proposed SMP includes buffer and setbacks with limitations on the alterations permitted in the buffers; development regulations for alterations within shoreline areas or on sites containing shoreline areas and mitigations for activities which alter shoreline areas. Stormwater runoff mitigations are required per Chapter 3, Section 10 of the Proposed SMP and Title 12 of the OHMC.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The intent of the proposed ordinance is to protect shoreline areas, which provide habitat for plants, animals, fish, and marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

- *Requiring buffers planted with native species and prohibiting the planting of non-native species*
- *Protect critical areas (wetlands, steep slopes, fish and wildlife habitat conservation areas, floodplain, and aquifers), as well as critical saltwater habitats within shoreline jurisdiction.*
- *A system of environment designations which preserves critical and sensitive areas within the Conservancy and Residential Bluff Conservancy designations.*
- *Required setbacks for new uses from the ordinary high water mark.*
- *Mitigating measures for shoreline modifications, including limits on hard armored stabilization, limits on size of public docks and piers, quality standards for boat ramps, limits on dredge and fill.*

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will have no effect on the depletion of energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

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, floodplains, or prime farmlands?

The proposal would protect areas designated as shoreline, which often contain environmentally sensitive lands and critical areas, and critical saltwater habitats.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Based on an inventory and characterization report which was completed in the early phases of the SMP Update project, the proposed SMP sets up policies and regulations to protect environmentally sensitive areas such as critical areas (wetlands, habitat, steep slopes, aquifers, and frequently flooded areas). Critical areas are already protected by OHMC Title 20, but further protections, and in some cases, more restrictive ones, have been applied to these areas within shoreline jurisdiction. Common protection measures from critical areas are buffers from marine and riparian areas. Development which affects critical areas is required to have a critical areas report analyzing the extent of impact and necessary mitigations. The proposed SMP also protects critical saltwater habitats. There are no known threatened or endangered species within Oak Harbor's shoreline jurisdiction.

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?

Shoreline areas, including aquatic lands, are protected under the proposed SMP. The proposed SMP will require that land be used in compliance with the document, which is an element of the comprehensive plan. The City is simultaneously updating the Comprehensive Plan to ensure consistency for land use designations around the Marina.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The entire proposed SMP contains measures to avoid or reduce shoreline and land use impacts since that is the purpose of the document. Among the measures included in the document are shoreline environment designations (zones), vegetated buffers, setbacks, impervious surface limits, and height limits to protect shoreline areas from adjacent development. The shoreline environment designation system preserves critical and sensitive areas, such as wetland, in a Conservancy and Residential Bluff Conservancy designation which strictly limit/prohibits development which would be harmful to resources.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed SMP is not likely to increase demands on any transportation or public services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed SMP does not conflict with any laws or requirements for the protection of the environment. Existing Critical Area Regulations were incorporated into the Proposed SMP. The Proposed SMP implements the Shoreline Management ct (SMA)(RCW 90.58) in accordance with the SMP Guidelines (173-26 WAC). The Proposed SMP is consistent with the Oak Harbor Comprehensive Plan and the Oak Harbor Municipal Code.