



# PLANNING COMMISSION

## AGENDA

June 21, 2011

CITY OF OAK HARBOR  
PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS

AGENDA  
June 21, 2011  
7:30 P.M.

ROLL CALL:        NEIL \_\_\_\_\_ JENSEN \_\_\_\_\_ FAKKEMA \_\_\_\_\_  
                         WASINGER \_\_\_\_\_ OLIVER \_\_\_\_\_  
                         WALLIN \_\_\_\_\_ JOHNSON \_\_\_\_\_

1.     **Approval of Minutes – April 26, 2011**
  
2.     **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
  
3.     **SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT- CITY OF OAK HARBOR MULTIMODAL FACILITY PROJECT– PUBLIC HEARING**  
      The Planning Commission will consider a Shoreline Substantial Development Permit for the proposed construction of a new 2,325 square foot multipurpose building with meeting room and restroom facilities. An additional 525 square foot picnic shelter, plaza, trail improvements, paved parking and circular drive are also planned. The project location is 1370 SE Dock Street, parcel S6565-00-00C09-0. The Planning Commission will forward a recommendation to the City Council.

# MINUTES

April 26, 2011

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
April 26, 2011**

**ROLL CALL:** **Present:** Bruce Neil, Keith Fakkema, Kristi Jensen, Jeff Wallin, Greg Wasinger and Jill Johnson. **Absent:** Gerry Oliver. **Staff Present:** Senior Planner, Cac Kamak.

Chairman Neil called the meeting to order at 7:35 p.m.

**MINUTES: MR. FAKKEMA MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO APPROVE THE MARCH 29, 2011 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:** No members of the public were present for comment.

**CHANGING ZONING DESIGNATIONS TO CORRESPOND WITH COMPREHENSIVE PLAN LAND USE MAP– Public Hearing**

Chairman Neil opened the public hearing.

Mr. Kamak reported that the three proposed rezonings before the Planning Commission would implement land use changes approved as part of the 2010 Comprehensive Plan amendments. The Planning Commission has reviewed each of the proposals as part of the Comprehensive Plan amendment process. The Comprehensive Plan amendments were approved by the City Council in December 2010. This rezoning process follows through with the land use amendments and, if approved by the City Council, will officially amend the zoning map to implement the changes to the Comprehensive Plan.

Mr. Kamak explained the relationship between the land use map and the zoning map.

Mr. Kamak reviewed the three sites that are being considered for a change in zoning designation as follows:

**Scenic Heights Trailhead Site**

Existing Zoning: R-1, Single Family Residential  
Proposed Zoning: PF, Public Facilities

The property is located on the east side of Scenic Heights Road and south and east of the SW 19<sup>th</sup> Court. The property was purchased by the City to ensure connection of the waterfront trail to the pedestrian sidewalk system of Oak Harbor. This site also serves as a trailhead to the Freund Marsh area.

**Water Reservoir Site**

Existing Zoning: PBP, Planned Business Park  
Proposed Zoning: PF, Public Facilities

The property is located north of Gun Club Road west of the Gun Club. The property is the future site of a reservoir that will serve Oak Harbor's water system.

**SE corner of SR 20 and Fakkema Road**

Existing Zoning: C-4, Highway Service Commercial

Proposed Zoning: OS, Open Space

The property was jointly acquired by the City, County and NAS Whidbey to limit the development potential of the property due to its location in the Accident Potential Zone (APZ) of Ault Field's operations. The Parks and Recreation Plan recommend that the property be developed as a Garry Oak grove.

Mr. Kamak also noted that the staff report details criteria for evaluating rezoning requests.

Chairman Neil closed the public hearing.

**ACTION: MR. FAKKEMA MOVED, MS. JENSEN SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SCENIC HEIGHTS TRAILHEAD SITE ZONING DESIGNATION CHANGE FROM R-1, SINGLE FAMILY RESIDENTIAL TO PF, PUBLIC FACILITIES.**

**ACTION: MR. JENSEN MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE WATER RESERVOIR SITE ZONING DESIGNATION CHANGE FROM PBP, PLANNED BUSINESS PARK TO PF, PUBLIC FACILITIES.**

**MOTION: MS. JENSEN MOVED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SE CORNER OF SR 20 AND FAKKEMA ROAD ZONING DESIGNATION CHANGE FROM PBP, PLANNED BUSINESS PARK TO PF, PUBLIC FACILITIES, MR. FAKKEMA SECONDED THE MOTION.**

Discussion:

Ms. Johnson said that she would vote no due to her concern about locking one of the most viable commercial properties that the City has into Open Space zoning permanently. Once Garry Oaks are on the property the community won't allow them to be removed and if the Navy's mission changed, the property would be locked into the Open Space designation.

Mr. Wasinger asked how difficult it would be to change the zoning designation. Mr. Kamak reported that the Navy's representative spoke with him and the Navy's concern was that the proposed zoning permits a clubhouse recreation amenity. Mr. Kamak said that he had explained to the Navy representative that there are three levels of restrictions on the property. Restriction one; the property is in the Accident Potential Zone (APZ), restriction two; the City owns the property and restriction three; there are deed restrictions that restrict development on the property. As far as changing the zoning; if the Navy's changes its operations and the APZ goes away. The deed restrictions would have to be removed so the County, the City and the Navy would have to come together and agree that the restrictions don't apply to the property anymore. A Comprehensive Plan amendment would have to be done to zone the property back to Commercial. Mr. Kamak acknowledged that Ms. Johnson was correct that it would be more difficult to change the zoning to Commercial once Garry Oaks are on the property.

Mr. Neil asked who would have to make the request to rezone. Mr. Kamak said that any one of the property owners could make the request or members of the public who could demonstrate that there was enough public support could request a change in zoning.

Mr. Fakkema asked if Gerry Oaks were planted would the trees be planted in rows. Mr. Kamak said that they would be planted in a way that would provide the most natural environment along with other native species to sustain that environment for the trees. In prior conversation with the County and the Navy they have said it is okay to have a trail and a couple of picnic tables for public access.

There was some discussion about the potential leasing of the property should the property revert back to commercial use.

**VOTE: THE MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED.**

**ADJOURN: 8:04p.m.**

DRAFT

Multimodal Facility  
Shoreline Substantial Development  
Permit

Public Hearing

**City of Oak Harbor  
Report to the Planning  
Commission**

Date: June 21, 2011  
Subject: Shoreline Substantial Development  
Permit for the Multimodal Facility Project

**FROM:** Melissa Sartorius  
Associate Planner

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**PURPOSE**

This report presents the application (Attachment 1) for a Shoreline Substantial Development Permit by the City of Oak Harbor to construct uplands improvements associated with the Multimodal Facility Project in Flintstone Park. The report highlights the goals and policies that are relevant to the review of the application. The Findings of Facts on the project are also included with the report. The Shoreline Master Program requires the Planning Commission to hold a public hearing, adopt findings and make a recommendation to the City Council.

**AUTHORITY**

RCW 98.58.050 provides the authority and the responsibility to local governments for the planning and administering the shoreline regulatory program consistent with the Shoreline Management Act.

**BACKGROUND**

**Proposed project**

The City of Oak Harbor proposes to construct a new 2,325 square foot multipurpose building with meeting room and restroom facilities. An additional 525 square foot picnic shelter, plaza, trail improvements, paved parking and circular drive are also planned. The existing picnic shelter and restrooms will be demolished. The project is Phase 1 of the overall Multimodal Facility Project. Phase 1 consists of the uplands improvements to Flintstone Park. The City of Oak Harbor has applied for a Shoreline Substantial Development Permit to construct the aforementioned improvements.

The proposed project is located across the street from the Island Transit station, and adjacent to condominiums to the west of the site. The main access to the site is from east or west on SE Bayshore Drive. There is also a connecting street, SE Dock Street, from Pioneer Way. Pioneer Way connects to State Route 20 about one half mile to the west. Users are able to access Flintstone Park from numerous public access points, reducing the demand on any one site to provide large amounts of parking. There are parking spaces along Bayshore Drive and in the Central Business District (CBD) within a short walking distance of the proposed site. Eleven parking spaces are proposed on site, one of which is ADA compliant. More than half of the parking spaces are parallel to the circular drive to allow for efficient drop off and pickup.

Approximately 11,300 square feet of additional impervious cover is proposed in the upland part of the project, primarily in a new paved path, the multipurpose building, and the adjacent plaza. The building provides about 1,500 square feet of space for formal and informal activities, including dining, small meetings, celebrations and ceremonies. Capacity would be approximately 92 people.

The proposed location is within the shoreline environment of Oak Harbor and approval of this project is therefore subject to review under the provisions of the City of Oak Harbor Shoreline Master Program. Specifically, the proposal as designed must meet the requirements for issuance of shoreline substantial development permit (for all activity related to the proposal).

**Project Summary**

<b>Project Name:</b>	Multimodal Facility Project
<b>Applicant:</b>	City of Oak Harbor Joe Stowell, Project Engineer
<b>Location:</b>	1370 SE Dock Street
<b>Property Owner:</b>	City of Oak Harbor
<b>Zoning:</b>	PF - Public Facilities
<b>Land Use Designation:</b>	Public Facilities
<b>Shoreline Environment:</b>	Urban
<b>Acreage:</b>	Uplands – 1.51 acres

**Public Notice**

A Notice of Application (NOA) for the proposed project was posted on the property and published in the newspaper, as per the requirement of the Shoreline Master Program for two consecutive weeks, on May 14, 2011 and May 21, 2011. The notice provided a comment period of 30 days with a deadline of June 20, 2011. Property owners within 300 feet of the project were also notified my mail. No comments have been received as of the date of this report.

The Public Hearing for the Planning Commission was advertised in the newspaper on June 4, 2011. The hearing notice was also mailed to property owners within 300 feet. No comments have been received as of the date of this report.

## **SEPA**

The original environmental assessment and determination made in 2003 still applies to this project in accordance with the checklist requirements of the State Environmental Policy Act of 1971; no adoption or changes are needed per WAC 197-11-600(4)(a). This proposal has been determined to not have a significant impact upon the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)C. A Mitigated Determination of Non Significance was issued for the project on October 13, 2003. A copy of the Determination has been included (Attachment 3) for your reference.

The mitigation measures included in the determination and checklist that address the uplands improvements to the site include erosion control, minimizing light and glare impacts by using downward directing lighting fixtures, temporary silt fences, transportation concurrency and archaeological response.

For more details on the mitigation measures, please refer to the MDNS in Attachment 3.

## **PROJECT BACKGROUND (excerpt from 2003 Shoreline Permit)**

The location proposed for the new Oak Harbor Municipal Pier is about 250 feet east of the site where the historic Maylor Dock once stood. Built in the 1890s, when the City's only link to the mainland was by water, the Maylor Dock was for the decades that followed synonymous with the necessary exchange of goods that provided livelihoods and provisions for an island community. The dock also served an important social function in bringing visitors and mail to early Oak Harbor. With the completion of Deception Pass Bridge in 1935, the importance of the Maylor Dock waned, although it remained in constant use until 1966 when fire destroyed the structure.

Organizational work to explore building a new pier started in earnest in January 1998 with the appointment of a Citizen's Planning Advisory Committee for the Reconstruction of the Maylor Pier. The subsequent report to the City Council in May of that year concluded that support was high for redeveloping a pier facility, one that had potential to serve the dual purpose of a highly desirable local landmark and attraction and a regional transportation hub that might attract a passenger ferry service to Oak Harbor. The Advisory Committee also recommended that the next step should be to contract for a professional feasibility study to study and refine the approach.

The City hired a consultant team in October 1998 to look at the potential demand for use of the pier as a transportation facility, to evaluate alternatives and select a preferred pier location and configuration, to estimate costs for construction and to outline implementation strategies. Three alternatives were explored in terms of function and operation, constructability, relative environmental impacts and costs. Following public review, the consultants, in combination with the renamed Oak Harbor Municipal Dock Committee, presented in September 1999 the final *Oak Harbor Municipal Pier Feasibility Analysis* with a preferred alternative.

Since that date, the City has contracted for several technical studies and for a biological evaluation and mitigation plan. These include the *Oak Harbor Municipal Pier Dredge Material Characterization Report* (June 2001), the *Oak Harbor Municipal Pier Eelgrass/Macro Algae Habitat Surveys* (December 2002), the *Mitigation Plan of the Oak Harbor Municipal Pier Project* (May 2003) and the *Oak Harbor Municipal Pier Project Biological Evaluation* (July 2003). Collectively, these documents provide a foundation for the project description, Shoreline Master Program analysis and proposed conditions described in detail in the sections that follow.

On August 28, 2003, the City submitted the attached Joint Aquatic Resources Permit Application (JARPA) in support of its request for a shoreline substantial development permit, shoreline conditional use permit and shoreline variance. This same application had been submitted previously to the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the Army Corps of Engineers and the National Marine Fisheries Service. Each of these agencies has permit authority over some aspect of the municipal pier project. The Planning Commission is responsible for reviewing the local permits only.

Finally, the City's Environmental Official issued a final Mitigated Determination of Nonsignificance on October 13, 2003 (see attached). In making this determination, it was concluded that all of the anticipated environmental impacts from the Oak Harbor Municipal Pier Project can be mitigated to a level of nonsignificance and that an environmental impact statement is not required.

### **CONSISTENCY WITH SHORELINE MASTER PROGRAM**

The primary responsibility of the Planning Commission with respect to this proposal is to ensure that it is consistent with the Oak Harbor Shoreline Master Program (SMP). The SMP establishes permitted and conditional uses by shoreline environment and performance measures for those uses that are considered appropriate for a given location. It also establishes criteria and grounds for considering conditional uses and variances. The following analysis addresses the shoreline substantial development permit.

### **DISCUSSION**

Flintstone Park is located within the area designated as an Urban Environment in the Shoreline Master Program. The proposed project is a permitted use within this designation. The project falls primarily under Section 5.17, Recreation, of the Shoreline Master Program. However, the project impacts the waterfront trail and the existing parking lot. Their redevelopment is supported by policies and regulations in other sections of the program.

### **Uplands Improvements**

The improvements to the uplands, including construction of the new multipurpose building, are the primary scope of this phase of the project. Therefore the project is

primarily reviewed under the policies and regulations of the following section of the Shoreline Master Program:

### 5.17 Recreation

#### Policies

1. Preference should be given to developments which provide for recreational activities and improvements facilitating public access to the shoreline. *This is a community project that provides public access to the shoreline by way of improved trail connections and an overlook. The redevelopment allows for an increased public use of the site by creating the meeting room and improvements to the parking lot. In the interim (until permanent pier construction) the uplands project may lead to increased usage of the existing municipal dock adjacent to the site.*
2. A variety of water oriented recreational activities should be encouraged to locate on shorelines to satisfy diverse needs and interests of residents and visitors. *The redevelopment of the site will increase the types of activities available to residents and visitors from current conditions. The addition of a meeting room, an outdoor plaza with tables, and widening of the Waterfront Trail all help increase the amount of amenities available in Flintstone Park and in general the greater Oak Harbor Parks and Recreation System.*
3. Linkage such as walkways, walking and/or bicycle paths between shoreline recreational and public access areas should be provided. *The Waterfront Trail currently exists along the southern boundary of the park next to the shoreline. The proposal includes widening of this trail from 6 feet to 12 feet along the Flintstone Park portion. Improvements to this portion of the trail are part of the larger Waterfront Trail system in which the multimodal facility is centrally located. Additionally, the overlook will be improved with a paved path that connects the Waterfront Trail to the new parking area. The overlook path will contain new benches, bollards, and trash receptacles.*
4. Recreational developments should be located, designed and operated to be compatible with adjacent uses and to minimize adverse affects on ecological and aesthetic qualities of the shoreline and the water. *Parks are commonly considered compatible with residential areas as they generally have less noise and operational impacts than commercial districts. Residents can use and enjoy the amenities of a nearby community or neighborhood park. Flintstone Park serves as an important niche by providing public shoreline access to downtown Oak Harbor and to the nearby Island Transit station. All of the proposed work is upland of the ordinary high water mark and distinct clearing limits and silt fencing are*

*shown on the civil plans in order to protect ecological and aesthetic qualities of the shoreline.*

5. Recreational developments should be designed to preserve or create open space and public use of the water and the shorelines. *The proposal preserves open space within the city and improves public access to the shoreline.*

#### Regulations

1. The City may adjust or require changes to project dimensions, use intensity, parking provisions or landscaping in approving recreational developments to ensure that scenic views and ecological qualities of the site are protected. *As this is a city project the design process took into account and was sensitive to the items addressed by this regulation.*
2. Protect the rights and property of residents from adverse impacts due to recreational shoreline uses. *The only adjacent residential uses are condominiums along the western property line. As the proposed use is similar to the existing use, impacts (if any) are largely known, therefore mitigation of potential impacts are focused on construction of the project. In order to avoid adverse impacts from construction of the park on the residents, the following measures will be employed: limiting construction to those hours stipulated in the Oak Harbor Municipal Code, use downward directing or shielded light fixtures, and install landscaping along the western property line as a buffer from the park use while retaining scenic views from the condos by reducing the height of the landscaping.*
3. Safe pedestrian walkways shall be provided between parking areas and recreational facilities they serve. *Within the site, the Waterfront Trail serves as a safe pedestrian sidewalk between the recreational shoreline and the parking area of the site. The parking area includes delivery and drop-off locations along a circular drive which is buffered by the trail. The separation of pedestrians and vehicles will be an improvement from the existing situation.*
4. Recreational facilities which normally require the use of large quantities of chemical fertilizers and herbicides such as playing fields shall not be located over water or in shoreline areas, unless adequate provisions can be made for protection of water areas from drainage and surface runoff. *This regulation does not directly apply to this proposal there are no large areas of grass similar to playing fields that are treated in Flintstone Park. The park is treated with a minor amount of fertilizer and herbicides once annually and best management practices are utilized by trained city staff.*

5. Shoreline permit applications for recreational development shall include a parking and landscaping plan. *The application contains a parking plan and landscape plan as part of the site plan package. See Attachment 2 for more detail.*

The project is also reviewed against any regulation specific to a particular shoreline environment. In this case, the following regulation is specific to recreation in the urban environment:

Regulations by Environment - Urban, Urban Residential

Recreational development shall be permitted in the urban or urban residential environment subject to the policies and regulations of this Master Program and the Oak Harbor Critical Areas Ordinance. However, RV Parks (public) are prohibited in the urban residential designation.

**Other Shoreline Use Policies**

As the project entails modifications to the trail and parking areas, staff reviewed the project against the following sections of the SMP:

***Waterfront Trail***

The existing waterfront trail is impacted by the project construction. The project scope includes widening this portion of the waterfront trail and improving the overlook area as shown in Attachment 2. The trail will be approximately 12 feet wide. Listed below are supporting policies within the Shoreline Master Program for improving the trail.

3.04 Public Access

Policies

1. Provide, protect and enhance a public access system that is both physical and visual, utilizing both private and public lands. The Oak Harbor Bay Trail, as described by the City of Oak Harbor Comprehensive Park and Recreation Plan, provides a spine route for accessing Oak Harbor's shoreline.

4.02 Urban Environment

Policies

3. Provide public access to the shoreline. New and expanded development should be designed to include physical or visual access.
4. Link public access points by pedestrian routes where practical.

### 5.19 Transportation Facilities

#### Policies

5. Trails and bicycle routes along shorelines should be provided in conformance with the Oak Harbor Comprehensive Parks and Recreation Plan.

### ***Parking***

The project includes redeveloping the existing parking lot. The Shoreline Master Program includes some general guidelines for parking. The policies are listed below. The guidelines are primarily targeted toward parking associated with a development (building or use). The parking lot redesign must meet the requirements of OHMC 19.44.

### 5.02 General Regulations

#### 4. Parking

In addition to parking requirements imposed by other City ordinances the following regulations shall also apply:

- a. Parking areas serving shoreline and over water uses shall be located off the street and landward of uses served unless incorporated into authorized structures, park landscapes or shoreline viewing areas accessible to the public.
- b. Whenever adequate on site parking cannot be provided and upland parking site shall be required. Upland parking sites may serve individual uses or be managed for joint-use.
- c. Where there is no land area available on the landward side of developments or on adjacent uplands, parking areas shall be located no closer than 25 feet from the OHWM and shall be entirely screened from view from the water by plantings or a solid fence of a design consistent with other applicable ordinances. In no case shall a fence or other screen block views of the water from public roads or areas.
- d. Where public access is included as a part of a development proposal, additional parking spaces to serve the general public may be required.

In summary, projects that encourage public access and respect the natural environment tend to be supported by the SMP policies. Further, the multimodal facility will enhance public access and shoreline enjoyment by residents and visitors alike. Public amenities will be relatively modest, but the ability to use the multi-purpose building for meetings and events will be an improvement to the community. In its location, planning,

construction and future use, the pier project is conclusively consistent with our Shoreline Master Program.

### **OAK HARBOR COMPREHENSIVE PLAN AND OTHER PLANS**

In addition to consistency with the Shoreline Master Program, it is good planning practice and a requirement of the SMP to assess whether or not the proposed municipal pier improvements helps to further the community vision as expressed in adopted plans and policies. Clearly, building a new downtown pier to replace the Maylor Dock has been part of Oak Harbor's municipal vocabulary for a number of years, and is firmly established as a desirable outcome in our Comprehensive Plan. The following policies and statements offer strong support for the current proposal.

From the *Oak Harbor Comprehensive Plan*:

Urban Design Element Policy 5.d: "Developments along Oak Harbor's waterfront should enhance the area's natural and physical aesthetics."

Parks, Recreation, and Open Space Element Policy Parks g: "Provide upland facilities at Flintstone Park that will support the Municipal Pier Project."

Parks, Recreation, and Open Space Element Recommendation: "Enhance the trail connection between Flintstone Park and the Marina as a multiuse trail and extend the trail from the Marina to Maylor Point."

Transportation Policy 3.e: "The City should explore planning, financing and designing a municipal pier in the downtown area, within close proximity to the Island Transit transfer station."

Transportation Policy 3.f: "The City should explore developing a municipal pier for passenger ferry service, float plane service and recreational day moorage. Marine education, fishing, emergency services and related entrepreneurial functions shall be included as ancillary uses."

Transportation Policy 3.g: "The City should explore all potential funding sources to finance the construction and operation of a downtown municipal pier."

Transportation Policy 3.h: "The City should explore opportunities for leases, franchises or use agreements for pier docking requirements of passenger ferry service providers with transportation linkages to Everett, Seattle, Langley, Camano Island, Coupeville and Mukilteo. Other linkages may be identified through citizen involvement. The City should explore opportunities for leases, franchises or use agreements for pier docking requirements of float plane transportation."

From *Harbor Watch: A Redevelopment Plan for Oak Harbor's Downtown and Waterfront* (1990): "Construct a water transportation pier extending south from the 50<sup>th</sup> Street [now Dock Street] axis. Light so that it becomes a 'twilight promenade' as well as offering a welcome mat for boaters and a dock for air and water transportation."

"Attract more active uses to Flintstone Park. Regrade a portion to provide a windbreak that can be used for picnicking or informal performances."

From *Harbor Pride: A Blueprint for Change* (2000): "The Oak Harbor Municipal Pier is an important downtown anchor that will promote public education and enjoyment of the natural harbor. The two legged pier design with multiple functions of commuter ferry and seaplane moorage will provide easy walking access into Old Town for arriving pedestrians."

From *Oak Harbor Parks, Recreation, and Open Space Plan* (2009):

"Upland improvements at the Flintstone Park will continue to move the Municipal Pier project ahead by preparing the park for the eventual construction of the pier.

This project will provide for the design and construction of the upland improvements associated with the Municipal Pier project. The improvements will include restrooms, a waiting area and other upgrades to the park.

Improvements Needed:

- Surfaces could use an asphalt overlay
- Shelter (donated by Lions in 80s) needs to be replaced
- Rails on approach dock needs to be galvanized
- Shoreline is unstable and needs repair and reinforcement
- Light should be added along the trail

Other Improvements:

- Dock needs to be upgraded

In summary, the proposal is consistent with adopted plans and policies. Because the proposed improvements will occur within the existing area of improvements, staff does not expect negative impacts from the project on the shoreline ecology or environment.

**SUMMARY**

With the list of conditions that were identified in the SEPA MDNS and the standard conditions related to subsequent review and permit restrictions, the staff believe that this proposal meets all adopted standards for the shoreline substantial development permit. These conditions are contained in the attached "Findings of Fact, Conclusions of Law and

Entry of Order.” Adopting this document will forward a recommendation of conditional approval to the City Council, with appropriate findings.

**Recommendations**

1. Conduct the public hearing.
2. Recommend that the City Council approve the Shoreline Substantial Development Permit
3. Adopt the “Findings of Fact” (Attachment 4)

**Attachments:**

Attachment 1- Shoreline Substantial Development Permit (JARPA Application)

Attachment 2- Site Plan

Attachment 3- Mitigated Determination of Nonsignificance (MDNS)

Attachment 4- Findings of Fact



2010

WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form<sup>1</sup>

USE BLACK OR BLUE INK TO ENTER ANSWERS IN WHITE SPACES BELOW.



US Army Corps of Engineers - Soallo District

AGENCY USE ONLY

Date received:

Agency reference #:

Tax Parcel #(s):

Part 1-Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]<sup>2</sup>

Oak Harbor Multimodal Facility

Part 2-Applicant

The person or organization responsible for the project. [help]

RECEIVED

MAY 10 2011

CITY OF OAK HARBOR Development Services Department

2a. Name (Last, First, Middle) and Organization (if applicable)

City of Oak Harbor

2b. Mailing Address (Street or PO Box)

865 SE Barrington Drive

2c. City, State, Zip

Oak Harbor, WA 98277

2d. Phone (1)

( 360 )279-4510

2e. Phone (2)

( )

2f. Fax

( )

2g. E-mail

Part 3-Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b. of this application.) [help]

3a. Name (Last, First, Middle) and Organization (if applicable)

Ellison, Bruce - Arai Jackson Ellison Murakami LLP

3b. Mailing Address (Street or PO Box)

2300 7<sup>th</sup> Avenue

<sup>1</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at [http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage\\_ESA](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA)
- If you are applying for an Aquatic Resources Use Authorization you will need to fill out and submit an Application for Authorization to Use State-Owned Aquatic Lands form to DNR, which can be found at [http://www.dnr.wa.gov/Publications/aqr\\_use\\_auth\\_app.doc](http://www.dnr.wa.gov/Publications/aqr_use_auth_app.doc)
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you think you will need a Shoreline permit, contact the appropriate city or county government to make sure they will accept the JARPA.

<sup>2</sup>To access an online JARPA form with [help] screens, go to [http://www.eppermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.eppermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx). For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).

<b>3c. City, State, Zip</b>			
Seattle, WA 98121			
<b>3d. Phone (1)</b>	<b>3e. Phone (2)</b>	<b>3f. Fax</b>	<b>3g. E-mail</b>
( 206 ) 323-8800	(     )	(     )	bellison@araijackson.com

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

<b>4a. Name (Last, First, Middle) and Organization (if applicable)</b>			
Joseph A. Stowell – City of Oak Harbor			
<b>4b. Mailing Address (Street or PO Box)</b>			
865 NE Barrington Drive			
<b>4c. City, State, Zip</b>			
Oak Harbor, WA 98277			
<b>4d. Phone (1)</b>	<b>4e. Phone (2)</b>	<b>4f. Fax</b>	<b>4g. E-mail</b>
( 360 ) 279-4520	( 360 ) 720-8796	( 360 ) 279-3902	jstowell@oakharbor.org

### Part 5—Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g., linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

<b>5a. Indicate the type of ownership of the property. (Check all that apply.)</b> <a href="#">[help]</a>
<input type="checkbox"/> State Owned Aquatic Land (If yes or maybe, contact the Department of Natural Resources (DNR) at (360) 902-1100)
<input type="checkbox"/> Federal
<input checked="" type="checkbox"/> Other publicly owned (state, county, city, special districts like schools, ports, etc.)
<input type="checkbox"/> Tribal
<input type="checkbox"/> Private
<b>5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.)</b> <a href="#">[help]</a>
1370 SE Bayshore Drive
<b>5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.)</b> <a href="#">[help]</a>
Oak Harbor, WA 98277
<b>5d. County</b> <a href="#">[help]</a>
Island County

**5e.** Provide the section, township, and range for the project location. [\[help\]](#)

<b>¼ Section</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
	2	T32N	R1E

**5f.** Provide the latitude and longitude of the project location. [\[help\]](#)

- Example: 47.03922 N lat. / -122.89142 W long. (NAD 83)

48° 17' 14.36" N / 122° 38' 51.12" W

**5g.** List the tax parcel number(s) for the project location. [\[help\]](#)

- The local county assessor's office can provide this information.

S6565-00-00C09-9

**5h.** Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [\[help\]](#)

<b>Name</b>	<b>Mailing Address</b>	<b>Tax Parcel # (if known)</b>
(See attached list)		

**5i.** List all wetlands on or adjacent to the project location. [\[help\]](#)

None

**5j.** List all waterbodies (other than wetlands) on or adjacent to the project location. [\[help\]](#)

Puget Sound is located approximately 22 feet to the south and east.

**5k.** Is any part of the project area within a 100-year flood plain? [\[help\]](#)

Yes     No     Don't know

**5l.** Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The property is currently city park with grass vegetation and some trees. Improvements such as asphalt pathways, a small parking lot, restrooms and a picnic shelter also exist. Any habitat would be for song birds in the trees.

**5m.** Describe how the property is currently used. [\[help\]](#)

The property is currently used as a city park. It provides recreational opportunities for the community. The property is also adjacent to an existing dock and timber float for day recreational moorage use.

**5n.** Describe how the adjacent properties are currently used. [\[help\]](#)

Adjacent properties consist of residential condos and offices to the west, a public transit system station to the northwest, offices and commercial businesses to the north, and marine shoreline to the east and south.

**5o.** Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

Currently there are public restrooms, a picnic shelter, paved parking spaces and circular drive, and asphalt trails above ground on the property. Underground structures include water, sewer, gas and electrical.

**5p.** Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From State Route 20, go east onto SE Pioneer Way. Turn right onto SE City Beach Street then left onto SE Bayshore Drive. The property is located approximately 0.64 miles from the SR 20 and Pioneer Way intersection. See attached map.

## Part 6—Project Description

**6a.** Summarize the overall project. You can provide more detail in 6d. [\[help\]](#)

The project is Phase 1 of the overall Oak Harbor Pier Project. Phase 1 consists of the uplands improvements to Flintstone Park. The work consists of demolition of the existing restroom facility, asphalt driveway and trails and construction of a new 2,325 square foot restroom and community center building, a 525 square foot picnic shelter, and related utilities and site improvements.

**6b.** Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial     Residential     Institutional     Transportation     Recreational  
 Maintenance     Environmental Enhancement

**6c.** Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture          | <input type="checkbox"/> Culvert              | <input type="checkbox"/> Float                   | <input type="checkbox"/> Road                          |
| <input type="checkbox"/> Bank Stabilization   | <input type="checkbox"/> Dam / Weir           | <input type="checkbox"/> Geotechnical Survey     | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat House           | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Land Clearing           | <input type="checkbox"/> Stairs                        |
| <input type="checkbox"/> Boat Launch          | <input type="checkbox"/> Ditch                | <input type="checkbox"/> Marina / Moorage        | <input type="checkbox"/> Stormwater facility           |
| <input type="checkbox"/> Boat Lift            | <input type="checkbox"/> Dock / Pier          | <input type="checkbox"/> Mining                  | <input type="checkbox"/> Swimming Pool                 |
| <input type="checkbox"/> Bridge               | <input type="checkbox"/> Dredging             | <input type="checkbox"/> Outfall Structure       | <input type="checkbox"/> Utility Line                  |
| <input type="checkbox"/> Bulkhead             | <input type="checkbox"/> Fence                | <input type="checkbox"/> Piling                  |  |
| <input type="checkbox"/> Buoy                 | <input type="checkbox"/> Ferry Terminal       | <input type="checkbox"/> Retaining Wall (upland) |  |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway              |  |  |

Other: Community center, restrooms, picnic shelter, plaza, parking, trail improvements.

**6d.** Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year flood plain.

The project elements listed above are located adjacent to Oak Harbor Bay however the limits of the project are located approximately 22 feet (at its nearest) away from the edge of a concrete and boulder seawall which slopes down to the water. The trail improvements will be located entirely within the 100-year floodplain. Portions of the other project elements including roughly half of the community center and half of the circular drive and parking will be located within the 100-year floodplain.

The existing restroom facility and picnic shelter will be demolished and the asphalt trail and paved areas are expected to be removed in their entirety. A new community center with restrooms and an associated plaza are will be constructed. A new picnic shelter, concrete trail, paved parking area and circular drive will be installed. Undergrounding placement of overhead utilities is included.

Removal of the existing sanitary system and paved areas and installation of the utilities and new concrete surfaces represent the extent of excavation necessary to complete the project. Any other cut and fill activities within the project area are expected to produce negligible quantities of fill material. Excavation will be completed using standard construction and will take place within approximately 6 feet of Puget Sound, at the south end of the overlook peninsula.

Standard construction equipment will be used to construct the project. Examples of equipment to be used include backhoes, compactors, concrete trucks, dozers, concrete saw, dump trucks, excavator, generators, graders, pneumatic tools, and similar equipment. No blasting or pile driving will be required.

**6e.** What are the start and end dates for project construction? (month/year) [\[help\]](#)

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: September 2011 End date: June 2012  See JARPA Attachment D

**6f.** Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The project will create the uplands improvements associated with the larger municipal pier project on Oak Harbor's central waterfront designed to serve as a multi-modal transportation hub. The uplands improvements comprise the first phase of the overall pier project. The pier project is recognized by the community as a key element to the revitalization of downtown Oak Harbor making it easier for a greater number of citizens to access the waterfront and downtown. This phase of the project will provide the circular drive for drop off and pickup, public restrooms, a community center and plaza, improvements to the waterfront trail system, and enhanced city park features.

**6g.** Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$ 1,040,411

**6h.** Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes  No  Don't know

United States Department of Transportation - Federal Transportation Administration

### Part 7--Wetlands: Impacts and Mitigation

Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
(If there are none, skip to Part 8.) [\[help\]](#)

**7a.** Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

**7b. Will the project impact wetlands?** [help]

Yes  No  Don't know

**7c. Will the project impact wetland buffers?** [help]

Yes  No  Don't know

**7d. Has a wetland delineation report been prepared?** [help]

- If yes, submit the report, including data sheets, with the JARPA package.

Yes  No

**7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System?** [help]

- If yes, submit the wetland rating forms and figures with the JARPA package.

Yes  No  Don't know

**7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands?** [help]

- If yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes  No  Not applicable

**7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan.** [help]

Does not apply.

**7h. Use the table below to list the type and rating of each wetland impacted; the extent and duration of the impact; and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan.** [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h., describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

Does not apply.

**7j.** For all excavating activities identified in 7h., describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Does not apply.

### Part 8—Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

Not applicable

The entire project will be constructed within the existing city park only, which is located a minimum of 6 feet away from the Puget Sound. A temporary silt fence will be installed along the clearing limits for the project which are generally 20 feet away from the seawall with the exception of the peninsula area near the condos where it will be approximately 6 feet away from the seawall. A Temporary Erosion and Sediment Control (TESC) and Spill Prevention plan will be prepared for the project, which will include, at a minimum, catch- basin protection and filter-fabric fencing. Storm and erosion control best management practices (BMPs) will be used during construction.

A portion of stormwater from the site will be treated by a rain garden and bioretention cells. The remainder will sheet flow across concrete paths into lawn and be treated and infiltrated by the grass.

**8b.** Will your project impact a waterbody or the area around a waterbody? [help]

Yes  No

**8c.** Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- If yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes    No    Not applicable

This phase of the project will have no effects on non-wetland waterbodies.

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g., you do not need to restate your answer here. [\[help\]](#)

Does not apply.

**8e.** Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.  
<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.  
<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f.** For all activities identified in 8e., describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

Does not apply.

**8g.** For all excavating or dredging activities identified in 8e., describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

Does not apply.

### Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

**9a.** If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
		( )	
		( )	
		( )	

**9b.** Are any of the wetlands or waterbodies identified in Part 7 or Part 8 on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If **yes**, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

Yes  No

**9c.** What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

Puget Sound Watershed - 17110019

**9d.** What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

WRIA 6

**9e.** Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <http://www.ecy.wa.gov/programs/wq/swqs/criteria.html> for the standards.

Yes     No     Not applicable

**9f.** If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: [http://www.ecy.wa.gov/programs/sea/sma/laws\\_rules/173-26/211\\_designations.html](http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html).

Rural     Urban     Natural     Aquatic     Conservancy     Other \_\_\_\_\_

**9g.** What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp\\_watertyping.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx) for the Forest Practices Water Typing System.

Shoreline     Fish     Non-Fish Perennial     Non-Fish Seasonal

**9h.** Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- If no, provide the name of the manual your project is designed to meet.

Yes     No

Name of manual: 2005 DOE Stormwater Management Manual for Western Washington (SMMWW)

**9i.** If you know what the property was used for in the past, describe below. [\[help\]](#)

The site has been a city park for a number of years. Historically, Maylor Pier was located immediately to the west of the existing boat basin, and was used for shipping and industrial uses from approximately the 1920's and remained in operation until 1966 when it was destroyed in a fire. Flintstone Park and other areas along the shoreline east of the park were created by fill in roughly the 1960's. Up to that time, the bay was where the park and Bayshore Drive exist today.

**9j.** Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If yes, attach it to your JARPA package.

Yes     No

**9k.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Some listed species known to be present within Puget Sound, including the following threatened and endangered species:

- Chinook Salmon (threatened)
- Coho Salmon (species of concern)
- Steelhead (threatened)
- Southern Resident Killer Whale (endangered)
- Humpback Whale (endangered)
- Steller Sea Lion (threatened)

Impacts to ESA-listed species are not expected.

**9f.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Per the Washington Department of Fish and Wildlife, the Puget Sound shoreline to the south of the project area is an estuary zone, which provides habitat for many shoreline species. There are also wetlands and oak stands within .75 miles of the project area that are considered priority habitat or species. There are no known eagle's nests or heron rookeries within the immediate project area, though there are noted nests located to the southeast and southwest of the project area, approximately one mile away in each direction. Impacts to priority species or habitat are not expected.

## Part 10—SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).
- For a list of agency addresses to send your application, click on the "where to send your completed JARPA" at <http://www.epermitting.wa.gov>.

**10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to [www.ecy.wa.gov/programs/sea/sepa/e-review.html](http://www.ecy.wa.gov/programs/sea/sepa/e-review.html).

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with \_\_\_\_\_ (lead agency). The expected decision date is \_\_\_\_\_.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?  
\_\_\_\_\_

Other: \_\_\_\_\_

SEPA is pre-empted by federal law.

**10b.** Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

<b>Local Government Shoreline permits:</b> <input checked="" type="checkbox"/> Substantial Development <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Shoreline Exemption Type (explain): _____
<b>Other city/county permits:</b> <input checked="" type="checkbox"/> Floodplain Development Permit <input type="checkbox"/> Critical Areas Ordinance
<b>STATE GOVERNMENT</b>
<b>Washington Department of Fish and Wildlife:</b> <input type="checkbox"/> Hydraulic Project Approval (HPA) <input type="checkbox"/> Fish Habitat Enhancement Exemption
<b>Washington Department of Ecology:</b> <input type="checkbox"/> Section 401 Water Quality Certification
<b>Washington Department of Natural Resources:</b> <input type="checkbox"/> Aquatic Resources Use Authorization
<b>FEDERAL GOVERNMENT</b>
<b>United States Department of the Army permits (U.S. Army Corps of Engineers):</b> <input type="checkbox"/> Section 404 (discharges into waters of the U.S.) <input type="checkbox"/> Section 10 (work in navigable waters)
<b>United States Coast Guard permits:</b> <input type="checkbox"/> General Bridge Act Permit <input type="checkbox"/> Private Aids to Navigation (for non-bridge projects)

**Part 11—Authorizing Signatures**

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

**11a. Applicant Signature (required) [\[help\]](#)**

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. JS (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. JS (initial)

JOSEPH A. STOWELL  
Applicant Printed Name

[Signature]  
Applicant Signature

5/10/11  
Date

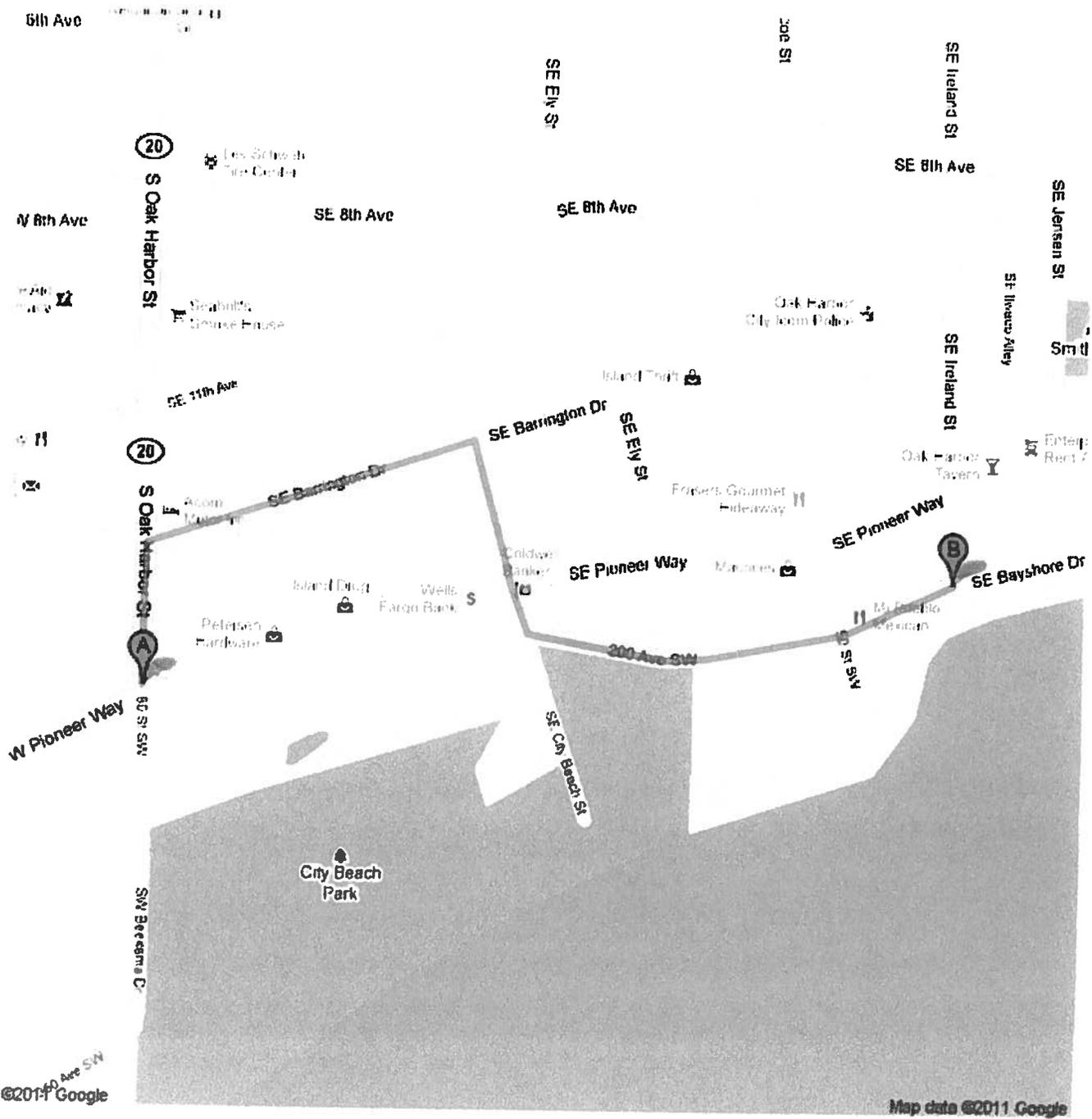
**11b. Authorized Agent Signature [\[help\]](#)**





Directions to 1370 SE Bayshore Dr, Oak Harbor, WA 98277  
0.7 mi – about 2 mins

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



MARCELLE ARONSON  
17900 23<sup>RD</sup> LANE NE APT E304  
SHORELINE, WA 98155

MICHAEL THELEN  
BARBARA THELEN  
1401 SE DOCK ST APT 101  
OAK HARBOR, WA 98277

SHIRLEY SANDERS  
1401 SE DOCK ST APT 102  
OAK HARBOR, WA 98277

JAMES HADDON  
316 SE PIONEER WAY #132  
OAK HARBOR, WA 98277

DONALD/DONNA GRATE  
TRUSTEES  
1401 SE DOCK ST APT 202  
OAK HARBOR, WA 98277

TIMOTHY BRAY  
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OAK HARBOR, WA 98277

FREDDA PFAU  
1401 SE DOCK ST APT 302  
OAK HARBOR, WA 98277

TULL ET AL, LLP  
C/O PATRICIA COHICK  
1365 CHATHAM LANE  
OAK HARBOR, WA 98277

ESTHER KNEALE, TRUSTEE  
CHARLES KNEALE, "B"  
TRUSTEE  
747 SE BAYSHORE DR APT 102  
OAK HARBOR, WA 98277

PERRY MCKEE TRUSTEE  
NOLA MCKEE CO TRUSTEES  
747 SE BAYSHORE DR APT 202  
OAK HARBOR, WA 98277

LOUISE NIELSEN  
307 155<sup>TH</sup> ST SW  
LYNNWOOD, WA 98087-6609

LESLIE RIENTJES  
MARY ANN RIENTJES  
543 SW WATERLOO AVE  
OAK HARBOR, WA 98277

HJW PROPERTIES LLC  
PO BOX 80769  
PORTLAND, WA 97280-1769

GSS INC  
424 COVINGTON PLACE  
GOLETA, CA 93117-1519

CHANA SRITONG  
NATCHANOK SRITONG  
17070 KOKANEE CT  
MOUNT VERNON, WA 98274

TERRY SMITH  
PO BOX 86  
FREELAND, WA 98249

CITY OF OAK HARBOR  
865 SE BARRINGTON DRVIE  
OAK HARBOR, WA 98277

TIMBER ISLAND INC  
PO BOX 42  
OAK HARBOR, WA 98277

FIR GROVE PARTNERSHIP  
41 NE MIDWAY BLVD STE 101  
OAK HARBOR, WA 98277

MAKER'S MARK LLC  
740 SE PIONEER WAY  
OAK HARBOR, WA 98277

GARY FORNER  
HENRY FORNER  
11576 SW SHEFFIELD CIR  
TIGARD, OR 97223

FRED WALRATH  
711 SE BAYSHORE DR  
OAK HARBOR, WA 98277

WL MASSEY  
41 NE MIDWAY BLVD STE 101  
OAK HARBOR, WA 98277

N.U.B. LLC  
3078 NE GOLDIE RD STE C  
OAK HARBOR, WA 98277

CRISTI JENSEN  
380 SE 8<sup>TH</sup> AVE  
OAK HARBOR, WA 98277

ISLAND TRANSIT  
ATTN: ROY DANIEL  
PO BOX 1735  
COUPEVILLE, WA 98239

JOHN DUNNING  
CHARLENE DUNNING  
PO BOX 488  
FRIDAY HARBOR, WA 98250

MILLIAN DAWN KEITH-  
MADEIROS  
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CAPTURED MOMENTS  
PHOTOGRAPHY  
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ROSE NEWMAN  
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Mr. Dave Matulich  
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Puget Sound Engery  
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886 SE BAYSHORE DR APT 302  
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JOHN FINE  
FRANK ANTHONY SANCHEZ  
886 SE BAYSHORE DR APT A201  
OAK HARBOR, WA 98277

LISA MARSHALL / MARILEE HIRST  
PACIFIC HEALTHCARE  
MANAGEMENT SERVICES  
PO BOX 400  
OAK HARBOR, WA 98277

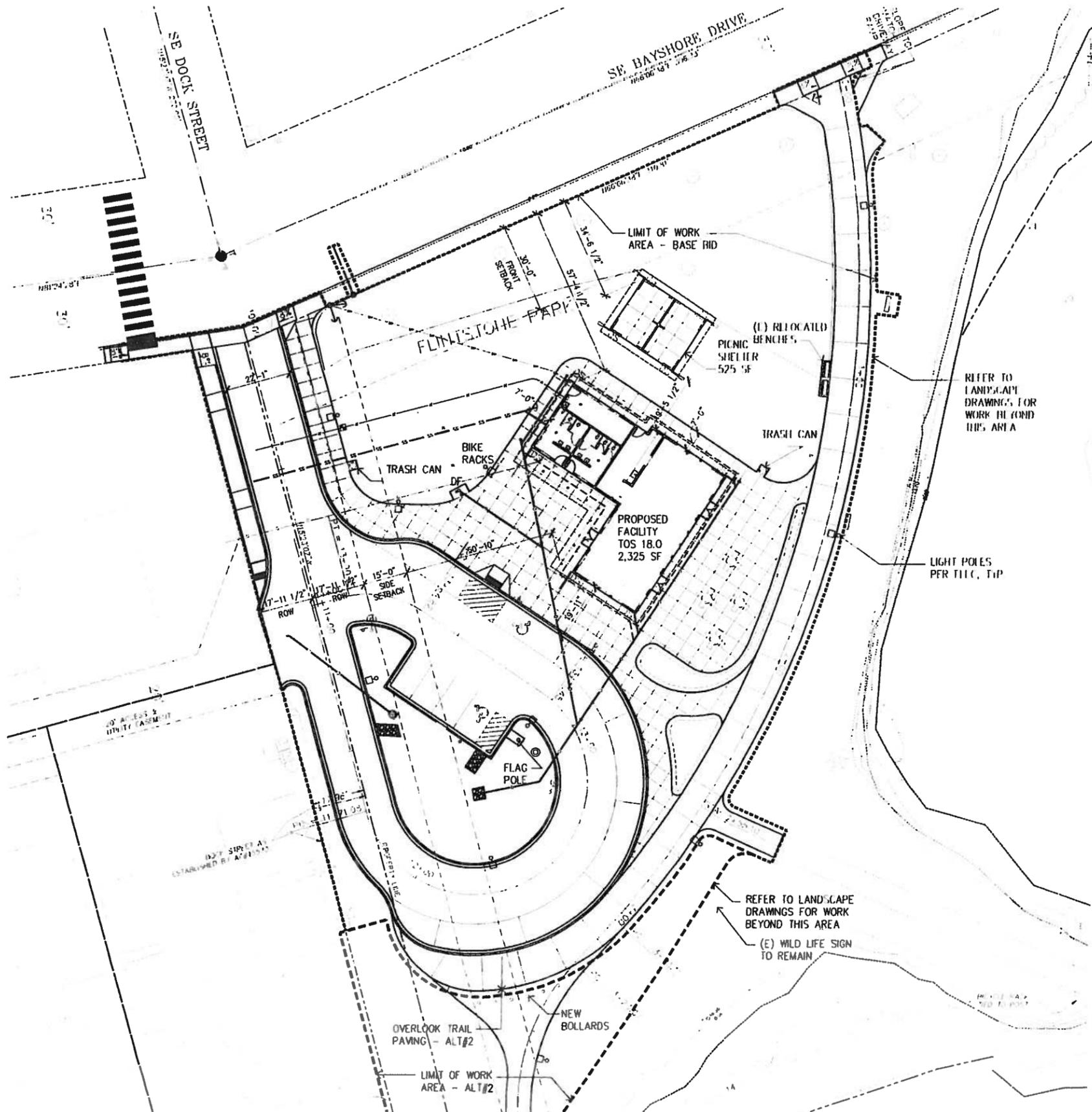
ELEANOR HANKINS  
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PO BOX 897  
OAK HARBOR, WA 98277

S:\2009\2009169\_Oak Harbor Multimodal\_02 Drawings\02 Working Sheets\REFRUIT SET 04-12-2011\_OHM-SITE PLAN.dwg

April 20, 2011

bevojnproj



PARKING PROVIDED:  
 (9) STALLS: (4) COMPACT - 9'-0" x 16'-0"  
 (5) STANDARD - 9'-0" x 26'-5"  
 (2) ACCESSIBLE STALLS: (1) 9'-0" x 25'-0" (1) 9'-0" x 16'-0"

SITE PLAN  
 BASE BID  
 SCALE: 1" = 20'  
 1  
 35  
 PROJECT NORTH

PROJECT SITE ADDRESS:

SOUTH EAST BAYSHORE DRIVE  
 OAK HARBOR, WA 98277

PARCEL ID # 56565-00-00C09-0

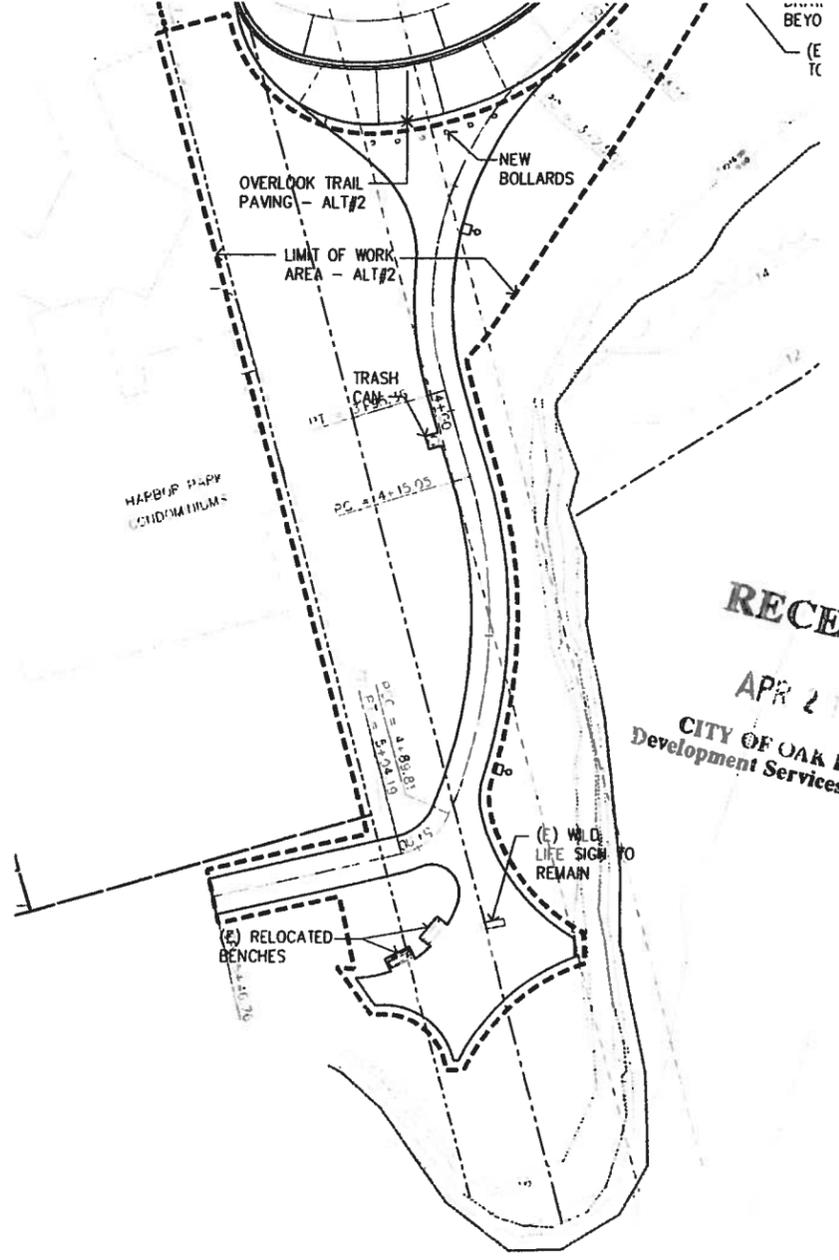
BUILDING USE: MEETING AND RESTROOM WITH PICNIC SHELTER FACILITY

PROPOSED WORK: CONSTRUCTION OF A NEW MEETING ROOM, PUBLIC RESTROOM FACILITY AND PICNIC SHELTER INCLUDING RELATED PARKING AREA AND PAVED TRAILS/WALKWAYS

LAND USE INFORMATION

SEPA	REQUIRED
LAND USE ZONE	(PF) PUBLIC FACILITY
SEISMIC ZONE	3
HEIGHT RESTRICTION	35 FT
YARD SETBACK REQUIREMENTS	
A. FRONT	30'
B. SIDE	15'
C. REAR	15'

SITE AREA: 65,776 SF (1.51 ACRE)  
 BUILDING AREA: 2,325 SF  
 PICNIC SHELTER AREA: 525 SF  
 LOT COVERAGE: 4.3%



OVERLOOK PAVING PLAN  
 ALTERNATE # 2  
 SCALE: 1" = 20'  
 2  
 PROJECT NORTH

RECEIVED  
 APR 21 2011  
 CITY OF OAK HARBOR  
 Development Services Department

REGISTERED ARCHITECT  
 [Signature]

SITE PLAN  
 OAK HARBOR  
 MULTIMODAL FACILITY  
 PROJECT # ENG-06-44-PHASE 1

ARAJ JACKSON  
 ARCHITECTURE / URBAN DESIGN / INTERIORS  
 2300 seventh avenue #8121  
 Seattle, WA 98107  
 phone: 206.323.8800  
 fax: 206.323.8818  
 internet: www.arajpac.com

CITY OF  
 Oak Harbor  
 865 SE Barrington Drive  
 Oak Harbor, WA 98277

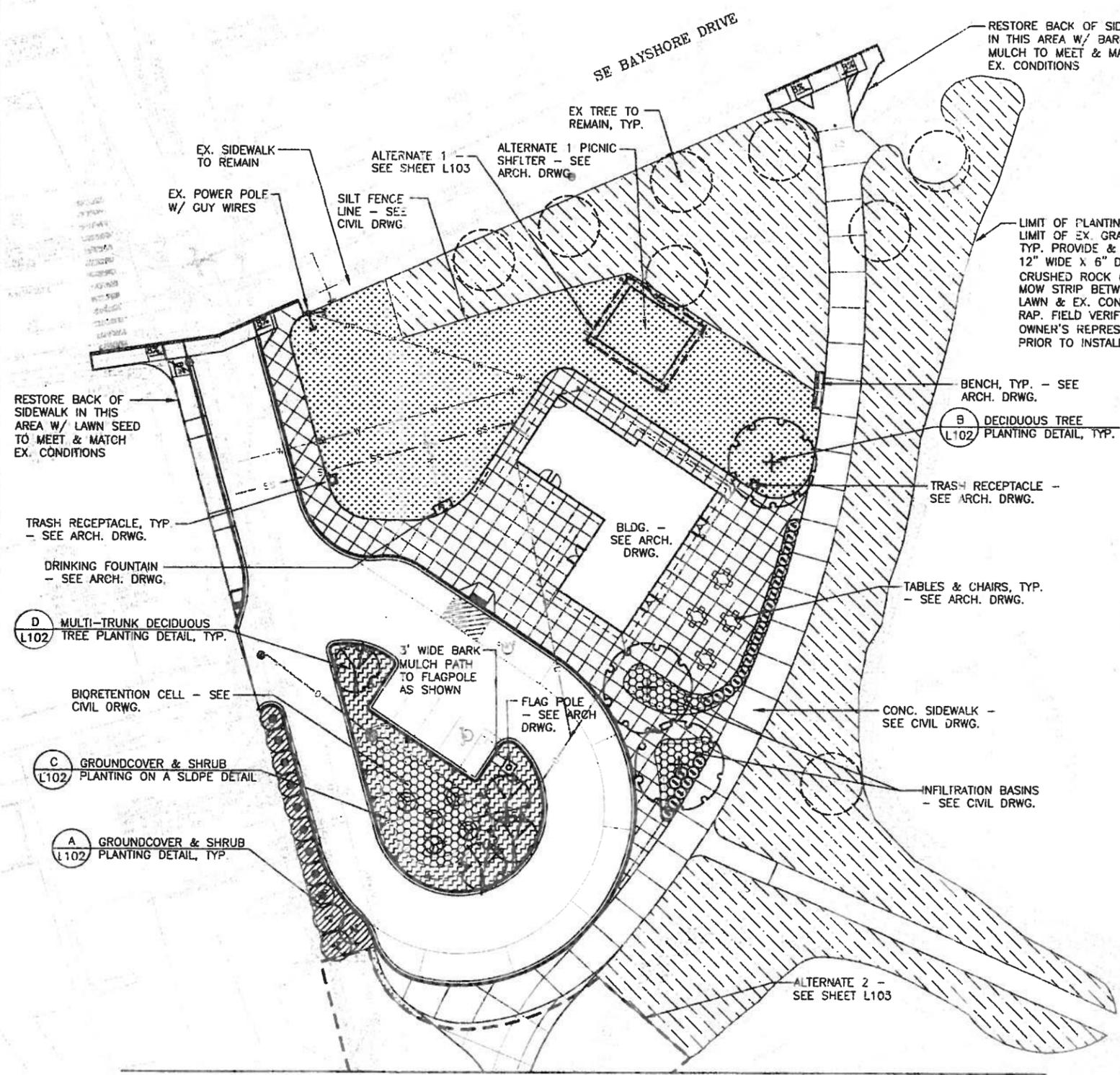
PROJECT NO. 2009160  
 DESIGNED BY BP  
 DRAWN BY BP  
 CHECKED BY BE  
 APPROVED BY BE  
 DATE PRINTED 4-18-2011  
 SCALE 1" = 20'  
 IF THIS DRAWING IS SMALLER THAN 22" x 34" THE SCALE HAS BEEN REDUCED

NO.	DATE	DESCRIPTION

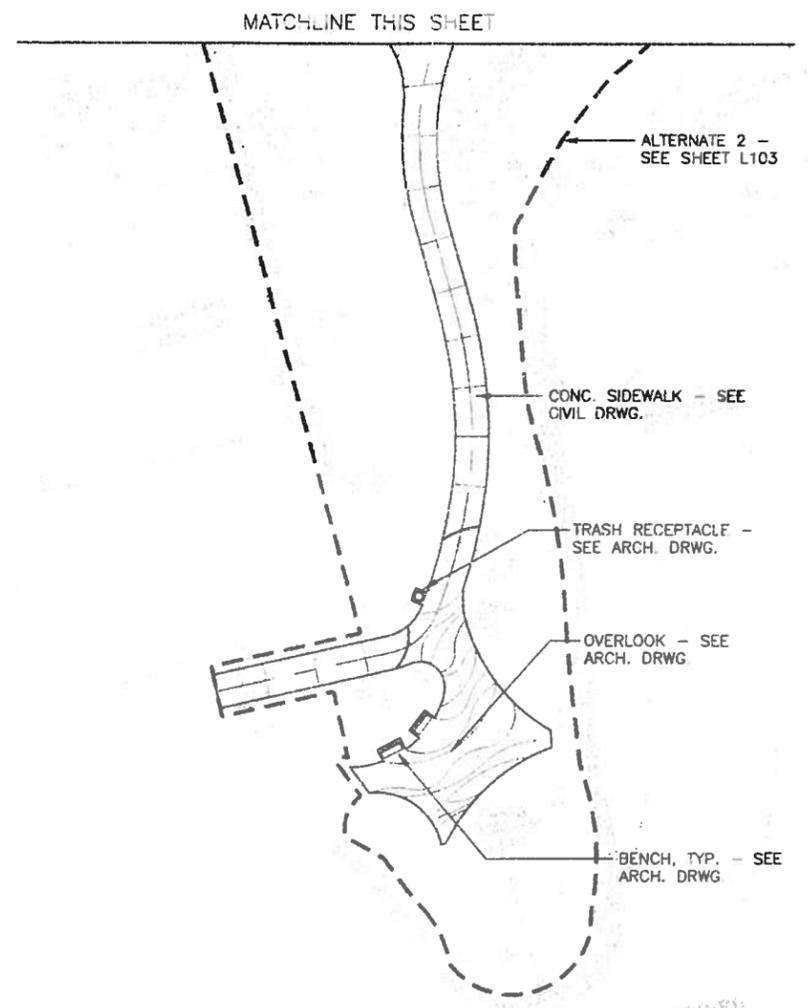
P:\2010 Projects\2010-21\Graphics\AutoCAD\L-PLANT\_PLOT.dwg

April 18, 2011

cvibbert



SEE SHEET L101 FOR  
PLANTING SCHEDULE, PLANTING  
LEGEND, PLANTING NOTES &  
PLANTING ABBREVIATIONS



NO.	DATE	DESCRIPTION

**PLANTING PLAN**  
OAK HARBOR  
MULTIMODAL FACILITY  
PROJECT # ENG-08-44-PHASE 1



DESIGNED BY	JH
DRAWN BY	AL/CV
CHECKED BY	JV
APPROVED BY	JV
DATE PLOTTED	4-15-11
SCALE	1"=20'
IF THIS DRAWING IS SMALLER THAN 22" X 34", THE SCALE HAS BEEN REDUCED.	
SHEET:	L100

PERMIT SUBMITTAL



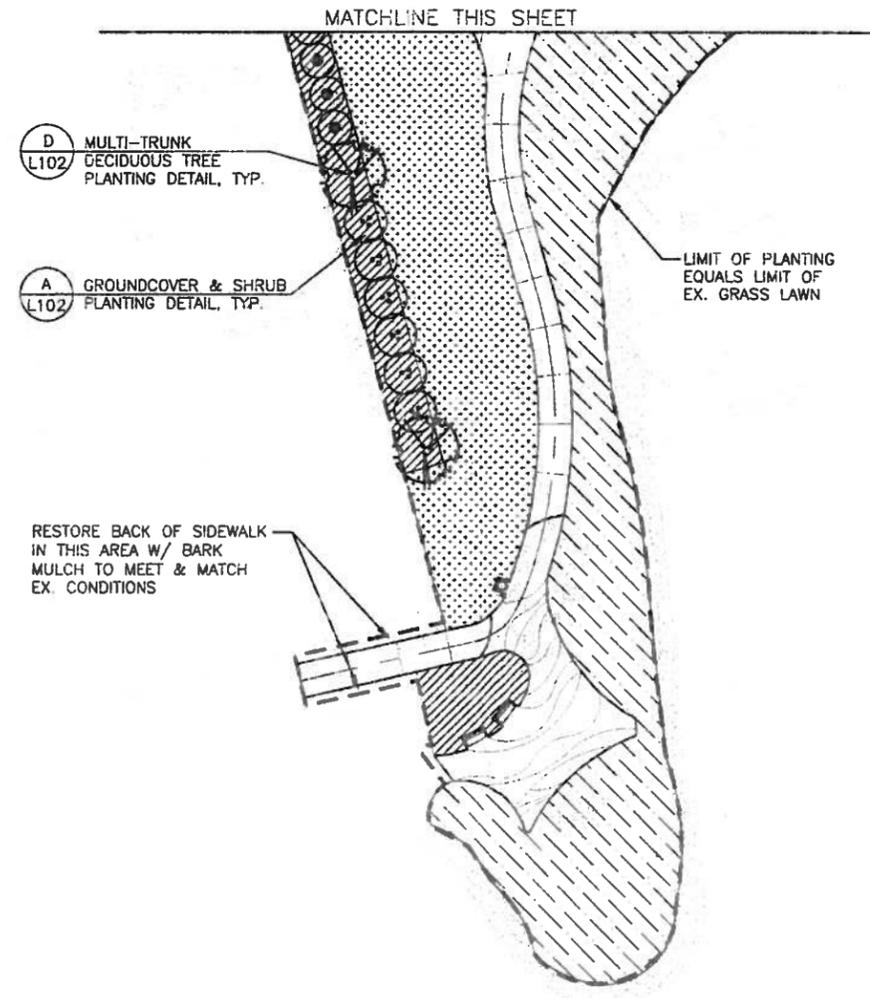
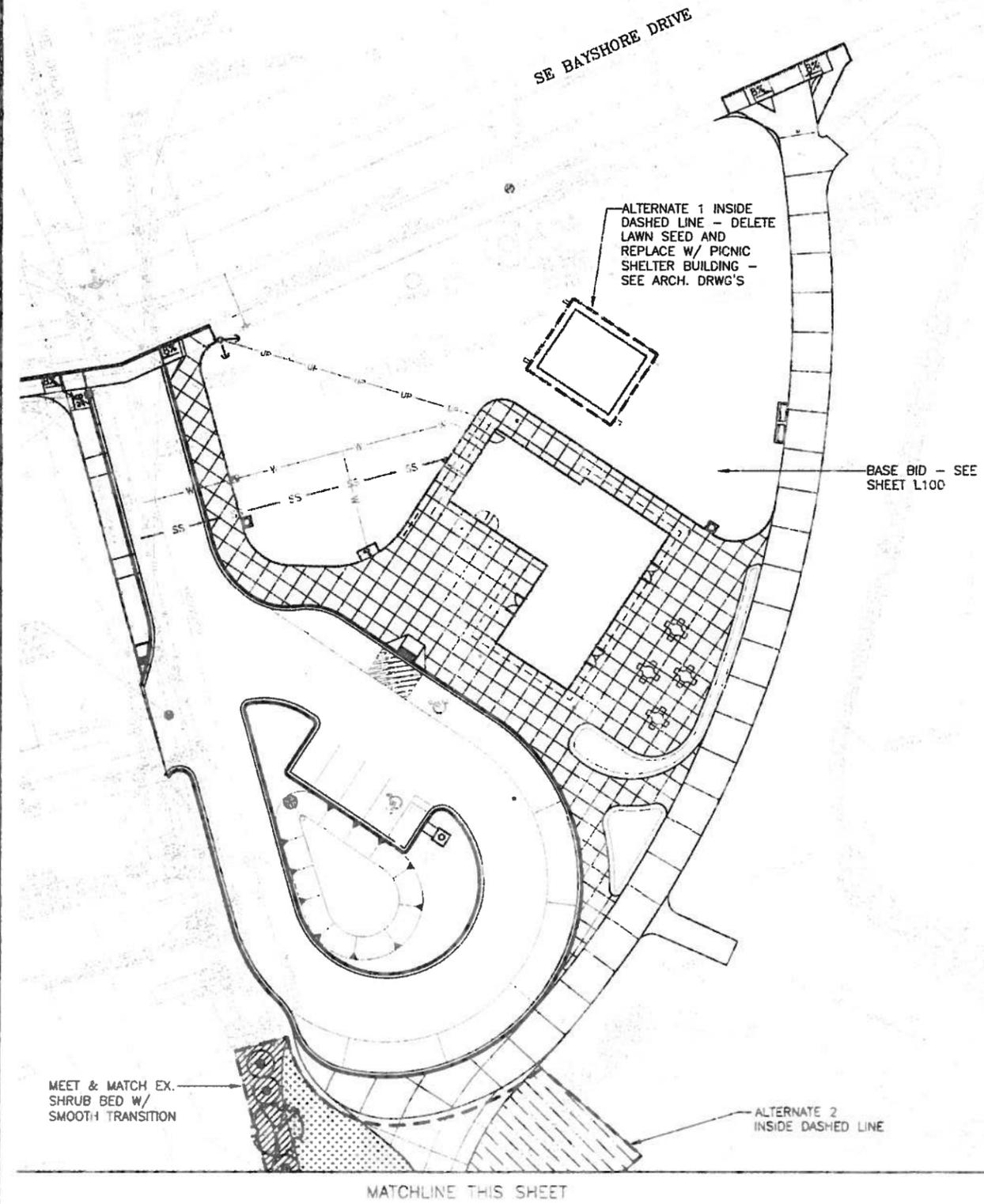
STATE OF WASHINGTON  
LICENSED  
LANDSCAPE ARCHITECT  
JULIE B. FONG  
LICENSED NO. 057  
EXPIRES ON 3/31/12

SEE SHEET L101 FOR PLANTING LEGEND, PLANTING NOTES & PLANTING ABBREVIATIONS

**ALTERNATE 2 PLANTING SCHEDULE**

SYM.	QTY.	SCIENTIFIC/COMMON NAME	SIZE/REMARKS	SYM.	QTY.	SCIENTIFIC/COMMON NAME	SIZE/REMARKS
<b>TREES</b>				<b>SHRUBS</b>			
	3	Acer circinatum / VINE MAPLE	6' 8' HT B&B, FULL, WELL BRANCHED, MULTI-TRUNKED W/ 5 MAIN TRUNKS. SPECIMEN QUALITY		6	Myrica californica / PACIFIC WAX MYRTLE	2 GAL. CONT. FULL, WELL BRANCHED & WELL ROOTED
<b>GROUNDCOVERS</b>							
	*	Gaultheria shallon / SALAL	1 GAL. CONT. FULL, WELL BRANCHED & WELL ROOTED. TRIANGULAR SPACING @ 18" O.C. W/ 12" OFFSET FROM ADJACENT CURB OR PAVING		6	Ribes sanguineum 'King Edward VII' / KING EDWARD VII RED FLOWERING CURRANT	2 GAL. CONT. FULL, WELL BRANCHED & WELL ROOTED
	*	LAWN SEED	SEE SPEC'S				
	*	RESTORATION LAWN SEED	SEE SPEC'S				

- \* WHERE QUANTITIES ARE NOT SHOWN IN THE PLANT SCHEDULE, IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE QUANTITIES REQUIRED TO MEET THE SPECIFIED PLANT SPACING.
1. CLEAR & GRUB EX. GRASS LAWN TO ONE (1) INCH DEPTH WITH SOD CUTTER MACHINE.
  2. ROTOTILL EX. SOIL TO A SIX (6) INCH DEPTH.
  3. RAKE, ROLL FOR FIRMNESS, DRAG TO EVEN GRADE, REMOVE & DISPOSE ALL ROCKS AND DEBRIS GREATER THAN ONE (1) INCH DIA.
  4. INSTALL TWO (2) INCH DEPTH COMPACTED PLANTING SOIL TO ESTABLISH FINISH GRADE.
  5. INSTALL LAWN SEED, SEE SPECS.



NO.	DATE	DESCRIPTION

**PLANTING PLAN & SCHEDULE**  
**ALTERNATE 1 & 2**  
**OAK HARBOR**  
**MULTIMODAL FACILITY**  
**PROJECT # ENG-06-44-PHASE 1**



RECEIVED  
 APR 18 2011  
 CITY OF OAK HARBOR  
 800 SE BAYSHORE DRIVE  
 OAK HARBOR, WA 98117



PROJECT # ENG-06-44-PHASE 1  
 DESIGNED BY JH  
 CHECKED BY AL/CY  
 ORDERED BY JV  
 APPROVED BY JV  
 DATE PRINTED 4-15-11  
 SCALE 1"=20'  
 IF THIS DRAWING IS SMALLER THAN 22" X 34", THE SCALE HAS BEEN REDUCED.  
 SHEET: L103

STATE OF WASHINGTON  
 LICENSED LANDSCAPE ARCHITECT  
  
 JULIET B. VANG  
 LICENSED NO. 657  
 EXPIRES ON 12/31/12



PERMIT SUBMITTAL

P:\2010 Projects\2010-21\Graphics\AutoCAD\L-PLANT\_PLOT.dwg April 18, 2011 cv/bbert

**CITY OF OAK HARBOR  
MITIGATED DETERMINATION OF NONSIGNIFICANCE**

**Description of proposal:** The City of Oak Harbor proposes to expand the municipal pier along the City's waterfront and to dredge and expand the existing boat basin and entrance channel located offshore. The pier facility consists of a main pier, wave barrier and floating pier about 300 feet in length, a secondary floating pier and seaplane moorage about 180 feet in length and associated upland improvements (passenger waiting building, multipurpose building, other ancillary improvements).

**Proponent:** City of Oak Harbor

**Location of proposal:** The proposed project area is located at 1370 SE Dock Street in Oak Harbor, Island County, Washington (SE Quarter, Section 2, T32N, R1E, WM). A large portion of the project is located seaward of the Ordinary High Water Mark, although a number of changes are proposed for the upland areas in Flintstone Park at the foot of SE Dock Street.

**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 and that an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c), so long as certain mitigating conditions are applied to this action. These conditions are described below. 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.

- There is no comment period for this mitigated DNS.
- This mitigated DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the mitigated DNS.
- This mitigated DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

**FINDINGS OF FACT:**

1. The City of Oak Harbor has applied for a Shoreline Substantial Development Permit to construct a new municipal pier along the City's waterfront and to dredge and expand the existing boat basin and entrance channel located offshore. The pier facility consists of a main pier, wave barrier and floating pier about 300 feet in length, a secondary floating pier and seaplane moorage about 180 feet in length and associated upland improvements (passenger waiting building, multipurpose building, other ancillary improvements).
2. The new municipal pier will replace an existing floating dock with a larger facility that is able to accommodate passenger-only ferries, seaplanes and day use moorage. The major pier components are as follows: an approximately 176-foot by 20-foot fixed approach pier; an approximately 310-foot by 20-foot fixed pier (main pier) with a partially penetrating vertical wave barrier, approximately 270-foot by 12-foot concrete float, observation shelter, and 120-foot and 80-foot gangways; a 180-foot by 12-foot concrete

float, aligned approximately east-west for day-use moorage, with an 80-foot gangway and a 30-foot by 50-foot float on the east end for seaplane access; and a connecting float between the bases of the two floats.

3. Approximately 108 galvanized steel pipe piles (12 to 16 inches in diameter) will be driven to support the approach pier, fixed pier and floating docks. The wave barrier will require about 75 additional galvanized steel pipe piles with interlocking steel sheet piles. The pipe piles will be driven into the mud and solid sheet piles will remain a minimum of 2 feet above the mudline to allow water circulation under the breakwater. A vibratory hammer will initially be used to set all piles. For the load-bearing piles for the approach and fixed piers, an impact hammer will be used. It may also be necessary to drive some wave barrier piles with an impact hammer.
4. The decks of the approach and fixed piers will be constructed using pre-cast, pre-stressed concrete deck panels with grouted shear keys. Approximately 5% of the fixed pier surface will consist of contained concrete closure pours. Floating docks will be constructed of pre-engineered concrete pontoons filled with encapsulated foam. The pre-case units will be floated into place and connected on-site.
5. Dredging activities associated with this proposal will occur over a footprint of 8.33 acres. The design dredge depth is minus 12 feet MLLW plus 1-foot overdredge allowance. Sideslopes will be shaped to a 4:1 slope ratio. The total estimated quantity of material to be dredged is 139,000 cubic yards, which includes the sideslopes. Analysis of the dredge material indicates that it meets the suitability criteria for open-water disposal.
6. Two small peninsulas jut into the harbor on the western portion of the project area, one at the base of the proposed pier site and one just to the west. These peninsulas will be cut back substantially and the shoreline graded to create new upper intertidal zone habitat. Fill activities will create a new, more natural beach profile by the placement of fill at depths of 3.5 to 4 feet thick in places. The top 0.5 feet of fill material (approximately 3,700 cy) will consist of "habitat mix," a composition of coarse sands and small gravels that range from 0.4 mm to 38.1 mm in diameter. As a result of this change, the upper intertidal zone habitat will increase from 1.27 to 1.59 acres, or 0.32 acre.
7. Approximately 4,000 square feet of additional impervious cover is proposed in the upland part of the project, primarily in a new paved path and the multipurpose building at the foot of the pier. With these improvements, the percentage of impervious area above ordinary high water will be approximately 20%.
8. Some upland grass vegetation will be removed as part of the beach creation and enhancement within the upper intertidal zone. In addition, an estimated 125 eelgrass shoots, with shoot densities ranging from one to eight shoots per patch, will likely be lost during dredging. According to Norris et al. (2002), the eelgrass observed in the project area is either a relic population or one that is sustained by propagules brought to the area by tidal currents.
9. Although no studies have been conducted on the river or rivers of origin of juvenile salmonids in Oak Harbor, it is expected that salmonid use of the harbor by fish originating from the Skagit River is significant. Oak Harbor is approximately 11 miles

west of the Skagit estuary. Salmonids from other rivers systems (e.g., Snohomish River, Stillaguamish River) may also utilize the bay. For the purpose of this environmental assessment, the Skagit River system is considered to be a representative source of chinook salmon, coho salmon and bull trout that occur in this locality. Bald eagle and marbled murrelet may also occur in the project vicinity.

10. During construction, nearly 200 new steel piles will be driven using a barge-mounted vibratory pile driver and impact hammer. Ambient noise levels will likely increase during pile-driving activities. Measurements taken elsewhere would indicate that driving piles results in a decibel reading of from 105 to 115 dB 50 feet from the source. Noise levels are highest when a pile was first driven, and decrease near completion because of a reduction of exposed surface area and increased stiffness.
11. Pier lighting will consist of low-voltage, railing mounted pedestrian lights directed toward the pier surface and away from the water. There will be only a negligible light spillover onto the water surface. The observation shelter at the end of the pier will be internally lit with a ceiling-mounted down-light at or near the crown of the roof. This light will be controlled to minimize spillover onto the water surface. Light levels on the interior of the building will likely range from 1 to 3 footcandles (fc) and approximately 0.5 fc on the pier deck around the structure.
12. The Feasibility Analysis concluded that initial passenger ferry ridership from the proposed pier to Everett or Mukilteo might be on the order of 400 to 425 passengers per day. This projected ridership would likely be spread throughout the day, with expected peaking during the morning and late afternoon commute times. With a coordinated ridership program with Island Transit (encompassing vanpools and buses using the adjacent transfer station), this level of ridership would generate about 200 additional vehicle traffic trips per day. Increases due to enhanced seaplane use and day moorage is expected to be negligible.
13. As a new public facility, it would be expected that the pier would cause an increased need for both public works services, in maintaining the facility, and police services, in policing the facility. Preliminary cost estimates to operate and maintain the municipal pier start in Year 1 at \$30,000 annually and rise through inflation to nearly \$60,000 in twenty years. In addition, re-dredging would occur on a ten year cycle, with the first effort in Year 10 expected to cost about \$225,000. The City would also have to commit to establishing a capital replacement fund to ensure that monies are available for major repairs and replacement when pier components reach the end of their useful life.

#### **SEPA MITIGATION MEASURES:**

1. Bid specifications will include a requirement that appropriate best management practices (BMPs) be used to control erosion during construction. Efforts to control erosion from the intertidal expansion area will be developed in conjunction with State agencies.
2. Pier construction will utilize steel pilings instead of treated wood pilings to prevent the introduction of any chemical contaminants that might leach from the treated wood. Similarly, to minimize leaching of chemicals into the water column, the individual sections for the concrete floats will be prefabricated off-site and moved into position for

final assembly. [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]

3. Best management practices (BMPs) will be employed during dredging activities to minimize turbidity from dredging operations. BMPs to reduce resuspension of sediment during mechanical dredging could include the following: a. bucket deployment and retrieval could be slowed; b. the bucket descent would be stopped at the designated depth of digging penetration; c. "sweeping" the bottom to smooth contours could be disallowed; d. stockpiling of material on the bottom would not be permitted (each time the bucket is closed, it will be brought to the surface); e. the bucket could be paused for several seconds at the water surface during retrieval to release excess water within the bucket; f. free water draining from the barges could be filtered through hay bales or geotextile fabric before it is returned to the harbor. [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]
4. Native riparian vegetation (trees and shrubs) will be planted over a minimum of 0.4 acres of area adjacent to project shorelines. Species to be planted may include black cottonwood, willow, madrona, shore pine and Douglas fir. Planting densities will be appropriate for the species. Survival criterion will be 80% at the end of 5 years and additional plantings will be made if necessary to achieve that goal. [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]
5. Norris et al. (2002) identified existing eelgrass beds within 2,000 meters of the project area with estimated densities of 100 shoots per square meter. Eelgrass will be planted on the edge of these beds in three 3.5 x 3.5 meter plots, each with 64 PUs. Together, these eelgrass transplants will contain approximately 40% more individual eelgrass shoots (192 total) than were identified in the project area. Based on recent data, expansion and spreading of PUs have increased overall shoot density 100 times over the initial planting density within two years. This level of transplant performance will more than offset the loss of the sparse eelgrass in the project area. In addition, the City will conduct an experimental planting of at least 126 eelgrass shoots along the southeastern shore of the dredged canal. [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]
6. No dredging will occur above +2 feet MLLW in the current location. All dredging and construction activities will also be conducted during prescribed work windows to avoid periods when high abundances of juvenile Chinook salmon and bull trout are in the area. More specific mitigation measures for replacing habitat lost due to unavoidable impacts of dredging and pier constructions are as follows: [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]
  - a. The enhancement of the upper intertidal zone by about 0.32 acres, along 400 lineal meters, will provide potential spawning habitat for Pacific sand lance and surf smelt. Currently, the upper intertidal areas are dominated by large rocks, cobble and sand, with very little of the small gravel and sand necessary for spawning.
  - b. Regrading the two peninsulas on the western portion of the project site will reconnect the beach with existing spawning habitats immediately west of the project area.

- c. The sparse eelgrass occurrences within the project area will be transplanted and enhanced at a ratio of 1.5:1, creating additional habitat adjacent to larger and denser concentrations of eelgrass.
- d. A monitoring program will be put into action with measurable thresholds for success.
- 7. Hours of pile driving will be limited to normal work hours during the mandatory work windows. No significant effect or take on juvenile salmonids because the proposed work would occur outside of the months when significant numbers are present. Studies of pile driving activities on bald eagles indicate little or no impact on favored nesting or perching sites, although foraging behavior may be temporarily disrupted. As a result, no other measures to control noise impacts are proposed or necessary. [See Final Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003]
- 8. If any evidence of traditional cultural properties is uncovered during excavation, the City will notify the Washington State Office of Archaeology and Historic Preservation and affected tribal groups.
- 9. Before undertaking this project, the City will formulate a strategy for how the carrying costs associated with the municipal pier will be funded without unduly affecting other public services.

**CONCLUSION OF LAW:**

With the mitigation measures described above and contained in the *Mitigation Plan for the Oak Harbor Municipal Pier Project, May 5, 2003*, adopted by this reference into this document, all of the anticipated environmental impacts from the proposed Oak Harbor Municipal Pier Project can be mitigated to a level of nonsignificance. Additional mitigation measures may be imposed by applicable state, federal and local agencies and regulations.

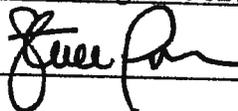
Responsible Official: Steve Powers

Position/Title: Director of Development Services Phone: (360) 679-5551

Address: 865 SE Barrington Drive, Oak Harbor, Washington 98277

Date: 10/13/03

Signature: \_\_\_\_\_



This mitigated determination of nonsignificance shall be considered final unless subsequently modified by a major amendment to the proposed project. You may appeal this determination to the City Council at Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, WA, 98277 within fifteen days of the date set out above, or no later than close of business on November 3, 2003.

**BEFORE THE CITY OF OAK HARBOR PLANNING COMMISSION  
STATE OF WASHINGTON**

In Re Application #PLN 11-02	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
	)	OF PLANNING COMMISSION

City of Oak Harbor Multimodal Facility Uplands Improvements Project Shoreline Substantial Development Permit.

THIS MATTER came before the Planning Commission upon the application of the City of Oak Harbor for a Shoreline Substantial Development Permit. Having considered the evidence in the record, heard the arguments of the parties and any public comment, and being fully advised in the premises, the Planning Commission hereby enters the following findings of fact, conclusions of law, and recommendation:

**Findings of Fact**

1. An application for a Shoreline Substantial Development Permit was filed with the Department of Development Services and deemed complete by the Director on May 10, 2011.
2. The permit sought by the applicant is to construct uplands improvements associated with the Multimodal Facility Project to Flintstone Park within the City's regulated shoreline area which is located within 200 feet of the ordinary high water mark of the waters of Oak Harbor Bay.
3. A Notice of Application was published in the Whidbey News Times, the newspaper of local circulation on May 14 and May 21, 2011.
4. The Public Hearing for the Planning Commission was advertised in the newspaper on June 4, 2011.
5. The original environmental assessment and determination made in 2003 still applies to this project in accordance with the checklist requirements of the State Environmental Policy Act of 1971; no adoption or changes are needed per WAC 197-11-600(4)(a).
6. A Mitigated Determination of Non Significance was issued for the project on October 13, 2003.

**Conclusions of Law**

- A. The Planning Commission has jurisdiction to make a recommendation on this project permit pursuant to the City's Shoreline Master Program.
- B. Proper notice of all hearings, comment periods and appeal periods was given.
- C. A single open record hearing on the permit application was held before the Planning Commission.
- D. The Planning Commission recommendation regarding the permit application was reached

after a single open record public hearing.

E. The permit application meets the goals, policies, and regulations of the City's Shoreline Master Program.

### **Recommendation**

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission hereby recommends approval of the Shoreline Substantial Development Conditional Use Permit based upon the following conditions:

1. The following mitigation measures from the Mitigated Determination of Nonsignificance issued on October 13, 2003 apply:
  - a. Bid specifications will include a requirement that appropriate best management practices (BMPs) will be used to control erosion during construction.
  - b. If any evidence of traditional cultural properties is uncovered during excavation, the City will notify the Washington State Office of Archaeology and Historic Preservation and affected tribal groups.
2. Temporary public access shall be provided and remain open from Bayshore Drive to the existing municipal dock.
3. The Waterfront Trail beginning at Waterside Condos and ending at the northeastern corner of Flintstone Park shall be closed to public access during construction. Temporary access will be by way of Bayshore Drive for trail users. Temporary access provisions such as signage and fencing shall be erected at both ends of the Waterfront Trail to inform trail users.
4. Construction pursuant to the shoreline substantial development permit shall not begin and is not authorized until 30 days from the date of filing with the Department of Ecology or until review proceedings initiated within 30 days from the date of such filing have been terminated.

This order is advisory to the City Council and may be accepted by the City Council, remanded to the Planning Commission for reconsideration, or rejected by the City Council after public hearing.

RECOMMENDED TO THE CITY COUNCIL THE 21<sup>st</sup> DAY OF JUNE 2011.

PLANNING COMMISSION  
CITY OF OAK HARBOR, WASHINGTON

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Chair

Attest:

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Kathy Gifford  
Clerk to the Planning Commission